

Proposed Submission South Somerset Local Plan 2006-2028

Main Modifications



August 2014

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1. Introduction and Background

- 1.1. The Proposed Submission South Somerset Local Plan (2006 – 2028) was submitted to the Planning Inspectorate for Independent Examination in January 2013. A series of Examination Hearing Sessions were held during May and June 2013, which resulted in the Inspector issuing a Preliminary Findings Letter¹ to the Council outlining some issues of concern. The Local Plan Examination was suspended whilst additional work was undertaken by the Council to address the Inspector's concerns.
- 1.2. Further evidence base work led to the Council creating proposed Main Modifications (MMs). These were subject to consultation between November 2013 and January 2014. Following consideration of the consultation responses, the MMs were submitted to the Planning Inspectorate in March 2014².
- 1.3. Examination Hearing Sessions on the MMs took place from 10 – 13 June 2014. During these sessions the Inspector raised a number of issues where the Local Plan would benefit from additional clarification.
- 1.4. Some other matters were debated during the Examination Hearing Sessions and the Council produced a series of Mid-Hearing Statements to clarify their position. The documents have been subject to consultation and comments received have been considered by the Council and the Inspector.
- 1.5. The need for further MMs was formally confirmed by the Inspector in his letter from the 16th July 2014³.
- 1.6. As a result, the Council are proposing further Main Modifications (MMs) relating to:
 - Policy YV2: North East Yeovil Sustainable Urban Extension;
 - Policy YV3: East Coker and North Coker Buffer Zone;
 - Policy SS3: Delivering New Employment Land; and
 - Policy SS5: Delivering New Housing Growth.
- 1.7. The further MMs have been subject to Sustainability Appraisal, Equality Analysis and Habitats Regulation Assessment.
- 1.8. The further MMs were approved for consultation by District Executive on the 7th August 2014 and by Full Council on the 21st August 2014.
- 1.9. The Council has sought to discharge its duties under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and its own Statement of Community Involvement⁴, by making the further MMs available to both specific consultation bodies and general consultation bodies. It has also sought to discharge the "Duty to Co-operate" as prescribed under Regulation 4 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), by actively engaging with the "Prescribed Bodies"⁵.

¹ Inspector's Preliminary Findings Letter (July 2013):

https://www.southsomerset.gov.uk/media/572193/inspector_s_preliminary_findings.pdf

² South Somerset Local Plan Proposed Main Modifications (March 2014):

https://www.southsomerset.gov.uk/media/648229/south_somerset_local_plan_proposed_main_modifications_submission_to_pins.pdf

³ Inspector's Preliminary Findings following the Resumed Hearing Sessions letter (July 2014):

⁴ South Somerset District Council: Statement of Community Involvement, Appendix 2 (July 2007)

⁵ A detailed account of the Duty to Co-operate process can be found here:

http://www.southsomerset.gov.uk/media/457227/10_duty_to_cooperate_report.pdf, with an update note scheduled to be tabled to District Executive and Full Council for approval prior to use at the resumption of the Examination.

- 1.10. The further MMs will be subject to consultation from 28th August – 10th October. The consultation responses on the further MMs will then be considered, and submitted to the Planning Inspectorate. This will discharge the Council's duty to request under Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 (as amended), for the Inspector to recommend Main Modifications to the Local Plan.
- 1.11. The Inspector will consider the further MMs in conjunction with the rest of the Main Modifications and will decide whether there is the need for any further Examination Hearing Sessions. If additional Hearing Sessions are not required, the Inspector will move towards finalising the formal 'Inspector's Report'.
- 1.12. Each of the further MMs is set out below. Where the Council has proposed new text, this is shown in **bold and underlined**; any deleted text shown with a ~~strikethrough~~.

2. Policy YV2: North East Yeovil Sustainable Urban Extension

Main Modification 9: Additional detail on mitigation required for North East Yeovil Sustainable Urban Extension

Summary

- 2.1. During the Local Plan Examination Hearing Session for Issue 4, the Inspector noted that a planning application had already been submitted for the North East Yeovil Sustainable Urban Extension. The Inspector requested that some additional text be added to Policy YV2 to provide greater certainty regarding mitigation of the landscape impact stemming from the North East Yeovil Sustainable Urban Extension.
- 2.2. The Council has proposed additional text to ensure that the planning application process does not counter the intended masterplanning process, and also to ensure that appropriate mitigation is forthcoming through the development management process. The addition of landscape text to Policy YV2 was subject to initial consultation between 13th June and 27th June 2014.
- 2.3. In order to be consistent with the approach in Policy SS3: Delivering New Employment Land, a consequential amendment to Policy YV2 is also presented which refers to land for economic development in general, rather than 'B' use land specifically.

Implication for Policy

Ref	PSSSLP Page and Policy	Main Modification
MM9	Page 76; Policy YV2	<p>Amend the second paragraph of Policy YV2 with the following:</p> <p>The north east area:</p> <ul style="list-style-type: none"> • Approximately 2.58 hectares of 'B' use class employment land for economic development; • Approximately 765 dwellings; • One primary school; • A health centre; and • A neighbourhood centre; and • <u>Structural landscaping to ensure that mitigation addresses the:</u> <ul style="list-style-type: none"> ○ <u>Skyline dominance of built form, particularly as viewed from properties to the north and east;</u> ○ <u>Potential for visual intrusion arising from development as viewed from the west and north-west of the A359.</u>
	Page 76; Policy YV2	<p>The south area:</p> <ul style="list-style-type: none"> • Approximately 2.58 hectares of 'B' use class employment land for economic development;

3. Policy YV3: East Coker and North Coker Buffer Zone

Main Modification 10: Deletion of Policy YV3

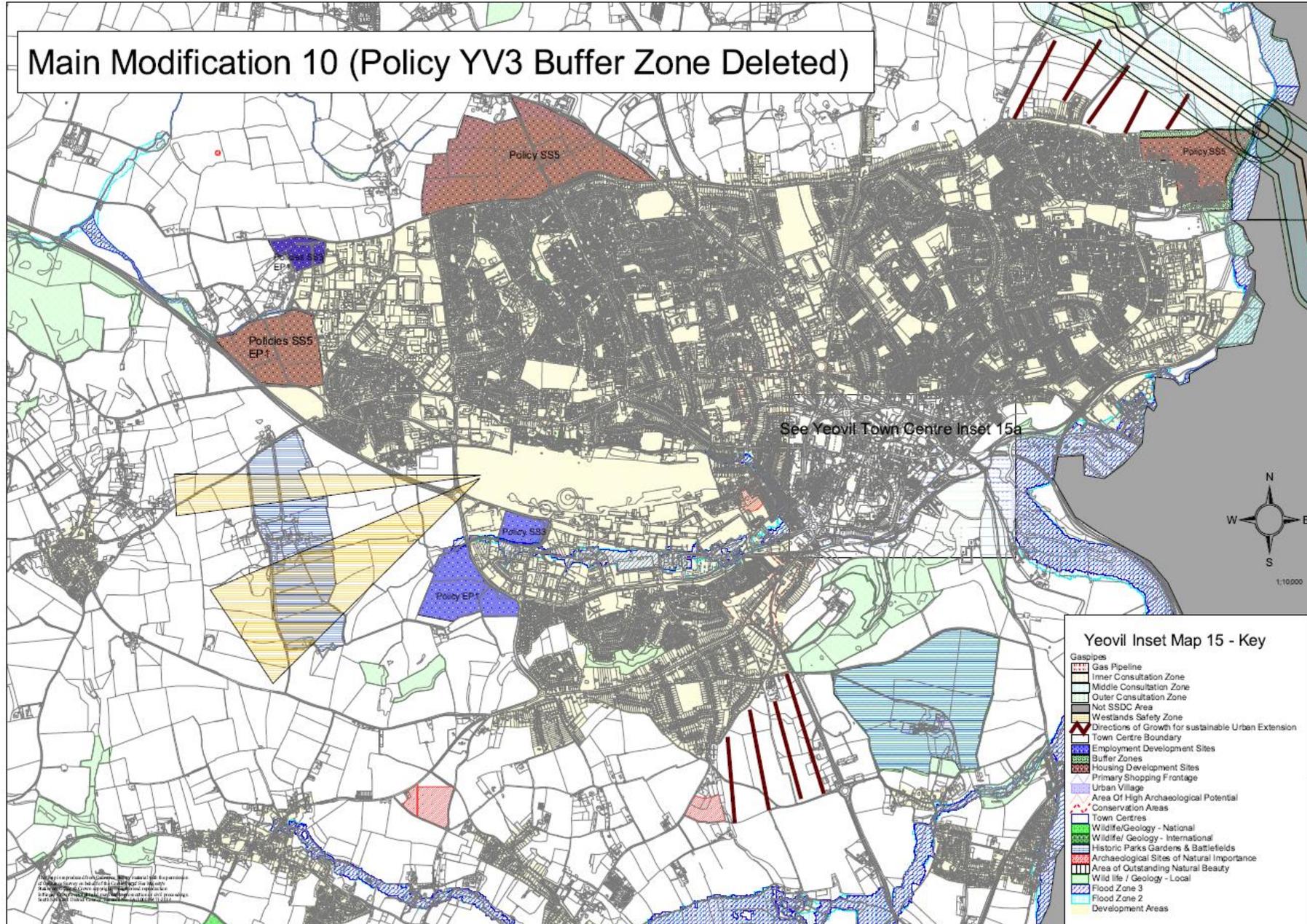
Summary

- 3.1. The intention of the buffer zone set out in Policy YV3 was to preserve the character of North Coker and East Coker, and prevent coalescence with Yeovil. However, at the Local Plan Examination Hearing Session for Issue 3, the Inspector raised concerns regarding the continued justification for the buffer zone in light of the reduced scale and extent of the South Yeovil SUE.
- 3.2. The Council also notes how the recent Planning Practice Guidance (Paragraph: 015 Reference ID: 37-015-20140306) re-iterates Paragraph 77 of the National Planning Policy Framework in that Local Green Space designations should only be used where the green area concerned is not an extensive tract of land, and that the blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name.
- 3.3. Therefore, the Council is proposing to delete the East Coker and North Coker Buffer Zone from the Local Plan. This involves a further Main Modification to delete Policy YV3 as set out in the table below; plus additional modifications to delete references to the buffer zone in the supporting text (paragraphs 5.34 and 5.50 – 5.54 of the Local Plan) and removing the buffer zone from Inset Map 15 (shown overleaf).

Implication for Policy

Ref.	PSSSLP Page and Policy	Main Modification
MM10	Page 78; Policy YV3	<p>Policy YV3: East Coker and North Coker Buffer Zone An East Coker and North Coker Buffer Zone is identified to the west of the Yeovil Sustainable Urban Extension, within which development that results in coalescence with the settlements of East Coker and North Coker and/or adversely affects the setting of historic assets is precluded. Development (not of a built form) within the Buffer Zone may be acceptable as long as the coalescence of settlements is not caused as a result nor the setting of historic assets adversely affected. Existing development within the buffer zone will require special justification to add built development beyond existing permitted development rights.</p> <p>The development is compatible with features supporting bat movement; that access between feeding areas and roosts is maintained and any proposed lighting is compatible with the conservation objectives of a Natura 2000 site unless it can be proven that there would be no significant effect by the proposal.</p>

Main Modification 10 (Policy YV3 Buffer Zone Deleted)



4. Policy SS3: Delivering New Employment Land

Main Modification 11: Amendment to Policy SS3 to improve clarity on employment land delivery in Rural Centres and Rural Settlements

Summary

- 4.1. There are three parts to the proposed Main Modification 11 (MM11), which affect Local Plan Policy SS3 and its supporting text (Table 1). These clarify the Council's approach to delivering new employment land across the District.
- 4.2. The first two elements of MM11 relate to the figure for employment land in Rural Settlements included in Policy SS3 and Table 1.
- 4.3. In June 2014, concerns were raised during the resumed Examination Hearing Session for Issue 5 (Delivering New Employment Land) that having a target figure for the amount of employment land in the Rural Settlements could potentially result in large-scale, speculative development in the countryside. The Inspector requested the Council explain the reasons for the employment land figure. This work is set out in Hearing Document HD016⁶.
- 4.4. The Inspector's note to the Council (14 July 2014)⁷ regarding Policy SS3 states that following consideration of the Council's response: "*the situation remains unclear*". As a result, the Inspector's Preliminary Findings letter (16 July 2014) invited the Council to make a further Main Modification to Policy SS3 to ensure that the plan is sound.
- 4.5. The Council proposes to remove the specific figure for the number of hectares of employment land in Rural Settlements. Together with a new reference to the policy framework provided by the NPPF and other Local Plan policies SS2, EP4, and EP5, this will continue to support the economic role and function of Rural Settlements. The Main Modification still allows for appropriate, sustainable employment opportunities in Rural Settlements to come forward.
- 4.6. The third part of MM11 relates to a text change required to give greater clarity for applicants and decision makers. This change makes it clear that development in Rural Centres needs to be adjacent to the existing development area of the settlement.
- 4.7. The Inspector also requested that the Council provide a stronger commitment to an early review of the policy framework for delivering growth in Wincanton. As a result, Policy SS5 is subject to a Main Modification (see Section 5 below). To ensure consistency and allow direct read-across between sections of the Local Plan a footnote has also been added to Policy SS3. The Council does not see this as a separate Main Modification, but a consequential change as a result of more detailed changes set out under Main Modification 12.

⁶ http://www.southsomerset.gov.uk/media/665107/explanation_of_policy_ss3_final.pdf

⁷ Note to Council from Inspector, Policy SS3: Delivering New Employment Land – Rural Settlements (July 2014)

Implication for Policy

Ref.	PSSSLP Page and Policy	Main Modification					
MM11	Page 40-41, Table 1, Policy SS3	<p><u>Table 1 (Page 40)</u></p> <p>Delete reference to specific employment land requirement for Rural Settlements, and amend justification in Table 1 as follows:</p>					
		Location	Local Plan jobs growth (B Use jobs in brackets)	Employment Land Required (for B Use jobs growth (ha))	Existing Employment Land Commitment s (ha)	Quantitative and Qualitative justification for employment land	Local Plan Additional Employment Land Requirement (ha)
		Rural Settlements	966-1,181 (638) (720)	4.20	7.86	<p>The additional employment land requirement will provide for the job growth (B Uses) identified for the Rural Settlements and given that the Rural Settlements are spread over a wide geographical area, the figure allows for some choice. Most development will be very small scale</p> <p><u>Any additional employment land required to support the jobs expected to come forward in the Rural Settlements will be small-scale and will be expected to accord with Local Plan Policies SS2, EP4 and EP5.</u></p>	4.50

Ref.	PSSSLP Page and Policy	Main Modification																		
MM11	Page 41, Policy SS3	<p><u>Policy SS3 (Page 41)</u></p> <p>Reference to a specific employment land requirement for Rural Settlements is deleted. Additional text clarifying the policy position in Rural Settlements is added. Subsequent amendments to the accompanying table showing employment land requirement figures (and totals) are also made.</p> <p>Policy SS3 is updated as follows:</p> <p>The Local Plan will assist the delivery of 11,250 jobs as a minimum, and <u>149.51</u> hectares of land for economic development between April 2006 and March 2028.</p> <p>The identification of B Use jobs and non B Use jobs for settlements establishes targets for growth in line with the Council’s forecast growth for the District and its settlements over the plan period. Economic development of a main town centre type will be expected to comply with Policy EP11.</p> <p>Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering employment land proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering traditional-employment land proposals (wherever located)-adjacent to <u>the development area at the Rural Centres</u></p> <p><u>The jobs target for Rural Settlements will be achieved through sustainable development, likely to be small-scale, which supports a prosperous rural economy and accords with Local Plan policies SS2, EP4 and EP5; and the NPPF.</u></p> <table border="1" data-bbox="411 1473 1525 1877"> <thead> <tr> <th></th> <th>Local Plan 2006-2028 Total Employment Land Requirement</th> <th>Existing Employment Land Commitments (as at April 2011)</th> <th>Additional Employment Land Provision Required (total employment land less existing commitments)</th> <th>Total Jobs to be encouraged 2006-2028</th> <th>B use jobs</th> </tr> </thead> <tbody> <tr> <td>Rural Settlements</td> <td>42.36</td> <td>7.86</td> <td>4.5</td> <td>1,181</td> <td>720</td> </tr> <tr> <td>Total</td> <td>464.85 <u>149.51</u></td> <td>119.35 <u>96.54</u></td> <td>42.5 <u>52.97</u></td> <td>11,249</td> <td>6,861</td> </tr> </tbody> </table>		Local Plan 2006-2028 Total Employment Land Requirement	Existing Employment Land Commitments (as at April 2011)	Additional Employment Land Provision Required (total employment land less existing commitments)	Total Jobs to be encouraged 2006-2028	B use jobs	Rural Settlements	42.36	7.86	4.5	1,181	720	Total	464.85 <u>149.51</u>	119.35 <u>96.54</u>	42.5 <u>52.97</u>	11,249	6,861
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5. Policy SS5: Delivering New Housing Growth

Main Modification 12: Amendment to Policy SS5 to improve clarity on housing delivery in Crewkerne and Wincanton

Summary

- 5.1. At the Local Plan Examination Hearing Session for Issues 6 and 7, the Inspector sought greater clarity on how applications for residential development and overall housing growth will be managed in the Market Towns of Crewkerne and Wincanton.
- 5.2. The Council recognises that given Crewkerne does not have an identified 'Direction of Growth' and that Wincanton's 'Direction of Growth' is only for economic development there is the need to be more definite on how applications for residential development will be considered. To improve clarity for the development industry and the local community, the text in Policy SS5 is amended as set out below.
- 5.3. It is also proposed to amend Policy SS5 (as has been done in SS3) to refer to 'Development Areas' at Rural Centres, as this gives greater clarity for applicants and decision makers, by making it explicitly clear that development in Rural Centres needs to be well related to the existing built settlement.
- 5.4. In his Preliminary Findings letter of 16 July 2014, the Inspector requested that the Council provide a stronger commitment to an early review of the policy framework for delivering housing and employment in Wincanton. It is therefore proposed that a specific reference to this early review is included in the Implementation and Monitoring chapter of the Local Plan and a footnote be added to both Policies SS3 and SS5 to highlight the Council's intention to carry out this early review of housing and employment policy for Wincanton.

Implication for Policy

Ref.	PSSSLP Page and Policy	Main Modification
MM12	Page 53; Policy SS5	<p>Add the following in the third paragraph:</p> <p>“Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and ‘directions of growth’ at the Market Towns. The overall scale of growth (set out below) and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The same key considerations should also apply when considering housing proposals (wherever located) adjacent to <u>the development area at Crewkerne, Wincanton and the</u> Rural Centres.”</p>
	Chapter 13 – Implementation and Monitoring. Insert new paragraph (after current paragraph 13.5)	<p><u>“An early review of policy relating to housing and employment delivery in Wincanton will be undertaken as part of the proposed Site Allocations Development Plan Document process; this will commence within two years, with the objective that the review will be completed within five years of the date of adoption of the Local Plan.”</u></p>
	Page 54, Policy SS5	<p><u>***“An early review of policy relating to housing and employment delivery in Wincanton will be undertaken as part of the proposed Site Allocations Development Plan Document process; this will commence within two years, with the objective that the review will be completed within five years of the date of adoption of the Local Plan.”</u></p>

6. Next Steps

Overview

- 6.1. The further MMs will be subject to formal consultation for a period of six weeks between 28th August and 10th October 2014.
- 6.2. Comments will be invited from those consultees on the Council's database. These comments will be considered and used to determine the final further MMs to be submitted to the Planning Inspectorate.
- 6.3. On receiving the further MMs and consultation responses the Inspector will consider whether any further Examination Hearing Sessions are required. If hearing sessions are required, these will be programmed for later in 2014.
- 6.4. If no additional hearing sessions are required, the Inspector will draft his 'Inspector's Report'. The Examination into the Local Plan remains open whilst the Inspector is writing the report. In drafting the report, the Inspector will concentrate on:
 - Reaching clear conclusions, backed by reasoned judgements, on the compliance requirements within the Planning and Compulsory Purchase Act (2004) and Localism Act (2011); including the Duty to Co-operate, the regulations, and meeting the requirements of soundness; and
 - Setting out (where requested to do so by the LPA) precise main modifications to the policies or supporting text that are required to overcome any correctable aspect of unsoundness/legal non-compliance identified by the Inspector.
- 6.5. The Inspector will only make recommendations on the Main Modifications proposed by the Council that are necessary to make the Plan sound and legally compliant.
- 6.6. On receipt of the Inspector's Report the Council will make the necessary changes to the Local Plan and move towards adoption. The Council will need to have the final version of the Local Plan signed off by a full meeting of the Council. On adopting the Local Plan, the Council will make publicly available a copy of the plan, an adoption statement and Sustainability Appraisal in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.