

LDF PMB and MAG Combined Group

Core Strategy Workshop 6

Planning Inspectorate Consideration of soundness of Core Strategy process (Report by Spatial Policy Manager)

Purpose of Report: To inform the PMB of questions raised about the soundness of the Core Strategy process to date and the anticipated process with the Planning Inspectorate and their response

Recommendation: That the PMB note the response of the Planning Inspectorate and that the Council

1. do not undertake a formal reconsultation prior to Publication Plan consultation specifically in relation to Langport's proposed status change
2. do not undertake a reconsultation prior to Publication Plan consultation over the currently proposed scale of growth for Yeovil
3. present its overall growth provision on the basis of its evidence base but have regard to the RSS housing provision (until such time as the RSS is formally revoked)
4. do not undertake further consultation on the latest Traffic Modelling study given its impact on delaying the Core Strategy and the ability for it to be considered by the public at the consultation stage on the Publication Plan

Background: Members sought advise in PMB MAG Workshop No 4 on 5th July, from the Council's "Critical Friend" identified in the Planning Inspectorate. The advise sought was on consultation issues relating to prospective changes in policy and proposals for Langport and Yeovil in particular. The opportunity was taken to ask other process points following this in an email to the Inspectorate. Whilst the Inspectorate informed the Council that the Critical friend Scheme was now finished a response was received from the Inspectorate in the form of the Council's email returned with responses against each main query. This is appended to this report with the Inspectorate's response marked in italics. Please note that the Inspectorate's advise is given on a without prejudice basis

Report: It is clear that there is no need to reconsult in relation to changes proposed for Langport or Yeovil prior to the Publication Plan formal consultation. The actual scale of growth overall proposed for the Council should and can be based on our evidence base (but regard must still be had to the RSS provision figure until such time as it is abolished formally. The decision to go with 16,000dw for the District (17,20 dw to 2028) remains valid therefore.

Whilst the Inspectorate advise is to consult on the latest (3rd) Traffic Modelling study this is predicated by his view that there is time to do this. It is clear now that given delays in producing this, the re - consultation would be at the expense of delaying the timeline to Publication Plan publication. Furthermore it is felt that the public will get full opportunity to comment on the traffic modelling study as part of the formal consultation on the Publication Plan. There is no statutory requirement to consult on evidence base documents.

Appendix 1 Inspectorate's response to process queries made

Andy - whilst things are still fresh I thought I'd follow up the 'phone call.

As a caveat to all that follows I must stress that these are my personal views and that they are given on a without prejudice basis and does not provide a guarantee that the CS will be found sound at examination. You may wish to take your own legal advice as well.

I will provide my comments beneath each question, but should stress that in my view consultation, even at the expense of swift progress, is to be preferred to no consultation or one that runs the risk of a person being able to declare prejudice through a perceived lack of consultation.

Regards:

*Steve Carnaby
LDF Team
The Planning Inspectorate
Direct Line - 0117-372-8468*

From: Andy Foyne [mailto:Andy.Foyne@SouthSomerset.Gov.Uk]

Sent: 19 July 2011 10:44

To: Carnaby, Stephen

Cc: Martin Woods; Andy Foyne; Diana Whittaker; Elizabeth Arnold; Jean Marshall; Jo Manley; Jo Wilkins; Keith Lane; Keith Wheaton-Green; Kim Horton; Margaret Bignell; Nick Cardnell; Nigel Collins; Trace Paul

Subject: South Somerset Core Strategy process queries

Dear Stephen,

On November 17 2009, Inspector Mary Travers visited South Somerset District Council in the role of a critical friend advising us on procedural issues regarding the production of our Core Strategy DPD. Since that time we have been progressing the document having regard to the advice we were given. Having carried out an 8 week consultation on the Draft Core Strategy (incorporating Preferred Options) from 8th October 2010 at the end of last year, we are now in the process of responding to representations received. This is being aided by a series of Officer workshops, Member Sub Group workshops and wider Member workshops. The situation has now arisen where we have a number of further procedural issues that we would like to seek a view on. One of my Officers telephoned your office on 13 July 2011 regarding a possible follow up visit and was informed by your colleague Chris Snarr that the Support Programme has now ceased following the withdrawal of funding by CLG, however he advised that the Inspectorate are willing to offer advice where possible and that any questions should be directed to you. The issues on which a view is sought are set out below:

1. In response to issues raised through the consultation process and reconsideration of the approach to strategic growth in the District we now wish to change the status of Langport/Huish Episcopi in the settlement hierarchy to a Market Town rather than a Rural Centre (the Town Council expressed support to the rural centre status during consultation). Its higher status and extra growth requires a strategic direction for

growth being identified in line with all other of the Market towns in South Somerset and options have been appraised and a preferred option identified. However should Members agree to enhanced status and the preferred option then this will be shown in the next published plan for consultation prior to submission as a firm strategic direction and the public will have been denied the opportunity to comment on alternatives. Are we required therefore to undertake a specific further preferred options consultation showing alternatives considered solely on Langport/Huish Episcopi? Our intention at this stage is not to do this but to publish the Plan showing for Langport/Huish Episcopi a higher status, higher housing provision (from 300 to 400 dwellings) and a clear direction for growth and explain in the text on this change of tack, the actual option alternatives dismissed and the reasons why so that the public can see the complete process and make comment on the alternatives if they so wish. Is this appropriate in process terms?

If you approach the issue as you suggest in your last sentence I think that your approach is appropriate.

2. In light of the intentions to revoke Regional Spatial Strategies the scale of growth for South Somerset and for Yeovil in particular has been the subject of further population and economic projections work that has been undertaken by consultants Baker Associates. A report has been produced 'Housing requirement for South Somerset and Yeovil' which suggests a figure of 16,000 dwellings to 2026 (compared to the draft Core Strategy figure of 16,600 and the SW RSS figure of 19,700 dw).

The scale of growth for the District and for Yeovil has been challenged in the Consultation process and is currently facing further scrutiny by Members particularly in the light of emerging economic and population trends. Should the scale of growth be changed significantly as a result of consideration of responses and further evidence will this require a reconsultation? What would you regard as significant (rather a chicken and egg question I know).

From our conversation I gather that you have consulted upon this & that your SA/SEA has also covered the options. In this case, assuming that you stick with the 16,000 figure I would not envisage any problems here.

3. The Council have been progressing the Core Strategy on the presumption that when it reaches its later stages and particularly the Examination then the SW RSS will be abolished following enactment of the Localism Bill and the scale of growth will need to be justified with local evidence base (i.e. the Baker Associates report in our case). We are intending to consult on our publication plan in January/March of next year 2012 and then submit in April/May to the Government/Inspectorate with a view to an Examination in the Summer. Should the Localism Bill be enacted by April of next year then this seems a logical approach and by the time of the Examination we will be able to progress matters. Should the Localism Bill not be enacted can we delay the Examination until such time as it is? Can we proceed on the basis that whilst the SW RSS is material it was never adopted and more up to date evidence base (the Baker Report) enables us to proceed reasonably?

As explained, PINS would not wish to tie an Inspector down waiting for parliamentary process. The examination begins at submission & we would expect the hearings to begin (assuming no PHM) within 10 weeks of submission. As I explained the revocation of the RS also requires a SA/SEA of the revocation and this is unlikely to be complete by April next year, but I must stress I have no firm dates I can give you for this to be completed. My advice, because you are making a reasonably significant departure for RS numbers is to ensure the evidence base is up-to-date, robust and

convincing, and to be aware that until the revocation process is complete, the RS figures have to be taken into account by the Inspector.

4. For Yeovil the draft Core Strategy for consultation presented three single directions for growth to the Southwest, South and Southeast of Yeovil. Considerable responses from the consultation have suggested a different single option site to the north west of Yeovil and a multi site option (dismissed in early stages of preparation of the draft Core Strategy) around the town has also been mooted. Should the further consideration of the north west option result in its not being pursued then it is presumed that there is no need for any further consultation on that option and the option determined on can be presented as the growth location in the next stage publication plan. Should Members seek a multi site option then it is presumed that as this is such a radical difference from the options presented in the draft then a further specific round of consultation on the matter of the location for Yeovil's growth would be required prior to moving the whole Core Strategy forward to Publication plan stage. Can you comment on the appropriateness of these presumptions.

Should your members go for the multi-site option then yes you will need to reconsult and also (likely) to revisit your SA.

5. The District Council carried out as an exceptional action a further consultation post the Draft Core Strategy Consultation in October/December of last year on the traffic modelling undertaken by Consultants for Somerset County Council of the options for the Urban extension on the edge of Yeovil. Those representees from the original Draft Core Strategy consultation making comment about the Yeovil Urban extension were informed and invited to make comments on the evidence base. The Council felt that the importance of this evidence that was not available prior to publication of the draft Core Strategy was a strong justification for this special consultation.

Following comments received, the County Council has had the modelling study redone as an Addendum Report to take account of comments made at the absence of modelling of two key junctions and a key route and to model a north west option on the basis of achieving eco town standards for car use (to enable comparison with modelling of other options). Development of the option being preferred for the urban extension and the need to model impact of traffic on the A303/ A3088 junction some distance from the town (at the request of the Highways Agency) is occasioning a yet further modelling run by the Consultants. The question arises as to whether these additional modelling runs should be consulted upon. The Council's view and that of Somerset County Council is that these further modelling exercises are part of the developing evidence base that will eventually inform the final decision for the Yeovil urban extension and that the public will be able to comment on the further evidence in as much as it has informed the proposed location for the urban extension when the Publication Plan is out to consultation. The Addendum Report is on the Councils' web pages and generally available and the further modelling will also be published in similar manner.

As discussed it appears that you have sufficient time to consult on this. As I explained, details for the urban extension (in the CS as a strategic site) need to be as concrete as possible so the consultation would allow you to provide a clearer portrait of the urban extension, with a sufficiency of detail to satisfy the examination.

Confirmation is sought that this approach is sound in process terms.

I would be grateful for a response to these further queries and please feel free to talk to me directly by phone on these matters to better understand them (Andy Foyne - 01935 462650)

Kind regards

Andy Foyne
Spatial Policy Manager
South Somerset District Council