



**Ann Rhodes (Planning Policy)**  
The Deane House, Belvedere Road, Taunton, TA1 1HE  
01823 356484  
a.rhodes@tauntondeane.gov.uk

## **Statement setting out general information as to town and country planning (and neighbourhood planning) and the referendum (having regard to any guidance issued by SoS) as it applies to the Stogumber Neighbourhood Development Plan (SNDP)**

### **Summary**

Having considered the matters raised through the submission consultation and the Independent Examiners report, West Somerset Council (WSC) confirms that the Stogumber Neighbourhood Development Plan (SNDP), as modified by the Examiners recommendations, meets the requirements of the relevant planning regulations, and will proceed to a Neighbourhood Planning Referendum.

### **Background information Designation**

WSC received an application from Stogumber Parish Council in January 2014 for the designation of a neighbourhood area for Stogumber Parish with a view to preparing a Neighbourhood Plan for Stogumber following designation.

The proposals were subject to public consultation between Friday 14th February 2014 and Thursday 27th March 2014, in accordance with Regulation 6 of the Neighbourhood Plans (General) Regulations 2012. A response report was considered by the Local Development Panel on the 8th April 2014, following which the Council resolved to designate the Stogumber Neighbourhood Area, as shown on the plan in the consultation documents, on the 30th April 2014.

On 30th April 2014 WSC designated the Stogumber Neighbourhood Area in order that Stogumber Parish Council may proceed with the preparation of a Neighbourhood Plan for the area. Under Section 61F of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. Under Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) WSC has designated the boundary of the Neighbourhood Area follows the part of the

Stogumber Parish boundary running entirely within the West Somerset Local Planning Authority area, this excludes the section of the Exmoor National Park which passes through the Parish.

### **Submission**

Stogumber Parish Council as the Qualifying Body (QB) submitted the Stogumber Neighbourhood Development Plan and associated documents to WSC in November 2016.

Following submission; SNDP and its associated documents, with details of how representations might be made was published. Representations were invited between 18 November and 13 January (two weeks longer than the statutory figure in the Neighbourhood Plans (General) Regulations 2012 due to the Christmas holiday period).

### **Appointment of Examiner**

In December 2016 Stogumber Parish Council and WSC appointed John Mattocks to independently examine the Stogumber Neighbourhood Development Plan in accordance with Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and in the Neighbourhood Plans (General) Regulations 2012.

### **Examination**

Examination commenced in February 2017. The Independent Examiner decided that a hearing was not required and the examination would be written representations.

WSC and the QB received the Independent Examiners report on 30<sup>th</sup> May 2017. The report concluded that:

- The SNDP is compliant with European Convention of Human Rights;
- The SNDP is compatible with EU Environmental Obligations and does not breach Convention Rights;
- The SNDP, subject to modifications, meets all the Basic Conditions;

and that,

- As such the SNDP can progress to referendum and the referendum area should not extend beyond the Neighbourhood Area to which the Plan relates.

Having considered each of the recommendations made in the Examiner’s report, and the reasons for them, WSC Development Framework Panel on 1<sup>st</sup> August 2017 recommend to Cabinet Member Keith Turner the Portfolio Holder for Housing, Health & Wellbeing that through an Executive Decision WSC to accept the IE’s recommendations (with the exception of 6b) and make modifications to the draft plan and put an to an amended SNDP to referendum. This decision and reasons for it was published on the West Somerset Council website and sent to everyone who has previously commented on the emerging SNDP, asked to be kept informed of its progress or statutory consultee for neighbourhood planning. They were asked if they wish to make a representation. One response was received, which stated that they had no further comments to make.

### Decision and Reasons

WSC has made the following modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions, for the reasons given:

<b>Recommended change</b>	<b>Reason for Change</b>
Front Cover, delete the italicised subtitle and substitute dates to specify the 10 year period during which the plan is intended to have effect.	Modification to meet Section 38B (1) (a) of 2004 PCPA “must specify the period for which it is to have effect”; therefore insert “November 2016 to September 2026”
Delete the penultimate paragraph in the text on page 8 under the heading ‘Location of Development’; and  On page 31, under the heading ‘Quarrying’, delete the whole sentence which starts with the words ‘The Parish supports ...’ and ends with the words ‘...the local road network’.	Modification to meet Section 38B (1) (b) of 2004 PCPA “...the plan ‘may not include provision about development that is excluded development’ such as Quarrying.
Delete the green heading ‘Objectives’ and the text which follows on page 6. Replace that section by the following text: Vision The vision for Stogumber is that economic and social infrastructure will have been strengthened, through appropriate forms and levels of development, so that: <ul style="list-style-type: none"><li>• Stogumber continues to be a vibrant, inclusive and caring community;</li></ul>	Modification to meet the basic conditions.  Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’ in this instance “...clarity of meaning”

<ul style="list-style-type: none"> <li>• more young people have been able to stay in Stogumber when they start a family and more young families have been enabled to move into the village;</li> <li>• facilities and services for older members of the community have been maintained and improved, so that they have continued to live in Stogumber as their need for support has increased;</li> <li>• more employment opportunities have been provided for residents, and economic activity in the village has increased which has maintained and increased the viability of existing businesses, facilities and services;</li> <li>• the architectural and landscape character of the village, hamlets and countryside has been maintained and enhanced.</li> </ul>	
<p>Delete Policy O1 and the introductory text. Replace it by the following:</p> <p>This Plan has specific policies for specific types of development. Underpinning these are the Overall Requirements for Development, which apply to all forms of development.</p> <p>Policy O1 Overall Requirements for Development Proposals for new development should ensure that:</p> <ul style="list-style-type: none"> <li>• there are no significant harmful impacts on residential amenity;</li> <li>• the setting of the village, and the landscape and built character of the Parish, is at least maintained;</li> <li>• there would be no significant harm to road safety, especially for pedestrians and cyclists;</li> <li>• adequate parking is provided on site in order to minimise the need for additional on-street car-parking and</li> <li>• where applicable, the provision and range of essential facilities and services, and the economic and social vitality of the community, is at least maintained.</li> </ul> <p>Include a footnote to policy O1 giving a definition of the term ‘residential amenity’</p>	<p>Modification to meet the basic conditions.</p> <p>Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’</p> <p>“...clarity of meaning is a requirement of national guidance”</p> <p>“Planning obligations must be directly related to the development, and fairly and reasonably related in scale and kind.” Community Infrastructure Levy Regulations 2010 and National Planning Policy Framework. PPG Reference ID: 23b-001-20161116</p> <p>LP reference which is applicable “evidence should be focused tightly on supporting and justifying the particular policies...” PPG Reference ID: 12-014-20140306; and polices should be “deliverable and viable” Reference ID: 12-010-20140306</p>

<p>The new Policy O1 the text under the heading 'Local Environment' will need to be moved forward from page 7. A reference to figures 5 and 6 would be relevant in this section. The suggested reference to support for Use Classes D1 and D2 is not covered in the submitted plan. Even though it would be text rather than policy it would be an addition to the plan which is not required to remedy any deficiency against the basic conditions. It is beyond the Independent Examiners remit to recommend its inclusion.</p>	<p>Inclusion agreed between WSC and Stogumber Parish Council, to provide clarity</p>
<p>Delete Policy EN2 and replace it with the following policy:- The preferred location for new development is within the existing built-up area of Stogumber village, or in close proximity<sup>1</sup> to, and contiguous with, that area on:</p> <ul style="list-style-type: none"> <li>• previously developed land as defined in the NPPF<sup>7</sup>; or</li> <li>• land within private residential gardens; or</li> <li>• land that is or has been occupied by agricultural or forestry buildings.</li> </ul> <p>All other land will be regarded as lying within the Open Countryside. Development will not be permitted on designated Local Geological Sites or Local Wildlife Sites (see Appendix 3).</p> <p><sup>1</sup> 'Close proximity' is defined as within 50 metres</p>	<p>Modification to meet the basic conditions.</p> <p>Modification to meet Schedule 4B 8 (2) (e), is in general conformity with strategic policies in the WSC development plan; and</p> <p>Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State' being Contrary to NPPF para 184, and the concept of sustainability in para 55. In addition, PPG ID 41-041-20140306, need for policy to be supported by proportionate, robust evidence, and ID 41-040-20160211 clearly identified non-planning aspirations.</p>
<p>Prepare a map for inclusion in the plan which shows the boundary of built-up area of Stogumber for the purposes of the implementation of SNP Policy EN2 as recommended to be modified.</p>	<p>Modification to meet the basic conditions.</p> <p>Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State' being NPPF 154, that a policy must clear and able to be consistently applied.</p>
<p>Delete the first and second sentences in the second paragraph of Policy EN3, that is 'The location of new development ...' to '... the setting of the village.'</p>	<p>Modification to meet Section 38B (3) of 2004 PCPA "...a policy...conflicts with any other statement or</p>

	information...resolved in favour of the policy', in this instance deletion of unnecessary duplication.
Delete Policy EN4 and the accompanying text	Modification to meet the basic conditions  Modification to meet Schedule 4B 8 (2) (e), is in general conformity with strategic policies in the WSC development plan.
Delete the first paragraph in Policy EN6 and merge the second paragraph into the supporting text.	Modification to meet Section 38B (3) of 2004 PCPA "...a policy...conflicts with any other statement or information...resolved in favour of the policy', in this instance duplication of supporting text and policy wording.
Reword the first two paragraphs of Policy EN7 to read as follows:- Small-scale on-site renewable energy development and proposals for micro-renewable energy schemes to serve individual or small groups of buildings, mounted on buildings or on the ground, will be permitted provided that the overall requirements for development, as set out in Policy O1, are met.  In the definition of 'renewables', delete the reference to wind turbines and include mention of permitted development rights within the supporting text.	Modification to meet the basic conditions.  Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in the case of Permitted Development Rights and PPG ID 5-005-20150618 on wind turbine development; and  Modification to meet Schedule 4B 10 (3) (e) 'Modification for correcting an error';
Delete Policy EN8	Modification to meet the basic conditions.  Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in regard to NDP, PPG ID: 41-041-20140306 policies providing a clear basis for planning decisions.
Delete Policy C1 with the aspirational aspects being included in the supporting text for other relevant policies.	Modification to meet the basic conditions.

	<p>Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in regard to NDP, PPG ID: 41-041-20140306, policies providing a clear basis for planning decisions.</p>
<p>Delete the second sentence in Policy C2.</p> <p>At the end of the third sentence in Policy C2 delete the words 'of Stogumber or the hamlet' and replace by 'the village'.</p> <p>Replace the fourth sentence of Policy C2 by the following revised wording: 'New housing development in the village should provide a variety of house types, sizes and tenures to meet local needs as identified in the latest local housing needs survey with a particular focus on the provision of housing suitable for young families and for the elderly. Tenures should be well mixed across the development.'</p>	<p>Modification to meet the basic conditions.</p> <p>Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in regard to NDP, PPG ID: 41-041-20140306, policies providing a clear basis for planning decisions.</p>
<p>Delete the first paragraph of Policy C3 and include an indication of the numbers of dwellings which might be expected to be delivered through the application of the criteria in Policy EN2 within the supporting text.</p> <p>In the second paragraph of Policy C3, modify the first sentence to read: 'For proposals for six units or more it is required that 35% of the total shall be a local needs affordable unit, provided on the same site.'</p> <p>Modify the third paragraph of Policy C3 to read: 'Local needs affordable housing shall be of a size and type to meet local needs as identified in the latest Local Housing Needs Survey. Planning permission will be refused should the number of dwellings proposed be lower than the site's reasonable capacity, taking account of site constraints, which results in a lower provision or contribution towards affordable housing.' Move reference to the currently identified needs to the supporting text.</p>	<p>Modification to meet the basic conditions.</p> <p>Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance PPG ID 56-018-20150327, that if space standards are to be included in a local or neighbourhood plan they should only be by reference to the nationally described space standards (Technical housing standards – nationally described space standard' DCLG March 2015); and</p> <p>NPPF Para 206 on use of conditions in planning permissions; and</p>

<p>Delete the fourth and fifth paragraphs which set out occupancy criteria for affordable housing from Policy C3; such criteria to be moved to the plan as an indication of the Parish Council's aspirations to be discussed and agreed with the Local Housing Authority.</p> <p>Delete the sixth paragraph of Policy C3 and remove all references to the imposition of a 'Principal Residence' condition on permissions for new dwellings.</p> <p>Delete the second sentence in the seventh paragraph of Policy C3 which sets a minimum internal floor area for new dwellings of 50m<sup>2</sup>; modify the first sentence in that paragraph to read: 'Subject to an assessment of the effect on the viability of a development proposal, all schemes, for any number of units, including on linked sites, should provide that the net internal floor area of all dwellings, when taken in aggregate, does not exceed an average of 100m<sup>2</sup> per dwelling unless it can be demonstrated that larger dwellings would better meet identified local housing needs or assist in providing housing suitable for families.'</p> <p>Add the following sentence to the eighth paragraph of Policy C3: Planning permission for the extension of such dwellings will be permitted provided that the extended dwelling would continue to meet local housing needs as identified in the latest local housing needs survey.</p> <p>Delete the ninth (final) paragraph of Policy C3 relating to self-build.</p>	<p>PPG ID: 41-041-20140306, to ensure that policies provide a clear basis for planning decisions; and</p> <p>Schedule 4B 10 (3) (b) 'is compatible with the Convention rights' in this regard Human Rights.</p>
<p>Delete Policy C4</p>	<p>Modification to meet the basic conditions.</p> <p>Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance inadequate justified in detail therefore failing PPG</p>



	ID 41-041-20140306, need for policy to be supported by proportionate, robust evidence.
In Policy C5 insert '(Use Class C2)' after 'residential institutions' in line 1 of the policy; delete the criteria and state 'subject to the provisions of Policy O1'.	Modification to meet the basic conditions.  Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance PPG ID: 41-041-20140306, to ensure that policies provide a clear basis for planning decisions.
Delete Policies C6 and C7 but include the following text as a new first paragraph in Policy C8: The alteration and/or extension of the existing school and village hall buildings or the construction of new buildings on the existing site(s) will be permitted.  Delete the third bullet point criterion and in the fourth criterion delete the words 'or greater use to the community'	Modification to meet the basic conditions.  Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance PPG ID: 41-041-20140306, to ensure that policies provide a clear basis for planning decisions, and  NPPF para 204 'Planning obligations should only be sought where they...are necessary, justified and fairly and reasonable related to scale and type of development'
Delete Policy C10 and replace it by the following introductory text and policy statement:- Text: The Beacon Field is divided, as shown on the Stogumber Features Map, into two parts:  <ul style="list-style-type: none"> <li>The lower part, currently public open space, and intended for the future development of community facilities. Full planning permission has already been granted for a permanent car-park.</li> </ul>	Modification to meet the basic conditions.  Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance PPG ID: 41-041-20140306, to ensure that policies provide a clear basis for planning decisions.

<ul style="list-style-type: none"> <li>The upper part, including the Jubilee Copse and Community Orchard, currently and intended to remain, public open space or community horticulture such as allotments.</li> </ul> <p>Both parts can currently be used for occasional car-parking for large events, and it is intended that such use will continue into the future, albeit limited by any development and tree-planting that takes place.</p> <p>Policy: [insert reference number]  Permission for development on the lower part of the Beacon Field will be granted where the development is of buildings or facilities of benefit to the community, such as (but not limited to) a new village school or new village hall, subject to the criteria listed under Policy O1. Development should enable, and where appropriate, facilitate vehicular access to the upper part of the field and to the proposed new graveyard in the adjoining field. Permission for a building on the upper part of the field will not be granted except for purposes that directly improve the use of the land as public open space or community horticulture.</p>	
<p>Delete Policy C11 and replace it with the following policy:-  Development must include sufficient off-street car parking spaces to meet the demand generated by that particular development. Permission for additional car-parking spaces, beyond the minimum number required, will be granted subject to Policy O1.</p>	<p>Modification to meet the basic conditions.</p> <p>Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance NPPF para 204 'Planning obligations should only be sought where they...are necessary, justified and fairly and reasonable related to scale and type of development'</p>
<p>Delete Policy C12</p>	<p>Modification to meet the basic conditions.</p> <p>Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued</p>

	by the Secretary of State', in this instance failed to have adequate regard for national policy
Delete Policy C13.	Modification to meet Section 38A (2) of 2004 PCPA, in this case policy does not relate '...to the development and use of land...'
Delete policies EC1 and EC3 and insert a new policy EC1 to read as follows:-  Proposals for economic development, including the development of additional business space, in a location which accords with the locational priorities stated in Policy EN2, will be approved provided that the criteria in Policy O1 are met. Business (Class B) development may also be permitted in other locations where it can be demonstrated that there are specific business reasons why a different sort of location is required.  New retail (Class A1) development will be permitted provided that it would not, by reason of its location or scale, have a harmful effect on the vitality and viability of the village centre.	Modification to meet the basic conditions.  Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance PPG ID: 41-041-20140306, to ensure that policies provide a clear basis for planning decisions, and NPPF 200, not using removal of permitted development rights to restrict development, and 26 'the effect on the 'vitality and viability' of the centre'; and  Modification to meet Section 38B (3) of 2004 PCPA "...a policy...conflicts with any other statement or information...resolved in favour of the policy', in this instance duplication of policy intent.
Delete Policy EC2 and replace it with the following modified policy:  Proposals for additional visitor accommodation will be approved provided that the provisions of Policy O1 are met and subject to the following additional requirements:- <ul style="list-style-type: none"> <li>(i) for Guest Houses, and B&amp;Bs, that the proposals are for the conversion or re-use of an existing building;</li> <li>(ii) for self-catering units, that the proposals are either for the conversion or re-use of an existing building or, if new-build, that the location is in accordance with the priorities in Policy EN2 and, in either case, that</li> </ul>	Modification to meet Section 38B (3) of 2004 PCPA "...a policy...conflicts with any other statement or information...resolved in favour of the policy', in this instance duplication of policy wording; and  Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance PPG ID 41-041-20140306, need for policy to be supported by proportionate, robust evidence; and NPPF para 204 'Planning obligations should only be sought where they...are necessary, justified and fairly and

<p>the permission is subject to a condition restricting the use to that of short-term occupation as visitor accommodation;</p> <p>(iii) for the use of land as a small-scale camping or ‘glamping’ site, that the proposals are for no more than five separate units of temporary accommodation of a modest nature plus commensurate communal facilities and that any permission is subject to conditions restricting the use of the site to that of visitor accommodation and requiring the removal of the units of temporary accommodation should the use cease.</p>	<p>reasonable related to scale and type of development’</p>
<p>Delete the criteria in Policy EC5 and insert a cross-reference to the criteria in Policy O1.</p>	<p>Modification to meet Section 38B (3) of 2004 PCPA “...a policy...conflicts with any other statement or information...resolved in favour of the policy’, in this instance duplication of policy wording; and</p> <p>Modification to meet the basic conditions.</p> <p>Schedule 4B 8 (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’, in this instance NPPF para 204 ‘Planning obligations should only be sought where they...are necessary, justified and fairly and reasonable related to scale and type of development’; and para 206 NPPF on use of conditions in planning permissions.</p>
<p>Delete the criteria in Policy EC6 and insert a cross-reference to the criteria in Policy O1</p>	<p>Modification to meet Section 38B (3) of 2004 PCPA “...a policy...conflicts with any other statement or information...resolved in favour of the policy’, in this instance duplication of policy wording elsewhere in the plan.</p>
<p>Modify the second sentence in Policy EC7 to read as follows:-</p>	<p>Modification to meet the basic conditions.</p>

<p>Where the viability of holding business would be significantly compromised without the ability to live on site, but such an essential need is not yet proven, a temporary (3 year) consent may be granted for a dwelling designed to be of low environmental impact in construction and use, and which is readily capable of removal.</p>	<p>Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance PPG ID: 41-041-20140306, to ensure that policies provide a clear basis for planning decisions.</p>
<p>To ensure that the plan is up-to-date at the time it is made, make any amendments to the plan text which are consequential to the recommended modifications to plan policies. Also, remove references in the Introduction, page 1, and under the heading 'Housing Delivery' on page 17, to (housing) development being spread evenly over the plan period.</p>	<p>Schedule 4B 8 (e) 'for the purpose of correcting errors', to ensure that the plan is up-to-date at the time it is 'made' and amendments to text to take account of the modifications to policies;</p>

WSC proposes not to accept the following IE's recommendation:

<p>Recommendation 6b.</p> <p>Following discussions with Stogumber Parish Councillors it is proposed to progress the Stogumber Neighbourhood Development Plan (SNDP) without a footnote reference to a map and a map defining the existing built up area.</p>	<p>The IE's stated that the recommended policy wording clarified the Parish Councils preferred location for development being the existing built up area of the village of Stogumber or in close proximity to it (within 50 metres), and contiguous with that area being: previously developed land, land in private gardens, and land occupied by agricultural or forestry buildings. The revised SNDP policy wording was closely modelled on WSC Local Plan policy SC1: Hierarchy of Settlements. The SNDP policy is in broad compliance with WSC Local Plan. The absence of a map defining the continuous existing built up area does not change this.</p> <p>The IE recommended that the production of a map to define the existing built-up area would provide certainty for the purpose of interpreting and</p>
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	<p>implementing the policy wording in the SNDP. The WSC Local Plan Policy SC1 does not have accompanying map(s) and the policy been consistently applied in the planning application decision making process for other secondary villages.</p> <p>It is the view of WSC that SNDP will still be compliant with the legal requirements for NDP's.</p>
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WSC has made the following modifications, not proposed by the examiner, these do not affect the draft plan's compliance with the basic conditions, and for the reasons given:

<b>WSC change not part of the IE recommendations</b>	<b>Reason for Change</b>
<p>Sub-titling the general transport text as a Community Aspiration. Whilst these items cannot be a policy, as a Community Aspiration they are given more prominence in the document and it highlight it as an important matter to the Parish. In the same way that the Community Aspiration on Affordable Housing Allocation does.</p>	<p>Whilst it cannot be a policy it is recognised that it is an important issue for the Parish and whilst the IE recommended the removal of the policy wording the general text remained, and provides important context information.</p>

The Independent Examiner, John Mattocks, considered whether the area for the referendum should extend beyond the designated neighbourhood area. The recommendation was that the area for the referendum should not extend beyond the neighbourhood area to which the plan relates. WSC accepts the examiners recommendation as there is no know need to extend the referendum area beyond the designated neighbourhood area for the purpose of holding the referendum.

### **Referendum**

To meet the requirements of the Localism Act 2011 a referendum which poses the question *Do you want West Somerset Council to use the neighbourhood plan for Stogumber to help it decide planning applications in the neighbourhood area?* will be held in the neighbourhood plan area.

The date on which the referendum will take place is agreed as Thursday 5 October 2017.

01 September 2017