

Dear David,

Thank you for your email to further clarify the current position of this application and apologies for the delayed response due to the reasons previously informed. In response to the clarifications you have raised relating to the above named development proposal, I am now in a position to respond, on behalf of the Somerset ICB, in accordance to the information shared. This is as follows:

Is the Milborne Port GP surgery a part of the NHS?

General Practices are independent contractors who enter into an agreement with an NHS Body (i.e. the ICB) to provide NHS services to patients. As we know from our experience with Section 106, they are not NHS bodies in their own right and are not able to be the beneficiary of a Section 106 agreement.

If so, could you please clarify precisely what discussions have been taking place between the applicant and the Milborne Port GP surgery about the possibility of moving onto part of the application site if permission is granted?

Such discussions have not been mentioned in your formal consultation response and I am somewhat concerned that the LPA is being provided with different information by the applicant from that which you have provided in your response. If there is such an intention to move into new premises on the application site, then presumably the NHS will need to be a party to any S106 Agreement relating to timescales, land transfer, building works, service provision, etc and I will require Heads of Terms from you at this outline stage of proceedings to form part of the formal officer report to Committee.

The responsible NHS body (NHS Somerset ICB), through the Local Planning Authority Engagement team (LPAE), has provided a response to the LPA regarding this application, based upon the agreed methodologies which consider the impact of the housing development against the test for Section 106 agreement under the Town and Country Planning Act 1990 (as amended). This concluded sufficient infrastructure capacity for primary care services for the associated surgeries impacted. However, the ICB believe that this is a fundamentally different approach to Section 106 taken by the LPA which I have not previously experienced, where the test for “necessary to make the development acceptable in planning terms” is not measured in terms of square-metres but in terms of the holistic benefits to the community.

The ICB has now had the opportunity to engage with the Practice (Dr Wyer) to establish the facts/position which are as follows:

- Dr Wyer has confirmed that conversations have taken place with the developer around the possibility of a branch surgery relocation within Templecombe
- Whilst the size of the practice isn't a particular issue, the existing branch surgery in Templecombe has some other challenges which appear to have influenced engagement with the developer to consider the potential on-site re-location
- Dr Wyer has not entered into any formal agreement with the developer
- No conversation has been undertaken between the developer and the ICB
- Dr Wyer believes that the land and potentially some of the build cost could be provided by the developer. However, as the ICB would need to be party to a Section 106 agreement, no formal offer has been received for review.

So in this case, if the developer is willing to offer land for new premises on the application site or a contribution towards re-location through the S106 pathway, then this will need to be further explored in consultation with the ICB for consideration to support the Heads of Terms which will shall describe those associated terms and conditions.

Furthermore, the ICB isn't fundamentally opposed to the relocation of the Templecombe branch site; any GP practice is entitled to approach the ICB with a request for re-location but this would require a significant period of engagement and review. Therefore, the GP Practice (Partner) does have the opportunity to request the ICB to consider re-location through other means for approval, however the ICB has not received a proposed project for consideration to-date.

Lastly, it is important to highlight, that if the developer and GP Practice enter into a direct agreement (outside S106) then the ICB will not be in a position to commit and/or contribute to an eventual surgery re-location.

I hope this is helpful, however if you would like a follow up call to discuss this further please do come back to me.

Best wishes,
Kelly

Kelly Drew

Commercial Development Manager (**Monday-Thursday**)
NHS Local Planning Authority Engagement (LPAE) Team
On behalf of NHS Somerset Integrated Care Board (ICB)

Direct Line: 01803 656260 | **Email:** Kellydrew@nhs.net | **Website:** www.torbayandsouthdevon.nhs.uk

From: David Kenyon <david.kenyon@somerset.gov.uk>

Sent: 13 September 2023 16:35

To: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpaesomerset@nhs.net>

Cc: SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>

Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

Kelly

Thank you for your reply. Unfortunately this application is now going to be the subject of an appeal for non-determination and I need to place it before the next available meeting of the Planning Committee for a resolution as to how to defend the anticipated appeal. The holding advice you have provided is really too ambiguous for me to provide any clear clarification to the Committee. In my opinion the ICB have had more than sufficient time to provide a detailed response to my email of 27th April and the lack of such a response is unacceptable.

At present I have a situation where the local GP Dr Wyer is, according to the applicant, in support of a suggested new GP surgery whereas you have verbally advised me that there is no need for a new GP surgery. I have conflicting advice which must be resolved before the Committee is asked to make a decision. I have drawn this ambiguity to the NHS attention, initially over 4 months ago at the end of April, and it seems to me I am still no nearer obtaining a definitive response. To reiterate the questions posed in my email of 27th April:

Is the Milborne Port GP surgery a part of the NHS?

If so, could you please clarify precisely what discussions have been taking place between the applicant and the Milborne Port GP surgery about the possibility of moving onto part of the application site if permission is granted?

Such discussions have not been mentioned in your formal consultation response and I am somewhat concerned that the LPA is being provided with different information by the applicant from that which you have provided in your response. If there is such an intention to move into new premises on the application site, then presumably the NHS will need to be a party to any S106 Agreement relating to timescales, land transfer, building works, service provision, etc and I will require Heads of Terms from you at this outline stage of proceedings to form part of the formal officer report to Committee.

The holding response I received on 3rd May was that “In order to provide a meaningful and informed response, we are currently in consultation with Somerset ICB and will come back to you as soon as we are able” Some 4 months later it is not unreasonable for the LPA to have expected a detailed response from the ICB / NHS. Indeed it is most unfortunate that I have had to send the chaser email earlier today rather than you or Matt having updated me with the situation earlier and as was promised following our virtual meeting on 27th July.

In the absence of any formal rebuttal from the ICB I see no reason why the applicant would provide incorrect advice and will therefore recommend to the Committee and to the Planning Inspector at the subsequent non-determination appeal that land is safeguarded for a new GP surgery and that the NHS will need to be a party to any S106 in this regard.

Please advise to whom this matter has been escalated as I will wish to update the Council’s senior management and Councillors as to who is now dealing with this matter on behalf of the ICB / NHS.

Regards
Dave

David Kenyon

Development Management Specialist

Somerset Council

+44 (0) 300 123 2224

Please note that my email address has now changed to david.kenyon@somerset.gov.uk



From: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpae-somerset@nhs.net>

Sent: 13 September 2023 16:08

To: David Kenyon <david.kenyon@somerset.gov.uk>
Cc: SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>; LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpaе-somerset@nhs.net>
Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

Hi Dave,

Apologies for the delay in providing a response as previously discussed, however please be assured this has been on our radar and was raised/reviewed at our fortnightly meeting on Monday.

Unfortunately, the ICB continue to experience difficulties engaging with the practice which has now been escalated to Ass. Director level, and therefore Matt Mills (ICB) has expressed it would not be appropriate to follow up at this time and would prefer to put this on hold until such time as they feel there is an opportunity to raise this at a more appropriate time. However, in light of the urgency you have expressed, the best I can do is highlight this to the ICB to reconsider/rethink position/approach.

My apologies again and will link in with Matt and come back to you asap.

Best wishes,
Kelly

Kelly Drew

Commercial Development Manager (**Monday-Thursday**)
NHS Local Planning Authority Engagement (LPAE) Team

On behalf of NHS Somerset Integrated Care Board (ICB)

Direct Line: 01803 656260 | **Email:** Kellydrew@nhs.net | **Website:** www.torbayandsouthdevon.nhs.uk

From: David Kenyon <david.kenyon@somerset.gov.uk>
Sent: 13 September 2023 12:01
To: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpaе-somerset@nhs.net>
Cc: SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>
Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe
Importance: High

Afternoon Kelly

Regarding the email trail below and our discussions about the GP surgery in Templecombe I have still received no definitive response from the NHS confirming your discussions with the local GP and confirming that a new GP surgery will not be required in Templecombe.

This matter is now extremely urgent and I would request your written comments ***within the next 7 days.***

Regards

Dave

David Kenyon

Development Management Specialist

Somerset Council

+44 (0) 300 123 2224

Please note that my email address has now changed to david.kenyon@somerset.gov.uk



From: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpae-somerset@nhs.net>

Sent: 23 May 2023 14:01

To: David Kenyon <david.kenyon@somerset.gov.uk>

Cc: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpae-somerset@nhs.net>; SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>

Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

Thanks Dave. I have informed the ICB on of this timeframe and just waiting to hear back so as soon as I do I'll be back in touch.

Best wishes,
Kelly

Kelly Drew

Commercial Development Manager (**Monday-Thursday**)
NHS Local Planning Authority Engagement (LPAE) Team

On behalf of NHS Somerset Integrated Care Board (ICB)

Direct Line: 01803 656260 | **Email:** Kellydrew@nhs.net | **Website:** www.torbayandsouthdevon.nhs.uk

From: David Kenyon <david.kenyon@somerset.gov.uk>

Sent: 22 May 2023 12:31

To: DREW, Kelly (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <kellydrew@nhs.net>

Cc: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpae-somerset@nhs.net>; SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>

Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

Any chance you can get back to me in the next 10 days?

David Kenyon

Development Management Specialist

Somerset Council

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Please note that my email address has now changed to david.kenyon@somerset.gov.uk



From: DREW, Kelly (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <kellydrew@nhs.net>
Sent: 22 May 2023 12:18
To: David Kenyon <david.kenyon@somerset.gov.uk>
Cc: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpaesomerset@nhs.net>; SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>
Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

Hi Dave,

Thank you for getting touch and sincere apologies I have not been able to come back to you to-date. To confirm, this is on Somerset ICB's radar and I'm aware they are currently in consultation with the associated practice and awaiting a formal response to be shared by them.

Please could you clarify the timescale involved?

Best wishes,
Kelly

Kelly Drew

Commercial Development Manager (**Monday-Thursday**)
NHS Local Planning Authority Engagement (LPAE) Team

On behalf of NHS Somerset Integrated Care Board (ICB)

Direct Line: 01803 656260 | **Email:** Kellydrew@nhs.net | **Website:** www.torbayandsouthdevon.nhs.uk

From: David Kenyon <david.kenyon@somerset.gov.uk>
Sent: 22 May 2023 11:53
To: DREW, Kelly (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <kellydrew@nhs.net>
Cc: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpaesomerset@nhs.net>; SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>
Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

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Kelly

Further to your email below, could you please update me with the outcome of your consultation with Somerset ICB? In particular whether or not there is an intention for the GP surgery to move into new premises on the application site, and if so confirmation that the NHS will need to be a party to any S106

Agreement relating to timescales, land transfer, building works, service provision, etc and receipt of Heads of Terms from you at this outline stage of proceedings to form part of the formal officer report to Committee.

Regards
Dave

David Kenyon

Development Management Specialist

Somerset Council

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Please note that my email address has now changed to david.kenyon@somerset.gov.uk



From: DREW, Kelly (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <kellydrew@nhs.net>

Sent: 03 May 2023 08:44

To: David Kenyon <david.kenyon@somerset.gov.uk>

Cc: LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpaesomerset@nhs.net>; SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>

Subject: RE: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

Dear Dave,

Thank you for your email and taking the time to reach out to gain further clarity.

On review, at the time of our assessment taking place, it appears the associated Practices impacted by this potential development were concluded to have capacity and therefore, a health contribution was not requested. In order to provide a meaningful and informed response, we are currently in consultation with Somerset ICB and will come back to you as soon as we are able.

Best wishes,
Kelly

Kelly Drew

Commercial Development Manager (**Monday-Thursday**)

NHS Local Planning Authority Engagement (LPAE) Team

On behalf of NHS Somerset Integrated Care Board (ICB)

Direct Line: 01803 656260 | **Email:** Kellydrew@nhs.net | **Website:** www.torbayandsouthdevon.nhs.uk

From: David Kenyon <david.kenyon@somerset.gov.uk>

Sent: 27 April 2023 15:16

To: SMITH, Mia (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <mia.smith@nhs.net>

Cc: DREW, Kelly (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <kellydrew@nhs.net>; LPAE-SOMERSET (TORBAY AND SOUTH DEVON NHS FOUNDATION TRUST) <tsdft.lpae-somerset@nhs.net>
Subject: 22/03560/OUT - Land OS 6975, South of Bowden Road, Templecombe

Mia

I refer to the above application for outline planning permission with all matters reserved except for access, for up to 140 dwellings (use class C3), public open space, landscape planting and biodiversity enhancements, vehicular access from Bowden Road, community use (flexible use class E, F1 and/or F2), and associated infrastructure works.

Your consultation response dated 31st January 2023 refers.

On 6th April, the agent provided an update on their latest correspondence with Milborne Port Surgery. As set out within the submitted Planning Statement, the applicant has been in positive dialogue with practitioner, Dr I. Wyr for the proposed development for Templecombe GP Surgery within the designated 'community use' area within the site. The following statement has been provided by Milborne Port Surgery in support of the application:

"Milborne Port Surgery has a branch surgery in a converted cottage in Templecombe. The GP partners are excited by the possibility of new premises that will be easier to access, offer the potential to provide more services in this location in the future, and continue to meet the needs of the expanding local population. We are asking the NHS whether supporting this development will fit with their wider plans for developing primary care in Somerset."

The agent has advised that she will keep me updated as discussions continue to progress.

However I would appreciate an update from the NHS 'side of the fence'. Is the Milborne Port GP surgery a part of the NHS? If so, could you please clarify precisely what discussions have been taking place between the applicant and the Milborne Port GP surgery about the possibility of moving onto part of the application site if permission is granted? Such discussions have not been mentioned in your formal consultation response and I am somewhat concerned that the LPA is being provided with different information by the applicant from that which you have provided in your response. If there is such an intention to move into new premises on the application site, then presumably the NHS will need to be a party to any S106 Agreement relating to timescales, land transfer, building works, service provision, etc and I will require Heads of Terms from you at this outline stage of proceedings to form part of the formal officer report to Committee.

Regards
Dave

David Kenyon

Development Management Specialist

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