

# LOCHAILORT INVESTMENTS LIMITED

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Tuesday 13<sup>th</sup> April 2021

Dear Sirs

## **Representations: *Norton St Philip Neighbourhood Plan* further modifications consultation**

Thank you for notifying us of your consultation on proposed further modifications to the draft *Norton St Philip Neighbourhood Plan*. We would be grateful if the following representations are taken into account and reported to Mendip's Cabinet in due course.

### ***Background***

Norton St Philip Parish Council submitted its *Neighbourhood Plan* to Mendip District Council for examination under Part 5 of the *Neighbourhood Planning (General) Regulations 2012 (as amended)* in 2019.

The *Neighbourhood Plan* was considered by Mendip's Cabinet on 2<sup>nd</sup> September 2019 with a recommendation that the *Plan* should proceed to a local referendum, subject to a number of modifications. Mendip's Cabinet resolved to accept the recommendation.

That decision was subsequently challenged by Lochailort by way of a Judicial Review. Following first an injunction, and then hearings in the High Court and the Court of Appeal, on 2<sup>nd</sup> October 2020 the Cabinet decision to approve the Norton St Philip Neighbourhood Plan and allow it to proceed to referendum was quashed.

In an attempt to rectify the matters of unlawfulness identified by the Court of Appeal, on 1<sup>st</sup> March 2021 Mendip's Cabinet agreed to carry out consultation on further modifications to the *Plan*, together with the earlier modifications identified by the Examiner and at the Cabinet meeting of 2<sup>nd</sup> September 2019.

### ***Scope of the current consultation***

The Local Planning Authority is consulting solely on the proposed modifications. The Council's online consultation page states, in terms, that:

*"Comments are invited on the proposed further modification.*

*Consultation responses will be reported to Cabinet and carefully considered before Cabinet determines whether the Plan (as modified) meets the Basic Conditions, is compatible with Convention Rights and the requirements of legislation and should proceed to a referendum.*

*Any referendum can only take place once COVID-19 restrictions are lifted.*

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*Extensive consultation has already been carried out by the Parish Council and Mendip District Council at earlier stages in plan preparation. **Only comments on the proposed further modifications will therefore be accepted.***

(our emphasis)

This restricted scope does not reflect the letter at **Appendix 01** that our solicitors received from your Law and Governance colleagues on 24<sup>th</sup> March 2021, which confirms that the consultation "...allows the opportunity for parties to comment on any other matter they wish to comment on." We assume that the Local Planning Authority will be taking into account any other representations that are made which fall outside the narrowly-defined scope specified on the Council's online consultation page.

## ***The Basic Conditions***

Only a draft *Neighbourhood Plan* that meets **all** of a set of basic conditions can be put to a referendum and be made. Those basic conditions are set out in paragraph 8(2) of Schedule 4B to the *Town and Country Planning Act 1990*, as applied to *Neighbourhood Plans* by section 38A of the *Planning and Compulsory Purchase Act 2004*. The basic conditions are:

- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State; **and**
- b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses; **and**
- c. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area; **and**
- d. The making of the *Neighbourhood Plan* contributes to the achievement of sustainable development; **and**
- e. The making of the *Neighbourhood Plan* is in general conformity with the strategic policies contained in the development plan for the area of the authority; **and**
- f. The making of the *Neighbourhood Plan* does not breach, and is otherwise compatible with, European Union obligations; **and**
- g. Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with.

The Local Planning Authority is consulting only on the proposed further modifications to the *Neighbourhood Plan* which Lochailort strongly contends is an error. Rather, given that compliance with the basic conditions was last considered by Mendip's Cabinet in September 2019, given events in the intervening period **it is necessary to consider afresh whether the draft Plan complies with the Basic Conditions.** It is not sufficient to limit that consideration to the proposed further modifications, for the reasons set out below.

## ***Material changes that must be taken into account: Local Plan Part II Main Modifications***

It has been the case for some time that the *Neighbourhood Plan* process has been running in parallel with Mendip District Council's own *Local Plan Part II* process. The chronology set out below is important to understand.

When Mendip's Cabinet last considered the *Neighbourhood Plan* in September 2019, the *Local Plan Part II* had been submitted to the Secretary of State, and examination hearings had taken place between Tuesday 23<sup>rd</sup> July 2019 and Friday 2<sup>nd</sup> August 2019. The Cabinet's consideration of the *Neighbourhood Plan* took place prior to any feedback or response from the Secretary of State's Inspector on the *Local Plan Part II* examination hearings.

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As it transpired, the Secretary of State's Inspector concluded that the *Local Plan Part II* was not sound and could not proceed to adoption without a number of modifications. Accordingly, consultation on *Main Modifications* took place from 21<sup>st</sup> January 2020 to 2<sup>nd</sup> March 2020. Significant changes included additional housing allocations in the North-East of the District **including 27 dwellings at Norton St Philip** as well as withdrawal of proposed *Local Green Space* policies from the *Local Plan Part II*.

Put briefly, it cannot now be the case that decisions taken by Mendip's Cabinet *prior* to the Main Modifications *Local Plan Part II* can be assumed to remain valid. They must be properly revisited.

## ***Material changes in circumstance since the July 2019 Examiner's Report***

Three key material changes in circumstance have occurred since the Examiner reported on the draft Neighbourhood Plan on 19<sup>th</sup> July 2019:

- (i) The Local Planning Authority can no longer demonstrate a 5-year housing land supply<sup>1</sup> meaning that there is an urgent need to allocate additional land for residential development which did not exist at the time of the Neighbourhood Plan examination;
- (ii) Natural England raised significant concerns during the *Local Plan Part II* examination process regarding the effect of development in the western part of the District on water quality at the Somerset Levels and Moors RAMSAR Site<sup>2</sup>, meaning that future searches for residential development land will inherently be directed towards the eastern and north-eastern part of the District including at Norton St Philip;
- (iii) Pursuant to the recommendation of the *Local Plan Part II* Inspector, following adoption of the *Local Plan Part II*, the Local Planning Authority has committed<sup>3</sup> to undertake an immediate review of Local Plan Parts 1 and 2. Policy LP1 and its supporting text make it clear that this is likely to be a full single local plan (i.e. combining strategic and non-strategic policies) over a revised plan period. The Local Plan Review will take into account the district housing requirement set by the standard method (Local Housing Need) and changes to the National Planning Policy Framework since the Part 1 Plan was adopted.

Individually and cumulatively these material changes in circumstance have a direct bearing on the appropriateness of the proposed *Local Green Space* designations in the draft *Neighbourhood Plan* and in particular, whether any such designations are capable of enduring beyond the plan period. The July 2019 *Neighbourhood Plan Examiner's Report* could not possibly have taken these factors into account and it cannot therefore be relied upon. **As a result, the entire draft Neighbourhood Plan must be subject to a fresh examination.**

## ***Assessment: whether the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area***

This assessment requires the Local Planning Authority to consider:

- (i) The weight to be given to the emerging *Local Plan Part II*
- (ii) The adoption timeline of the *Local Plan Part II* in relation to the referendum timeline of the *Neighbourhood Plan*
- (iii) Whether the *Neighbourhood Plan* meets the basic condition of conformity

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<sup>1</sup> Appendix 02 Mendip District Council – *Five Year Supply Position Statement* as revised 2<sup>nd</sup> March 2021

<sup>2</sup> Appendix 03 Statement of Common Ground between Natural England and Mendip District Council in relation to phosphate mitigation and Local Plan Part 2, 25<sup>th</sup> January 2021

<sup>3</sup> Appendix 04 Mendip Local Plan Part II – Main Modifications Policy LP1, February 2020

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## (i) Weight to be given to the emerging *Local Plan Part II*

An emerging local plan does not constitute part of the statutory development plan. However, it still needs to be considered in relation to the emerging *Neighbourhood Plan* for two primary reasons:

- (a) The two plans are likely to share a common evidence base, and herein it is noted that the *Local Plan Part II* Inspector considered the same *Local Green Space* evidence base as the *Neighbourhood Plan* Examiner but was unconvinced by it and recommended the deletion of the *Local Green Space* policies from the *Local Plan Part II*, a course of action adopted by the Local Planning Authority;
- (b) Where a *Local Plan* and a *Neighbourhood Plan* have conflicting policies, the later plan will carry more weight but a ***Neighbourhood Plan cannot “de-allocate” sites allocated for development in the statutory development plan*** because doing so would inherently conflict with the basic condition of general conformity.

In order to specifically address the latter point, the Government's advice in the *National Planning Practice Guidance* should be followed:

*“The local planning authority should work with the qualifying body so that complementary neighbourhood and local plan policies are produced. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.”*

*(National Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509)*

In applying this guidance, **the *Neighbourhood Plan* settlement boundary map should be amended so as to include all the land allocated at Policy NSP1 in the *Mendip Local Plan Part II* (land at Mackley Lane, Norton St Philip).**

## (ii) The adoption timeline of the *Local Plan Part II* in relation to the referendum timeline of the *Neighbourhood Plan*

In light of this potential departure from the basic condition requirement of general conformity, it is necessary to understand which plan is likely to come first.

The Local Planning Authority's *Local Plan Part II* is at a very advanced stage in its preparation. Consultation on Further Main Modifications took place from 9<sup>th</sup> February to 22<sup>nd</sup> March 2021 and the Secretary of State's *Inspector's Report* is expected to be published by the end of May 2021. There will be a report to Mendip's Cabinet in July 2021 and finally the *Local Plan Part II* is expected to be adopted by Full Council in **September 2021**.

Meanwhile, the *Neighbourhood Plan* is currently still subject to its Further Modifications consultation, which runs until 14<sup>th</sup> April 2021. The responses of that consultation must then be considered by Mendip's Cabinet, which will make a decision as to whether the *Neighbourhood Plan* may proceed to referendum. The first available Cabinet meeting in this respect is on 26<sup>th</sup> May 2021. Regulations linked to the Coronavirus Act 2020 mean that no referendum can take place until at least 6<sup>th</sup> May 2021.

In light of all the above, and the very close (but not aligned) timetable of the two plans, one of two scenarios is inevitable:

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## Scenario 1: the Neighbourhood Plan referendum happens **before** September 2021

In this scenario, the *Neighbourhood Plan* will almost immediately be superseded by the *Local Plan Part II*.

## Scenario 2: the Neighbourhood Plan referendum happens **after** September 2021

In this alternative scenario, the *Local Plan Part II* will at that point form part of the statutory development plan and the *Neighbourhood Plan* will not be in general conformity with its strategic policies – see below.

### **(iii) Whether the *Neighbourhood Plan* meets the basic condition of conformity**

In the event that Scenario 2 transpires, the failure of the *Neighbourhood Plan* to incorporate the 27-unit dwelling allocation on land at Mackley Lane will mean that it thus fails to be in general conformity with the strategic policies of the statutory development plan. **It will fail to meet basic condition (e) and thus cannot proceed to referendum.**

### ***The proposed revised wording of the Local Green Space policy***

Lochailort's successful challenge in the Court of Appeal revolved around the failure of the *Neighbourhood Plan* to properly apply Government policy on *Local Green Space* designations.

It remains the case that national planning policy on the *Local Green Space* designation is set out in the February 2019 *National Planning Policy Framework* at paragraphs 99 to 101. Paragraph 99 is very clear indeed that such designations should not be used as a tool to sterilise land from development, by confirming that "*Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.*" (our emphasis). This underlines the purpose of the designation, limited by paragraph 99 solely to areas of "**particular importance**".

The proper use of the *Local Green Space* designation (i.e. on an exceptional basis) is fundamentally ignored in the proposed further modifications to the draft *Neighbourhood Plan*, which instead continues to propose the designation of numerous parcels of land throughout the village in a manner which is wholly inconsistent with the local planning of sustainable development. Rather than restricting *Local Green Space* designations only to areas of **particular importance**, instead the draft plan's approach continues to propose designation as the default position for any open land which falls within (or surrounded by) the draft development limit. This is fundamentally wrong and, as warned against in the Planning Practice Guidance, is being used in this instance as "*a back door way to try to achieve that which would amount to a new area of Green Belt by another name*" (Paragraph 015 Reference ID: 37-015-20140306).

In particular, draft *Local Green Space* LGS 008 at **Fortescue Fields West** does not meet the test of particular importance to warrant designation **and should be deleted**. Scant regard has been had as to whether another designation (such as the Conservation Area) already offers a layer of protection and the test of **particular importance** has not been met. Public preference to protect this private land from development cannot in itself be used as the critical test for designation.

We do not have any comment on the proposed amended wording to Policy 5.

### ***Summary***

It is not possible for the Local Planning Authority to judge whether the *Neighbourhood Plan* meets the basic conditions without comparing its timetable with that of the *Local Plan Part II*.

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If the *Local Plan Part II* is adopted before the *Neighbourhood Plan's* referendum, then the basic conditions will not be met.

If the *Local Plan Part II* is adopted after the *Neighbourhood Plan's* referendum, then it will almost immediately have superseded the *Neighbourhood Plan*.

Either way, draft *Local Green Space LGS 008* at Fortescue Fields West does not meet the test of particular importance to warrant designation **and should be deleted**. In accordance with the *National Planning Practice Guidance*, the settlement boundary in the draft *Neighbourhood Plan* **should be amended** to include all the land at *Local Plan Part II* Policy NSP01 (land at Mackley Lane, Norton St Philip) within the settlement boundary.

Kind regards

Yours sincerely

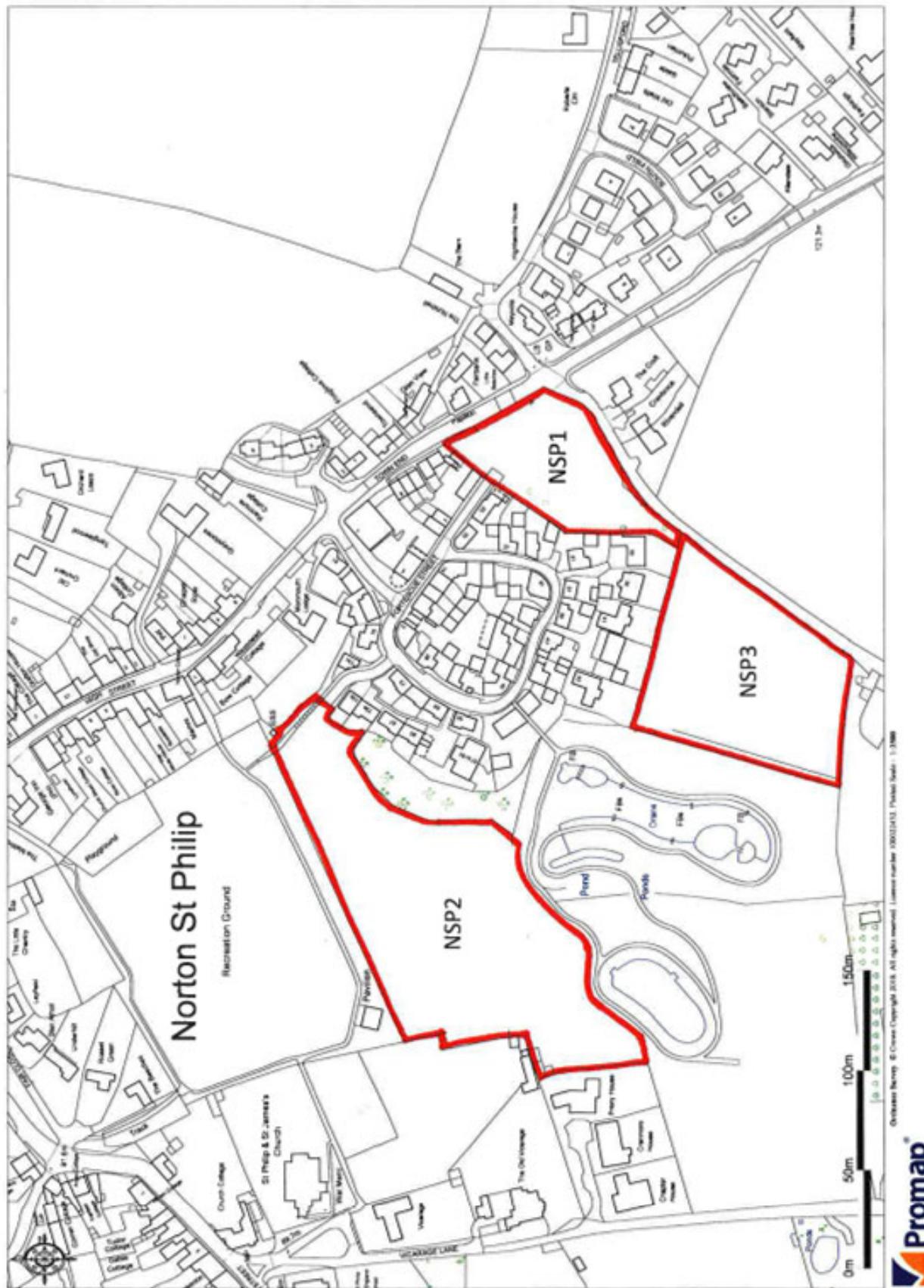


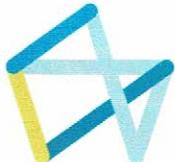
Planning Director

Enclosures:

- Appendix 01 Letter to Harrison Grant solicitors dated 24<sup>th</sup> March 2021
- Appendix 02 Mendip District Council - *Five Year Supply Position Statement* as revised 2<sup>nd</sup> March 2021
- Appendix 03 Statement of Common Ground between Natural England and Mendip District Council in relation to phosphate mitigation and Local Plan Part II, 25<sup>th</sup> January 2021
- Appendix 04 Mendip Local Plan Part II – Main Modifications Policy LP1, February 2020

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Date: 24<sup>th</sup> March 2021

**FAO: Mr Harry Campbell**

Dear Sirs

**Re: Norton St Philip Neighbourhood Plan**

We refer to your letter dated 19 October 2020, responding to our own letter dated 12 October 2020 to your client. The delay in responding is due, in part, to the fact that the Council did not have anything more to add to its previous correspondence. Matters have since moved on.

As you will no doubt recall, the Court of Appeal did find that Policy 5 in the Norton St Philip Neighbourhood Plan (“NSPNP”) is not in line with the policies for managing development in the Framework. The Council has, of course, taken the time to reflect on this and what the Court of Appeal found in that judgment. Members have had the Court’s judgement circulated, as well as the same being brought to the attention of Officers. As was correctly noted in your letter, the Council needed to take the time to re-draft Policy 5 in order to ensure that it is substantially the same as Policies 143-146 of the NPPF.

The Council similarly notes that the Court of Appeal did not uphold any of the other grounds pursued by your client.

In terms of the concrete steps, in addition to other recommended changes, the Council wishes to reflect the Court of Appeal decision’s finding by responding appropriate, and in particular Paragraph 12.3 of the NSPNP has been deleted and it is currently recommended that the same is replaced by the following wording:

*“Paragraph 101 of the NPPF sets out an expectation that Policies for managing development within a Local Green Space will be consistent with those for Green Belts (as set out in paragraphs 143-147 of the NPPF).”*

As correctly highlighted in your letter, the Council is duty bound to consult on this recommended change, so that all parties who responded to the Regulation 17 consultation are given the opportunity to make representations. This also allows the opportunity for parties to comment on any other matter they wish to comment upon. To this end, on 1 March 2021, the Cabinet of the Council agreed to carry out consultation on further modifications to the NSPNP, together with the earlier modifications identified by the Examiner and at the Cabinet meeting of 2 September 2019.

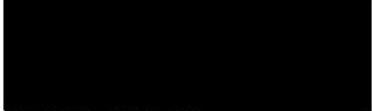
A consultation will run between **Wednesday 3 March 2021** and **Wednesday 14 April 2021**. We encourage your clients to make whatever representations they wish to make as part of the process, and the Council will ensure that they are taken into account. The relevant documents are available on the Council's website in the usual way.

The Council completely disagrees that there is a need to appoint an independent examiner to adjudicate on the question of whether the wording suggested is appropriate. This is principally, though not exclusively, because the Court of Appeal was very clear about the defective way in which Policy 5 failed to manage development in Local Green Spaces in the village. The wording recommended seeks to bring this in line with the Framework and the Council considers that this is achieved. Indeed, the Council is confident that your clients will agree with the wording proposed. Should you disagree, please take the opportunity to make your own representations explaining your reasons as part of the consultation which remains ongoing.

Finally, you are also correct that a new decision is now required and that the effect of the Court of Appeal decision was to underscore the deficiency in Policy 5. Once the consultation is complete, a new decision will be taking into account all the material considerations, including the Examiner's conclusions, the progress of the Council's Local Plan Part II and the NSPNP as a whole.

You will note that your letter has been placed on the Council's website as part of the consideration of all the material matters in this case.

Yours faithfully

  
Martin Evans  
Solicitor

# Mendip District - Statement on Five Year Housing Land Supply

## Headline Position

1. This note sets out a five year housing land position for the district as at April 2020. It also takes account of updated evidence for individual housing sites as at January 2021.
2. The Local Housing Need (LHN) target over five years is 3,145 dwellings as at April 2020. The Council estimate of deliverable supply is 2,198 dwellings. This equates to a 3.5 years supply and represents a shortfall against the LHN requirement of 947 dwellings.
3. This position statement confirms the Council cannot demonstrate a five year supply. This means that policies in the Local Plan which are related to the delivery of housing may be considered as 'out of date' where they are relevant to the determination of a housing application.

## The Five Year Housing Supply Target

4. National Planning Policy Framework (NPPF) in para 73 states that *Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old*
5. Housing requirements are set in the ***Mendip District Local Plan Part I: Strategy and Policies 2006-2029*** which was adopted on 15<sup>th</sup> December 2014. The housing requirement is 9,635 dwellings over the plan period or **420 dwellings per annum** from 2011-2029. As these policies are now more than five years old from adoption, the target figure is now based on the Local Housing Need (LHN).
6. LHN is a nationally set formula based on published statistics. It comprises a figure based on ten-year household growth plus an 'uplift' which reflects the local 'affordability' of housing in the district. The formula reflects a national policy intent that more houses should be planned for in districts where there is a significant gap between local incomes and house prices. The latest data shows that average house prices at 10.98 times more than average local earnings. This is incorporated into the formula and the full calculation for 1<sup>st</sup> April 2020 is set out in Appendix 1. The applicable **Local Housing Need Requirement figure is 599 dwellings per annum**.
7. The government consulted on proposals to change the formula for LHN in August 2020. On 16th December 2020 it confirmed the current approach for many LPAs, including Mendip, will be retained<sup>1</sup>.
8. NPPF Para 74 also states that the target should include a 5% buffer, to be added to the five year supply to ensure '*choice and competition in the market for land*'. Other buffers may be applied where Council is seeking to fix its five year supply (a 10% buffer) or where there is under-delivery based on the national Housing Delivery Test (a 20% buffer).

<sup>1</sup> <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system/outcome/government-response-to-the-local-housing-need-proposals-in-changes-to-the-current-planning-system>

9. The most recent Housing Delivery Test was published on 13th February 2021 which covers housing completions from 2017 to 2020. The published results of the test are shown in Table 1. This confirms the delivery test has been passed and the correct buffer to apply is 5%

Table 1 Housing Delivery Test Results

	Target	Period	No of homes required	No of homes built	Result
MHCLG Published 19.02.19	419	2015-2018	1257	1561	124%
MHCLG Published 13.02.20	419	2016-2019	1257	1590	127%
MHCLG Published 13.02.21	419	2017-2020	1256	1579	126%

*Table updated on 13th Feb 2021*

### **Calculation of a Five Year Supply Target Figure**

10. Table 2 shows the target five-year housing supply requirement based on the LHN requirement of 599 units per annum. The adopted plan housing requirement is shown for comparison. The LHN requirement totals 2,995 dwellings over five years. Adding a 5% buffer makes an **overall target requirement of 3,145 dwellings**.

Table 2 Mendip - Five Year Supply Target Figure

		Local Plan 2014	Local Housing Need
(a)	Housing Requirement -annual	420	599
(b)	Over 5 Years (a) x 5	2100	2995
(c)	Plus 5% buffer (b)* 5%	105	150
	5YS Target (b) +(c)	2205	3145

### **Mendip Housing Trajectory and Progress Reports on major sites**

11. The starting point for calculating the short term supply of housing over five years is an update of recent completions and the outstanding sites with permission. These figures are published as at 31<sup>st</sup> March each year. The latest development monitor can be found [here](#).

12. The 'stock' of housing sites with planning consent and other sites is then used to produce an updated trajectory for the district. The trajectory lists sites which are considered likely to deliver housing over the next 15 years and provides estimates for when dwellings could come forward. The trajectory takes into account evidence sought from developers, agents and promoters on timing and prospects for development, updates from planning officers and council records (building control and council tax).

13. For sites over 10 units (known as major sites), planning information and assumptions are set out in a series of published progress reports. Four reports cover Frome, Glastonbury & Street, Shepton Mallet/Wells/sites in north Mendip and Mendip Villages. The latest update is at January 2021.

14. The housing trajectory and progress reports can be found on this page <https://www.mendip.gov.uk/housinglandsupply> .

15. Table 3 summarises the results of the Trajectory update setting out net additional dwellings by settlement over the five years from 1<sup>st</sup> April 2020. The trajectory estimates a delivery of just around 500 houses per year over this period totalling **2,512 dwellings**.

<b>Table 3 Mendip Trajectory - Delivery of Housing over the next five years</b>						
Settlement	2020-21	2021-22	2022-23	2023-24	2024-25	Total
Frome	78	69	148	223	205	723
Glastonbury	36	99	41	49	2	227
Street	12	10	12	35	46	115
Shepton Mallet	4	7	12	14	52	89
Wells	130	133	113	91	61	528
Primary Villages	56	57	58	58	58	287
Secondary Villages	25	25	25	25	26	126
Other villages/rural	46	46	47	49	49	237
NE District	0	0	0	45	135	180
	<b>387</b>	<b>446</b>	<b>456</b>	<b>589</b>	<b>634</b>	<b>2512</b>

### **Assessment of deliverable dwellings**

16. For the purposes of calculating a five year supply, national planning guidance advises that only certain categories of sites in planning can be automatically counted as deliverable without evidence. This term is defined in Annex 2 of the NPPF<sup>2</sup>.

Housing sites that are automatically counted by the council towards the five year supply include

- Sites under construction
- Major sites which are not started but benefit from a full or reserved matters permission
- All minor sites (1- 9 net dwellings) with either a full or outline/permission

Other types of sites such as those below can only be included where there is clear supporting evidence to demonstrate there is a realistic prospect of housing delivery within five years.

- Major sites with an outline planning permission
- Sites agreed in principle subject to a s106 agreement being made,
- Adopted or emerging housing allocations in the Local Plan
- Other sites with potential - eg land on a brownfield register, sites promoted for affordable housing, current planning applications and medium-long term opportunities.

17. This means that additional assessment is needed of certain sites in the trajectory reflecting the extent the council can be confident a scheme will be started and there is clear supporting evidence. This is a matter of planning judgement but will reflect:

- Whether a site is being actively progressed by the applicant through the planning process
- Information on deliverability/viability submitted with an application, appeal or as evidence to the local plan examination.
- The extent to which the council is actively engaged in the bringing the scheme forward – such as an affordable housing scheme or development on council land.

<sup>2</sup> <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#deliverable>

- Any other issues or uncertainties affecting development

18. In the 2019 position statement, the council identified a number of sites where it considered additional evidence would be needed to establish they were deliverable sites. The contribution of these sites to the five year supply was then discounted from the trajectory totals.
19. In terms of the 2020 position statement there are some additional issues around establishing a 'the realistic prospect of delivery'. This includes the status of sites at examination and the potential impact of the Covid-19 pandemic on development activity. A further consideration is the advice issued by Natural England in August 2020 on the need for phosphate mitigation for housing sites within the catchment area of the Somerset Levels and Moors RAMSAR.
20. A national lockdown in response to the Covid-19 pandemic was implemented in March 2020 halting all construction work and the housing market. In terms of planning activity, many aspects of the council's service as well as the capacity of the private sector were also affected for a short period. However, government moved quickly to allow the restart of development activity together with 'emergency measures' to allow for continued determination of applications and support for the housing market. While there is likely to be an impact on development completions and progress on some applications in the current year (2020-2021), the council do not consider there is a case to discount the supply over the whole five year period as a consequence. Feedback from the Council's contact with applicants as part of its monitoring survey highlights many applicants on smaller schemes wanting to take sites forward as soon as lockdown is lifted.
21. Natural England advice in relation to the Somerset Levels and Moors RAMSAR site affects certain planning applications and local plan allocations. A detailed explanation of the background can be found in the council statement of common ground with Natural England and submitted to the Local Plan Part II examination. The need for mitigation solutions and its impact on timescales has been included as a factor in the trajectory and explained in the progress reports.
22. Work on identifying and developing mitigation solutions is in progress but may take 9-12 months to implement in Mendip. However, this does mean that for the purposes of the five year supply, a number of major sites have been identified which cannot be confirmed as 'deliverable' at this point in time. These are summarised in table 4 and their contribution has been discounted from the five year supply.
23. Mendip, along with other affected LPAs have raised with government their concerns regarding phosphates and the impact on housing delivery targets and the five year supply. MHCLG have responded indicating they are aware of the difficulties and supportive of the joint working. However, there is no indication local housing targets will be changed or suspended. Correspondence with MHCLG and details of joint work on phosphate mitigation in Somerset can be found on the Mendip website here. <https://www.mendip.gov.uk/phosphates>
24. The Mendip Local Plan Part II is currently at examination. Draft allocations are included in the trajectory which are capable of early delivery and contributing to five year supply. These sites have been discounted as they remain subject to confirmation in the Inspectors Report – due April 2021
25. Table 4 summarises the discounts made from the trajectory estimates. This has the impact of reducing the supply figure by 387 dwellings.

<b>Table 4: Summary of sites discounted from Trajectory</b>				
<b>Site</b>	<b>Issue or evidence*</b>	<b>Units Discounted</b>		
Land south of Elm Close	phosphates mitigation	30		
Cannards Grave Road	viability/phosphates mitigation	48		
Land at Somerton Road, Street	phosphates mitigation	55		
Land adj to Street Cemetery	phosphates mitigation	22		
Glastonbury Road (affordable housing scheme)	phosphates mitigation	23		
Land at West View - sub Road, Butleigh	phosphates mitigation	15		
Land east of Toy Farm	phosphates mitigation	14		
Land west of A367, Fosseway	remains subj to LP2 report	70		
Underhill Lane	remains subj to LP2 report	30		
Land at White Post, Fosseway	remains subj to LP2 report	80		
<b>Total</b>		<b>387</b>		
*See progress reports for additional detail and updates				

26. An annual 'windfall allowance' is not included in the trajectory estimates. However in recognition of the lag between the end of the monitoring year and publication of the position statement, an upward adjustment is made for additional minor permissions granted since 1<sup>st</sup> April 2020 - see table 5.

27. Table 6 summarises the adjustments made to the trajectory figure to arrive at a figure for deliverable supply of **2,198 dwellings**.

#### Five Year Supply Calculation

28. The five year supply calculation is set out in Table 7 which compares the target figure of 3.145 dwellings against the deliverable supply of 2,198 dwellings. The five year supply position is calculated to equate to 3.5 years and shortfall of 947 dwellings. As consequence of not being able to demonstrate a five year supply, the 'presumption in favour of sustainable development' as set out in Para 11 of the NPPF may apply.

<b>Table 5 Minor permissions granted after 1st April 2020</b>		
April, May & June 2020		38
July, Aug & Sept 2020		35
<b>Total</b>		<b>73</b>

<b>Table 6 Summary of adjustments from Housing Trajectory</b>		
Total delivery from housing Trajectory 2020/21-2024/25		2512
plus - minor sites granted (from 1.4.20 to 30.09.20)		73
less discount for sites relating to evidence/ certainty of a start within five years		-387
<b>Total deliverable Housing Supply</b>		<b>2198</b>

<b>Table 7 - Five Year Supply Calculation v Local Housing Need (2020)</b>		
Five Year Supply Requirement		3145
Total Deliverable dwellings		2198
Five Year Requirement (annual rate)		629
No of Years supply		3.5
Surplus/shortfall over five year supply target		-947

## Appendix 1

### Mendip District Council Area :Calculation of Local Housing Need using the Standard Method 2020

Calculation last made on 20th May 2020

#### Step 0 Inputs to the LHN Calculation

Table 406 - 2014-based household projections

Published on 12 July 2016

Table 5c - Ratio of median house price to median gross annual workplace based earnings by District 1997-2019

Published 19th March 2020

#### Step 1 Household Growth over 10 Years

(a)	(b)	(b) - (a)	divide/10
2020	2030		
50,170	54,447	4277	427.7
<b>Annual HH Growth (A)</b>			<b>427.7</b>

#### Step 2 Median Workplace Based Affordability Ratio (from ONS)

**10.98** From 2019

#### Affordability Adjustment

Aff Ratio	10.98	4	6.98
divide by 4			1.745
x0.25			0.43625
plus 1			1.43625

Minimum annual Local Housing Need Figure (LHN).....>

**614**

#### Step 3 Applying the 'cap'

Plan is over 5 years from adoption

The cap is the higher of annual HH growth (step 1) plus 40% or most recent plan figure (plus 40%)

But if the 'cap' is above the min LHN - you then use the LHN figure instead.

The most recent plan housing requirement (HR) is  
Average annual household growth over 10 years is  
The minimum local housing need figure (LHN) is

420
427.7
<b>614</b>

3.1 calculate HH growth plus 40%

Hh Growth	40%	Final
427.7	171.08	599

3.2 calculate plan HR plus 40%

Requirement	40%	Final
420	168	588

3.3 check which is higher cap figure ?

HH Growth plus 40% **599** is higher than plan HR plus 40% **588**  
The cap figure is **599**

3.4 compare 'cap' with min LHN

The cap figure of **599** is lower than the minimum LHN **614**

The cap figure is lower than LHN and therefore has an effect in constraining the LHN.  
The cap figure is applied in this case

**conclusion**

The current minimum local housing need figure for Mendip in 2020 is 599

## MENDIP LOCAL PLAN PART 2 EXAMINATION

### STATEMENT OF COMMON GROUND BETWEEN NATURAL ENGLAND AND MENDIP DISTRICT COUNCIL IN RELATION TO PHOSPHATE MITIGATION AND LOCAL PLAN PART 2

#### Introduction

- 1 This statement sets out an updated Council position in relation the requirements for phosphate mitigation in respect of development policies and allocations in the Mendip Local Plan Part II (LPP2) which is at examination.
- 2 This statement follows a note produced for the examination (ED36)<sup>1</sup>. The Council have also published the Natural England letter dated 17<sup>th</sup> August 2020 (ED37A) and its advice identifying the risk from the impact of additional development on the water quality of the Somerset Levels and Moors RAMSAR site.
- 3 A second letter from Natural England (11<sup>th</sup> December) provided to the Inspector confirms this advice relates to plan-making and the Local Plan Part II (See Appendix 1).
- 4 The statement has been prepared at the Inspector's request "*that Mendip District Council set out how this issue is being addressed, timescales and information on the sites affected*'. The request also notes that "*it would be helpful if these are agreed with Natural England*."
- 5 Areas of agreement are set out at the conclusion to this position statement.
- 6 There are three schedules which supplement this statement:
  - Schedule 1 provides a summary of the actions being undertaken to put in place a mitigation strategy for phosphates
  - Schedule 2 sets out the Council's assessment of draft development allocations in LPP2 and their status in relation phosphate mitigation
  - Schedule 3 sets out suggested revisions and additions to policies and text to the LPP2 which could be considered as further Main Modifications for consultation

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<sup>1</sup> These are examination documents available on the council website  
<https://www.mendip.gov.uk/localplanexamination>

## Background

- 7 The Somerset Levels and Moors RAMSAR site is designated for its internationally important wetland features including the floristic and invertebrate density and species of its ditches.
- 8 NE advice (ED37C) confirms that the condition of the RAMSAR is unfavourable from the effects of excessive phosphates. It states that "*although improvements to Sewage Treatment Works along with other measures to tackle agricultural pollution have been secured, these will not reduce phosphate levels sufficiently to restore the conditions of the RAMSAR site features*".
- 9 The NE advice also includes an indicative map which shows the hydrological catchment area of the RAMSAR site (ED36B). NE advises that where development is identified as giving rise to additional phosphates within this catchment area, planning permission should not be granted unless a Habitat Regulations Assessment (HRA) has been undertaken. This should proceed to an appropriate Assessment where a likely *significant effect* cannot be ruled out, even if proposals contain pollution mitigation. The Council's note ED36 provides a list of development allocations within the submitted plan which fall within the hydrological catchment of the RAMSAR site.
- 10 The NE Letter (ED37A) gives details of the types of development affected. Those most relevant to LPP2 include additional residential units and some forms commercial development.
- 11 The letter also states that a 'nutrient neutrality;' approach is likely to be a lawfully robust solution to enable the grant of planning permission.
- 12 The position of Wessex Water is that it is a matter for Local Authorities and Natural England as 'competent authorities' to ensure compliance with environmental legislation with regard to their local plans and the determination of planning applications. Wessex Water have published a position statement ( see appendix 3).
- 13 In terms of the Mendip Local Plan Part 2, the Council propose to make revisions to policy which will require a phosphate neutral approach on those sites where assessed impacts on the RAMSAR site cannot be discounted. The revisions will also be evidenced through updated HRA/AA.

## **Progress on a strategy for phosphate mitigation in Somerset**

- 14 It is important to confirm that phosphate mitigation represents a cross-boundary and Somerset-wide issue. ED36 references the commencement of joint working on mitigation solutions across Somerset to enable development proposals to demonstrate 'phosphate neutrality'. Progress to date is summarised in the briefing note in Appendix 1
- 15 Schedule 1a provides a detailed summary of joint activities and workstreams underway or in the process of commissioning. The immediate priorities have been measures to quantify the extent of phosphate mitigation (the calculator) and risk/management of applications under consideration.
- 16 The Somerset local authorities are also working in close liaison with Wessex Water (WW) who are developing a 'catchment market' for mitigation projects. Similar projects to achieve nitrate neutrality have been established in other parts of the country. WW is already engaging with farmers and developers to gauge interest and is developing a regulatory/pricing framework.
- 17 Schedule 1b provides a summary list of the current options for mitigation solutions and potential timescales. Progress on actions and information for developers will continue to be updated on the Councils website at.  
<https://www.mendip.gov.uk/phosphates>

## **LPP2 Habitat Regulations Assessment (HRA)**

- 18 Local Plan Part II is supported by a Habitat Regulations Assessment (HRA) . This was produced by Somerset Ecology Services (SES) who provide environmental assessments for Somerset County Council and Somerset LPAs. The HRA provides an assessment of likely significant effects on internationally designated sites present within the district. It also provides recommendation for mitigation measures which have been included in draft policy. These form the basis for negotiation of detailed mitigation proposals when applications are submitted.
- 19 An [HRA](#) (as at October 2018) was submitted alongside the Plan in January 2019. An addendum to the HRA was published as part of the consultation on the Main Modifications of the Local Plan Part II.

## **Phosphate Mitigation as it applies to Local Plan Part II**

- 20 Natural England have confirmed that Local Plans must also take account of the impacts of phosphates. Therefore, in allocating development sites within

the catchment area an HRA must be carried out and mitigation measures, if necessary included within policies.

- 21 Schedule 2 identifies 19 development allocations in LPP2 which fall within the area of 'risk' provided by Natural England. The schedule includes the conclusions of the previously published HRA for these sites and indicative assessment of whether they are judged to give rise to impacts on the RAMSAR site.
- 22 Schedule 2 represents an interim update to the HRA based on an assessment of sites using a precautionary approach. This is based on the evidence available to date and will be refined and revised in response to the technical work being undertaken by SES and consultants as detailed in schedule 1.
- 23 In the event of further main modifications are recommended by the Inspector, the Council will seek to publish updates to schedule 2 or a full revised draft of HRA. The Council will work with Natural England and SES to ensure the updated/revised HRA and its conclusions provide a robust and sound basis to support the Inspectors recommendations.

### **Precautionary Approach**

- 24 The Council have assessed that all these allocations – except for site DT2 which has a full and implementable permission – as likely to have an impact on the RAMSAR site and will require a mitigation solution. Taking a precautionary approach, potential mixed use and employment sites are included, although these may be screened out at a later stage.
- 25 Preliminary feedback on 2 allocations (WM1 and DR1) indicate they do not have direct hydrological connection to the RAMSAR. However, it cannot be assumed at this stage that there will no phosphate mitigation requirement as there may be other water flows and pathways still to be assessed.

### **Proposed Revisions to LPP2 policies and text**

- 26 The Council consider there should be pragmatic approach to incorporating the NE advice and reference to mitigation requirements into LPP2. The Plan was submitted in February 2019 and following two phases of public hearings is considered to be at a very advanced stage in its examination process.
- 27 Schedule 1, for example highlights that work is being commissioned to develop a development management policy and guidance for developers. However, this will not be available until late 2021. Assessment and technical work is therefore at too an early stage to include either a development management policy or detailed mitigation requirements for development sites into LPP2.

28 Taking account that LPP2 is not a strategic plan and the circumstances of the examination process, It not considered appropriate to put the Plan on hold to await work on the emerging mitigation strategy.

29 Schedule 3 sets therefore out proposed amendments to LPP2 policy and text to include reference to potential impacts on the RAMSAR site and specific reference to phosphate mitigation. Changes are also proposed to the context section of the plan and in relation to Policy DP24 (self build). The Council consider that references to demonstrating phosphate neutrality will enable the plan to be HRA compliant.

### **Implications for delivery of site allocations in LPP2**

30 Schedule 2 provides details the current planning status of the allocations with the area of risk, development proposed and the timescales for housing delivery which are reflected in the plan trajectory. The sites subject to HRA and within the area of risk include both short, medium and longer-term sites. A number of allocations are already subject to applications under consideration.

31 As set out in schedule 1, the council anticipates that a systemised approach to HRA assessment and mitigation requirements will emerge in spring/early summer 2021. The timescales to implement mitigation solutions will take longer but could start to be operational by Autumn 2021.

32 Parties with submitted applications 'at risk' have been informed of the implications of phosphate mitigation. A number of site promoters and developers will also be exploring their own site specific solutions or have already had discussions with SES .

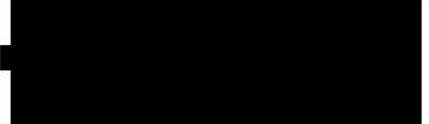
33 Schedule 1 indicates applicants and developers can expect a phosphate mitigation strategy would be operational in Somerset this year (2021).

34 Overall, the council are confident that the phosphate mitigation requirements do not justify a re-assessment of plan delivery.

## **Matters agreed with Natural England**

35 The following matters in respect of this position statement have been agreed with Natural England. These are without prejudice to further representations that NE may wish to make in the light of emerging technical work and in formal response to additional consultation on the Plan.

- a) The Council's interpretation of its advisory letters concerning phosphate mitigation in Mendip and proposed development allocations
- b) Confirmation of the engagement of Natural England in the joint working on the phosphate strategy as described in Schedule 1
- c) The Council's approach regard to revisions to Local Plan Part II in line with a precautionary approach and the need to progress the examination process
- d) The Council's preliminary assessment of the development allocations in Schedule 2 which fall within the indicative area and are likely to give rise to significant effects on the Somerset Levels and Moors RAMSAR site
- e) The proposed text revisions to Plan policy as set out in Schedule 3
- f) That Natural England will work with the Council to ensure an updated/revised HRA and its conclusions provide a robust and sound basis to support the Inspectors recommendations and Plan adoption.

Signed on behalf of Natural England		
Name & Position	Signature	Date
Simon Stonehouse Senior Planning Adviser Wessex Team		26.01.21

Signed on behalf of Mendip District Council		
Name & Position	Signature	Date
Andre Sestini Principal Planning Policy Officer		25.01.21

## **Appendix 1**

**Natural England Advice regarding Local Plans and Phosphates = 11<sup>th</sup>  
December 2020**

Date: 11 December 2020



**BY EMAIL ONLY**  
[Andre.Sestini@mendip.gov.uk](mailto:Andre.Sestini@mendip.gov.uk)

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Mr Sestini

**Mendip Local Plan Part 2: AP2 Matters regarding development in relation to the Somerset Levels and Moors Ramsar Site**

Thank you for your consultation on the above dated 30 November 2020 which was received by Natural England on the same date. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

In response to the question raised by the Planning Inspector for the Mendip Local Plan Part 2, I can confirm that Natural England's advice note to Mendip District Council dated 17 August 2020 (ED37A) regarding phosphates and the Somerset Levels and Moors Ramsar Site applies to plan making within the district and as well as development management.

It should be noted that the area covered in blue on the map (ED37B) was provided as an indicative map of the fluvial catchment of the Ramsar Site. Further investigation by Somerset's County Ecologist team has confirmed that parts of the lower catchment of the River Axe in the north west of Mendip district are not hydrologically linked to the Ramsar site and we therefore understand that waste water for two of the allocation sites – DR1 at Draycott and WM1 at Westbury sub Mendip – will not affect it.

You have also provided Natural England with a copy of the '*Update in relation to habitat regulations assessment of the plan and Natural England advice on phosphates*' (ED36). This provides a useful starting point for considering a revised Habitat Regulations Assessment for the Local Plan Part 2 to take account of the advice on the Somerset Levels and Moors Ramsar Site. We welcome the fact that your Authority has commissioned consultants to support you in identifying solutions that can enable development to achieve 'nutrient neutrality' in respect of phosphates. We will continue to provide advice and support on the detail of that work.

Yours faithfully

Simon Stonehouse  
Natural England Wessex Team

## Appendix 2

### Briefing Note on Phosphates for Somerset Leaders - 15<sup>th</sup> January 2021

#### Background

1. The quality of the natural environment in Somerset is of a particularly high standard. Within the Somerset Levels and Moors, there are various locations of national and internationally significance for wildlife. They are designated as a Special Protection Area (SPA) under the Habitat Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention.

#### Natural England Letter

2. However, in light of a court Judgement (known as Dutch N), in August 2020, Natural England advised that new development should not give rise to additional phosphates within the catchments of the Rivers Tone, Parrett, Brue and Axe. The impact of this was that affected planning applications could not be determined unless developers are able to provide evidence that their development did not cause an impact and future developments will have to prove phosphate neutrality. A copy of the advice letter/ advice note from Natural England (available at: <https://www.somersetwestandtaunton.gov.uk/media/2434/natural-england-advice-to-lpas-on-nutrients-in-the-somerset-levels-and-moors.pdf>) provides a helpful explanation of the issues and the types of development affected.

#### Council response to Natural England Letter

3. Recognising the impact the legal ruling and Natural England advice could have on recovery plans, the councils have moved swiftly to review existing applications to assess which applications were still viable for determination. Collectively the district Councils wrote to central government in December 2020 setting out the anticipated impacts for our area and our request for support (<https://www.somersetwestandtaunton.gov.uk/media/2535/letter-to-the-secretary-of-state-from-all-somerset-authorities.pdf>).
4. In order to move this matter forward Somerset West and Taunton (SWT) took the lead to commission work to develop a phosphates calculator. They were swiftly joined by Mendip and South Somerset DC. The phosphate calculator will allow applicants to calculate their phosphate budget and mitigations so that the development does not adversely affect the Somerset Levels and Moors Ramsar Site. It is anticipated that the phosphate calculator will be launched in February 2021. While this piece of work is being undertaken we will not be able to determine any of the affected planning applications unless the developer / applicant are able to provide their own solution.
5. With regard to other short term solutions, to help clear the current backlog of planning permissions additional ecology staff have also been recruited to handle the additional case load

of Habitat Regulation Assessments to deal with the phosphates issue that the Natural England letter necessitates.

6. Turning to longer term solutions, a Phosphates Strategy for Somerset will also be delivered by the councils to enable economic growth to continue in compliance with both the legal ruling and our aspirations for clean growth. This work will be in partnership with Natural England, the Environment Agency; and Wessex Water. The outcomes of this work is expected to be in the autumn of 2021.
7. With regard to a response from central government, SWT were recently awarded £105k from Homes England to support them with the phosphates work in order to help unlock Staplegrove garden community and the Housing Investment Fund (HIF). This is £80k for the phosphates calculator and strategy work and £25k for the ecology staff to help clear the backlog of HRAs.
8. To keep everyone informed of progress, the Councils are regularly updating their phosphates webpages.
9. Such activity by the Councils is not occurring in isolation. Wessex Water will brief everyone about their phosphate reduction plans in January 2021.

Source: Paul Browning [P.Browning@somersetwestandtaunton.gov.uk](mailto:P.Browning@somersetwestandtaunton.gov.uk)

## Appendix 3

### Wessex Water

#### Position statement on nutrient-neutral requirements for new development

Wessex Water's water recycling centres (WRCs) accept additional flows and loads from housing developments as we have planned sufficient capacity for allocated development.

1. Our WRCs and the environmental permits that govern them are designed to reflect increases in population levels due to development over a 25-year design horizon, however, the Dutch Nitrogen case has meant that this is no longer the case for WRCs which discharge into or upstream of the Somerset Moors and Levels Ramsar site.
2. Prior to the legal precedent set by the Dutch Nitrogen Case, nutrient neutral development had already been incorporated into planning policy for developments impacting the Hampshire Avon (relating to phosphorus discharges) and Poole Harbour (nitrogen discharges). There is the potential that this requirement may be extended to other sites designated under the Habitats or Birds Directives where nutrient levels are demonstrated to be an issue.
3. It is for the Local Planning Authority and Natural England to determine what phosphorus neutrality is, how this should be calculated and demonstrated.
4. It is for the developer to demonstrate to the Local Planning Authority and Natural England, as part of the planning process, that their development satisfies these requirements.
5. Wessex Water has no influence over these requirements through the planning process. We can only accept flows from new developments once planning permission has been granted and the Local Planning Authority and Natural England are satisfied that the relevant phosphorus neutrality tests have been achieved.
6. Wessex Water is already required to meet nutrient reduction targets set by Natural England and the Environment Agency at a number of its WRCs. Solutions for nutrient reduction at these sites will be at technically achievable limits and we will therefore not be able to provide additional nutrient removal for developments. At some sites, the targets set are below what is technically achievable and so we will be pursuing Catchment Market opportunities (see final paragraph below) to deliver all our obligations for nutrient reduction.
7. If promoters of development sites are considering standalone private treatment arrangements, please be aware that they will require Local Planning Authority, Natural England and Environment Agency approval. Wessex Water will not subsequently adopt private treatment assets or upstream sewerage networks unless they are designed and constructed to adoptable standards as explained [here](#).

The Wessex Water Group is actively working with regulators and Local Authorities to come up with a catchment solution to the problem through a Catchment Market in nature based projects. Wessex Water Group's wholly owned subsidiary, [EnTrade](#), is one provider of these solutions. However other options are available within these catchments.

Matt Wheeldon  
Director of Assets and Compliance  
On behalf of Wessex Water  
January 2021

Source <https://www.wessexwater.co.uk/services/building-and-developing/nutrient-neutral-development-position-statement>

# Mendip Local Plan Part II - Sites and Policies

## Track Change Plan including Proposed Main Modifications

### Sections 1 – 9

#### Key

References to Proposed Main Modifications are shown highlighted

[MM01] – Refers to Council's schedule of modifications

(MM2) – refers to Appendix 1 of Inspectors Note ED20

Revised policy and supporting text are shown underlined

Significant sections of deleted text are shown in ~~strike through~~ where this assists

#### Notes

This is not a full track- changes document.

Proposed Changes are included but not highlighted. These were examined with the Plan  
Underlined text without a reference are minor modifications

## Mendip Local Plan Part II

2.7 The Mendip Local Plan Part II is not a new plan for the District and does not replace the Policies in the Part I Plan. However, the Part II Plan does provide clarification where appropriate and also addresses matters specifically highlighted for review at this stage in Local Plan Part I.

2.8 The Plan allocates sites for development over the same Plan Period which is 2006 - 2029.

2.9 The additional development management policies align and support the objectives of the Part I Plan. A number of policy areas were considered for inclusion in the Local Plan Part II but are considered to be more appropriate to be addressed in the Single Local Plan Review. This will also take into account proposed changes in the NPPF in 2018.

### **Policy LP1: Future Development Plan Review [MM01] (MM2)**

2.10 Local Plan Part II forms part of the Council's development plan timetable - the Local Development Scheme or LDS - which was agreed in January 2017.

2.11 Following adoption of this Plan, the Council is committed to undertake an immediate review of Local Plan Parts 1 and 2. This is likely to be a full single local plan (i.e. combining strategic and non-strategic policies) over a revised plan period.

2.12 The Local Plan Review will take into account the district housing requirement set by the standard method (Local Housing Need) and changes to the National Planning Policy Framework since the Part 1 Plan was adopted.

2.13 In recognition of the significant shortfall in gypsy and traveller pitches, at least one site will be allocated unless a site has been identified in a separate document already submitted for examination. [MM01] (MM2)

### **Policy LP1: Future Development Plan Review**

The Council commits to an immediate review of the Local Plan Part 1 and Part 2. One or more documents will be produced which replace, revise or update adopted policies. The review of the Local Plan will commence within 2 months of adoption of the Local Plan Part 2. The Council also commit to submit a successor development plan to the Planning Inspectorate within 3 years of commencement.

The replacement Mendip Local Plan will extend the existing Part 1 plan period by at least 5 years and as a minimum will review the following matters:

- The housing requirement for Mendip and the housing supply needed to meet this need;
- Any unmet need arising from adjacent authorities;
- Employment land requirements for Mendip as identified through an updated comprehensive evidence base;
- Provision for Gypsies, Travellers and Travelling Showpeople (GTTS), to include at least one site to accommodate the needs of the Gypsy and Traveller

community unless a site has already been allocated in a submitted development plan document; and

- An evidence-based assessment of highways and other infrastructure needs, in partnership with Somerset County Highways Authority and Highways England.

**[MM01] (MM2)**

### 3. Housing Land

#### Housing Requirements and Local Plan Part II

3.1 The housing requirement in Local Plan Part I provides the starting point for considering the delivery levels to be obtained from sites in this Plan. It also forms the basis for the calculation of the five year housing supply.

3.2 The Part I Plan establishes a requirement of 420 dwellings per annum over the period from 2011 to 2029. This was tested through the Local Plan examination and takes into account national household projections, assumptions about long term migration rates and other factors.

#### Strategic Housing Market Assessment

3.3 Since the Plan was adopted, the Council have published two studies which provide an updated picture of housing need in the District and the extent of the local Housing Market Area (HMA). The findings of these studies do not replace the adopted plan figure but are a significant consideration in assessing housing delivery through Local Plan Part II.

3.4 The conclusions of the Housing Market Area study<sup>2</sup> demonstrate that Mendip District can be treated as a self-contained HMA. This means that for practical purposes, Local Plans can continue to be prepared for the area to address housing need arising in Mendip without a specific need for joint planning with neighbouring areas.

3.5 The Strategic Housing Market Assessment (or SHMA)<sup>3</sup> updates the Mendip Housing Needs study (mid 2011) and the 2011-based housing projections incorporated in Local Plan Part I. It provides an estimate of *Objectively Assessed Need* which is the level of housing required in a HMA before any constraints (such as planning policy or land supply) are taken into account.

3.6 This study concludes that OAN can be considered as reasonable and justified within a range of 411 – 491 dwellings p.a. It also recommends that, as a starting point, a level towards the higher end of the range would be more robust. This takes into account sensitivity testing using alternative assumptions in the projections and a better alignment of housing with job growth.

<sup>2</sup> Housing Market Areas and Functional Economic Areas in Somerset (ORS) Sept 2015.

<sup>3</sup> Mendip, Sedgemoor, South Somerset and Taunton Deane – Strategic Housing Market Assessment (Oct 2016), JG Consulting