



DLA Piper UK LLP



Andre Sestini
Planning Policy
Mendip District Council
Cannards Grave Road
Shepton Mallet
BA4 5BT

Your reference

Our reference

TPA/TPA/420330/1
UKM/102291180.1

12 March 2020

By Email Only

Dear Sirs

MENDIP LOCAL PLAN PART 2 - PROPOSED MAIN MODIFICATIONS

We act for the Parish Councils of Beckington, Norton St Philip and Rode.

Please find enclosed herewith:

- i. A completed pro forma;
- ii. Statement of Representations; and
- iii. One Appendix.

These are submitted in advance of the extended deadline of 13 March, 2020, previously agreed between your Mr Sestini and our clients' Mr Abbott by exchange of emails on 12 February, 2020.

If you require any further information then please contact us using the details at the head of this letter.

Yours faithfully

DLA PIPER UK LLP

encl.

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UK switchboard
+44 (0) 20 7349 0296



INVESTOR IN PEOPLE

Local Plan Part II: Consultation on Proposed Main Modifications – Contact Form

The Council is inviting responses on its Main Modifications to the Local Plan Part II. These will be provided to the Local Plan Inspector to be considered in the examination.

► An **information note** gives guidance on what you can comment on at this stage.

Copies of this form are available from the Council Offices and Access Points or from www.mendip.gov.uk/localplanpart2. If you require this document in another format such as Braille, large print or another language or for other queries, you can contact us at planningpolicy@mendip.gov.uk or via Customer services (0300) 303 8588.

Contact Details

*If you have appointed somebody to act as your agent, please give their contact details.
All correspondence will be sent to the agent*

Name:	Agent Name:
Organisation (if applicable):	FAO Tobias Shaw Paul
The Parish Councils of Beckington, Norton S Philip and Rode	Company Name:
Address:	DLA Piper UK LLP
c/o DLA Piper UK LLP	Address:
[REDACTED]	[REDACTED]
Postcode: [REDACTED]	Postcode: [REDACTED]
Email:	Email: [REDACTED]
Tel:	Tel: [REDACTED]
Date completed	Date completed 12 March, 2020

You can also attach one contact form to a group of representations.

Data protection – please read -The information collected as part this consultation will be processed by the Council in accordance with the Data Protection Act 1998. The purposes for collecting this data are: to assist in plan making; and to contact you, if necessary, regarding the planning consultation process. Please note that representations must be attributable to named individuals or organisations at a postal address. Representations and contact names will be published on the Mendip website but no other personal information

Please return your response by 5pm Monday 2nd March 2020

By post to: Planning Policy, Mendip District Council,
Cannards Grave Road,
Shepton Mallet, Somerset, BA4 5BTs

By email to: planningpolicy@mendip.gov.uk

By hand to: The Council offices in Shepton Mallet (address above) or a Access Points

Copies of this form are available at www.mendip.gov.uk/localplanpart2, at the Council offices and Council Access Points - <https://www.mendip.gov.uk/councilaccesspoints>

Local Plan Part II: Consultation on Main Modifications

Please use this form to submit responses to the Main Modifications and supporting documents.

Please read the supporting Information note for guidance which explains what you can respond on in this consultation and the technical terms.

Name /
Organisation

The Parish Councils of Beckington, Norton St Philip and Rode

Q1: Which Main Modification are you responding on?

MMRef Number, Topic, Site or Document

Your representation must refer to the Main Modification, Map Reference or supporting document

MM04, MM05, MM09, MM10, MM11, MM12, MM58, MM59, MM60, MM61, MM62, MM66, MM68, MM69, MM111, MM113, MM114, MM120, MM122 and MM123

Q2a: Is the Main Modification Legally Compliant

☒ yes

☐ no

(tick box)

Q2b: Is the Main Modification Sound

☒ yes

☐ no

(tick box)

'Legally compliant' means the Proposed Change to Mendip Local Plan Part II has been prepared in line with the Council's Statement of Community Involvement (SCI), and meets the requirements for engagement, consultation and 'duty-to-co-operate' in national planning legislation and has been subject Sustainability Appraisal/ Habitat Regulations Assessment – See Information Note.

'Sound' means the Proposed Change is positively prepared, justified, effective and consistent with national policy (see paragraph 182 of the National Planning Policy Framework). – See Information Note.

Q3: If the Main Modification is not Sound – is this because it is NOT:

Positively Prepared

☒

Justified

☒

Effective

☒

Consistent with National Policy

☒

These terms are explained in the Information Note. You can tick more than one

► **Please set out your reasons in the Detailed Response Box on the next page.**

► Please use a separate form for each representation.

► Please succinctly cover all the information, evidence and supporting information necessary to support/justify your comments. It is not necessary to repeat any points that you have made to previous consultations as these have already been sent to the Inspector.

► Please provide details of why you support or do not support the Main Modification and list any changes you consider necessary to make the Local Plan Sound (eg alternative policy wording)

Continue on separate sheet or expand box

Detailed Response to Main Modifications

Name:

Please refer to the annexed Representations with Appendix.

REPRESENTATIONS

1. Introduction

- 1.1 We act for the parish councils of Beckington, Norton St Philip and Rode (our "**Clients**"). This document sets out issues of common concern to our Clients regarding the methodology used to select draft allocations for new housing through proposed main modifications MM04, MM05, MM09, MM10, MM11, MM12, MM58, MM59, MM60, MM61, MM62, MM66, MM68, MM69, MM111, MM113, MM114, MM120, MM122 and MM123. Our Clients are of the view that this methodology was flawed for the reasons explained below and object to the main modifications.
- 1.2 We do not make submissions with respect to the merits of the draft allocations themselves. To the extent that our Clients have parish or allocation specific submissions these will be made separately on a parish-by-parish basis.
- 1.3 We have had the advantage of reading the comments of Bath & North East Somerset Council ("**BANES**") dated 31 January, 2020¹. Our Clients agree, for the reasons set out therein, that the proposed main modifications are not legally compliant or sound including, in particular, the interaction with the duty to co-operate and the failure to carry out adequate sustainability appraisal.

2. Background

- 2.1 The current statutory development plan for Mendip District (the "**District**") is largely comprised within the Mendip District Local Plan Part I: Strategy and Policies DPD ("**LPP1**")² which was adopted by Mendip District Council (the "**Council**") on 15 December 2014 (together with a small number of 'saved policies'). LPP1 sets out a long term strategic vision for the future of the District and how it will develop over the plan period to 2029.
- 2.2 LPP1 provides the main basis for decision making in relation to planning applications made to the Council. It establishes an overarching development vision and key objectives for the District based on evidence and consultation which subsequent policies and proposals should aim to deliver.
- 2.3 LPP1 contains a number of core policies (hereafter referred to using the following convention: "**CP[number]**") about broadly what scale of new development is needed, where that growth should be located, which key initiatives or projects to pursue and other key principles. It contains an overall spatial strategy for the district, broad principles to direct how development will take place across the extensive rural part of the district as well as specific policies for each of the five principal towns.

¹ MM Rep No 145

² Submission Document SD33

- 2.4 LPP1 also sets out development management policies which will be applicable, to a greater or lesser degree, to all proposals for development in the District. These policies (hereafter referred to using the following convention: "**DP[number]**"), together with the National Planning Policy Framework, enable the Council to manage impacts on areas where there are constraints on development or where the Council is seeking to manage particular effects. In most cases the policies are permissive – i.e. saying what can be achieved – but put in place relevant criteria which will need to be satisfied during the conception or design stages of preparing a development proposal.
- 2.5 LPP1 is supplemented (or will be supplemented) by a number of other documents forming part of the statutory development plan. These include:
- (a) Local Plan Part II: Sites and Policies DPD ("**LPP2**") – the subject of the present Examination which identifies or 'allocates' sites to deliver specific, but non-strategic, development needs as guided by the principles contained in LPP1. LPP2 may also include designations of other land to safeguard it from development where justified.
 - (b) Neighbourhood Plans – introduced by the Localism Act, 2011, these are parts of the statutory development plan relevant to a specific local area and represent policies and proposals made at a community level as guided by the principles contained in LPP1. A neighbourhood plan has already been adopted for the parish of Rode and a draft neighbourhood plan for the parish of Norton St Philip is at an advanced stage³.

3. LPP2 examination

- 3.1 As described above, the draft LPP2 is currently undergoing a process of examination prior to final adoption by the Council. The purpose of the examination is inter alia to determine whether it is 'sound'. Plans are sound if they are:
- (a) Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - (b) Justified – the plan should be an appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - (c) Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - (d) Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in national planning policy.
- 3.2 Current national planning policy is set out in the National Planning Policy Framework ("**NPPF**") published in February 2019 ("**NPPF19**"). This updated the NPPF published in July 2018 ("**NPPF18**") which itself updated the original NPPF published in 2012 ("**NPPF12**").

³ Following the grant of an interim injunction to prevent the planned referendum taking place, the adoption of this neighbourhood plan has been postponed pending the outcome of a legal challenge brought by Lochailort Investments Ltd.

- 3.3 The draft LPP2 was submitted to the Planning Inspectorate on 23 January 2019. This means that under NPPF18 and NPPF19 (in both instances, n. 214) it falls to be assessed for soundness against the policies set out in the revoked NPPF12.
- 3.4 LPP2 must also be considered in light of the strategic policies of LPP1 which are addressed in further detail below.
- 3.5 It should be noted that our Clients did not object to the draft LPP2 as submitted for examination by the Council and, as such, did not participate in the previous examination hearings as 'main parties'. Similar to BANES, our Clients' concerns have arisen as a result of the proposed main modifications to make additional housing allocations in the north-east part of the District.
- 3.6 Our Clients are particularly concerned that the addition of these modifications at such a late stage – on a flawed basis – means that the communities they represent have been presented with a fait accompli rather than these changes being considered on an holistic basis as part of the District-wide allocations process undertaken prior to submission of LPP2 for examination.

4. Approach to additional housing allocations is incorrect

505 dwellings already allocated in submission version of LPP2

- 4.1 Following examination hearings, the LPP2 Inspector has identified a need for the Council to consider additional housing sites with a capacity of 505 dwellings to make LPP2 capable of being considered sound. The need for additional allocations is set out in the Inspector's Interim Note dated 10 September 2019⁴.
- 4.2 Paragraph 17 of the Interim Note states that the draft LPP2 has not addressed a strategic expectation to consider allocations for housing development to provide 505 dwellings. This figure is derived from policy CP2 which made a provision for the delivery of an additional 505 dwellings as a result of the LPP1 plan period being 'rolled forward' for an additional year to end in 2029. This level of dwellings forms part of the overall LPP1 requirement of 9,635 dwellings across the District, but which were not allocated to any specific settlement when LPP1 was adopted. LPP1 paragraph 4.21 indicates that this will be addressed through LPP2.
- 4.3 As a result, the Inspector has requested a main modification ("**MM5**") in the following terms:
- “Allocation of 505 additional dwellings (with reference to the table in core policy CP2 and para 4.21 of the supporting text) in the north-east of the District, at sites adjacent to Midsomer Norton and Radstock, and on sustainable sites at primary and secondary villages within this part of the District. All the sites considered for possible allocations, including those identified in Note IQ-3, will be subject to Sustainability Appraisal.”
- 4.4 The requirement for MM5 means that changes are being proposed to the draft LPP2 which were not supported by the Council in the pre-submission version of the plan. The overall housing allocations included in the submitted LPP2 were 11,253 dwellings which is 1,618 dwellings more than the LPP1 policy CP2 minimum requirement of 9,635. In preparing LPP2 the Council was able to identify and allocate sites to deliver these dwellings (including the additional '505

⁴ Examination Document ED20

dwelling's') in the most sustainable locations, in accordance with the LPP1 spatial strategy, to meet additional housing needs across the District as a whole.

- 4.5 Indeed, we understand that the new allocations proposed in these main modifications were not assessed or allocated in the submitted draft LPP2 because the Council had undertaken further assessment and was able to find more sustainable locations in accordance with the overall spatial strategy in LPP1 policies CP1 and CP2 to meet District's needs, including the 505 additional 'rolled forward' dwellings. Therefore, sites in the north-east of the District were not allocated in the submitted draft LPP2 because the Council could more sustainably meet its housing needs elsewhere⁵.

505 dwellings required to meet District-wide need – not limited to north-east

- 4.6 Paragraph 16 of the Interim Note provides further explanation for the approach taken by the Inspector:

"The table in policy CP2 of LPP1 makes specific reference to an additional figure of 505 dwellings; furthermore, paragraph 4.21 in LPP1 refers to the requirement to address the housing needs of the north-eastern part of the District, including land adjacent to the towns of Radstock and Midsomer Norton. These two towns are located just over the Mendip border in the local planning authority (LPA) of Bath and North-East Somerset (BANES)." [emphasis added]

- 4.7 The reasoning behind this conclusion is unclear, but appears to be based on the Inspector's reading of the LPP1 Inspector's Report and LPP1 itself, supplemented by discussion at the examination hearings to which our Clients were not party as they did not object to the allocation approach taken in the submission version of LPP2. Our Clients submit that the Inspector is clearly mistaken in this regard.
- 4.8 As set out above, the requirement to provide an additional 505 dwellings originally resulted from an updated housing review and consequent rolling forward of the LPP1 plan period for an extra year to 2029. Contrary to the assumption in paragraph 16 of the Interim Note, the requirement to provide an additional 505 dwellings is as a contribution towards District-wide needs arising from the roll-forward and is not required in order to meet the particular local needs of the north-eastern part of the District. Interpreting this district wide requirement to be specific to the north-east of the District and therefore to require sites to be allocated in this artificially restricted area goes beyond the requirements of LPP1 and is clearly a perverse interpretation.
- 4.9 That this requirement for additional dwellings relates to the District as a whole is also clear from paragraph 23 of the LPP1 examination Inspector's Report⁶ which states in terms that "the Local Plan Part II Allocations document will need to find sites for an additional 500 or so sites across the District" [emphasis added].
- 4.10 LPP1 paragraph 4.21 was therefore added as a main modification during the examination of LPP1 and states in full:

⁵ Cf. Examination Document IQ7

⁶ Submission Document SD34

"The Review of Housing Requirements (2013) and the rolling forward of the plan period to 2029 will result in an additional requirement for 505 dwellings in the District. This will be addressed in Local Plan Part II: Site Allocations which will include a review of the Future Growth Areas identified in this plan. The Site Allocations document will also be able to take account of issues in emerging Neighbourhood Plans, updated housing delivery, revised housing market areas and housing needs identified through cross boundary working. Allocations from this roll-forward are likely to focus on sustainable locations in accordance with the Plan's overall spatial strategy as set out in Core Policy 1 and may include land in the north/north-east of the District primarily adjacent to the towns of Radstock and Midsomer Norton in accordance with paragraph 4.7 above." [emphasis added]

- 4.11 LPP1 paragraph 4.21 therefore makes clear that the additional 505 dwellings are to be allocated in accordance with the overall spatial strategy set out in policy CP1 and are not limited to allocations in the north-east of the District. Whilst it acknowledges that land in the north-north-east "may" be allocated, it does not require this or limit the geographic distribution of such allocations.

- 4.12 Moreover, the LLP1 examination report specifically concluded at paragraph 24 that:

"No substantial evidence has been put forward which would justify going further than this and including a reference in Core Policy 1 which would commit the Council to directing some development towards Radstock and Midsomer Norton....On the basis of the information available I consider that the Council is correct to take the approach that it does in the Plan and simply state in general terms that these houses will be located in accordance with the Plan's spatial strategy as set out in Core Policy 1 and that this could include land adjacent to Radstock and Midsomer Norton. "

- 4.13 This makes clear that the requirement to allocate an additional 505 dwellings as part of LPP2 did not commit the Council to allocations in the north-east: such allocations are an option, but not a requirement. The key guiding principle is consistency with the spatial strategy in policy CP1.

Approach to draft allocations not in accordance with LPP1 spatial strategy

- 4.14 The main requirements of the LPP1 spatial strategy may be summarised as follows:

- (a) The majority of development will be directed towards the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells.
- (b) In the rural parts of the district, new development that is tailored to meet local needs will be provided for in primary villages – including Beckington, Rode and Norton St Philip – which are best placed to accommodate most new rural development.
- (c) Further development to meet more localised needs will be appropriate in secondary villages, as well as in other village and hamlets in limited circumstances.
- (d) Development in open countryside will be strictly controlled.
- (e) The scale of housing development within each settlement 'tier' is set out in policy CP2.

- (f) In identifying land for development the emphasis is on maximising the re-use of appropriate previously developed sites and other land within existing settlement limits, and then at the most sustainable locations on the edge of the identified settlements.
- 4.15 The approach taken in preparing draft allocations as part of the proposed main modifications to LPP2 is therefore incorrect and flawed as it does not allocate in accordance with the spatial strategy.
- 4.16 In particular, it is clear that:
- (a) the Council has not considered potential allocations in any of the five principal market towns in the District;
 - (b) the requirement for an additional 505 dwellings is to meet a District-wide need rather than local need; and
 - (c) a number of the draft allocations would expand the development limits of rural villages into open countryside.
- 4.17 Moreover, the artificial and incorrect limitation of the area of search to the north-eastern part of the District means that the proposed main modifications are also not conform to the scale of development set out in policy CP2. Policy CP2 sets out a clear strategy for the division of housing growth within the District, as between different grades of settlement.
- 4.18 This provides that the additional dwellings across the District are to be provided in the following proportions:
- (a) 25% in Frome;
 - (b) 11% in Glastonbury;
 - (c) 14% in each of Shepton Mallet and Street;
 - (d) 16% in Wells; and
 - (e) 20% in the primary, secondary and other villages.
- 4.19 It is clear that limiting the geographical distribution of the draft allocations means that 100% of the additional requirement would be allocated in either villages or in the open countryside, which is directly contrary to policies CP1 and CP2. None of this District-wide need would be allocated in the five principal market towns which are the most sustainable locations. Indeed, as set out above, it was by directing the allocations in the submission version of LPP2 to these more sustainable locations – in accordance with the spatial strategy – that the Council was able to avoid the need to consider allocations in the rural villages and open countryside in the north-east of the District in the first place.
- 4.20 Policy CP2 also states that LPP2 allocations outwith development limits will be made in line with:
- "i) the principle of the proportionate growth in rural settlements guided by the requirements identified within supporting text above

ii) informed views of the local community

iii) the contribution of development since 2006 towards identified requirements in each place, development with planning consent and capacity within existing Development Limits."

4.21 With respect to criterion i., LPP1 paragraph 4.32 provides that the primary villages:

"would be the first places to consider when distributing planned rural housing in the Local Plan [and] the Council proposes village housing requirements based on a proportionate growth equating to 15% of the existing housing stock. These have been adjusted taking account of identified local constraints to tailor development levels in each community to an appropriate scale." [emphasis added]

4.22 The approach adopted in respect of the draft main modifications clearly does not comply with this approach as it focusses new housing allocations in the open countryside adjacent to Midsomer Norton and Radstock.

4.23 Moreover, with respect to the 15% guideline figure for proportionate growth and criterion iii., the most recent published housing figures⁷ covering the period from 2006 to 2019 (i.e. over half of the plan period) indicate that delivery for the primary villages has been as follows:

<i>Parish</i>	<i>LPP1 minimum requirement</i>	<i>Completions to 2019</i>	<i>Extant consents</i>	<i>Total</i>	<i>Excess/deficit versus LPP1 minimum</i>	<i>Delivery rate versus LPP1 minimum</i>
Baltonsborough	45	83	55	118	73	262%
Beckington	55	99	9	108	53	196%
Butleigh	45	12	1	13	-32	29%
Chewton Mendip	15	4	2	6	-9	40%
Chilcompton	70	146	17	163	93	233%
Coleford	70	64	7	71	1	101%
Croscombe	35	6	10	16	-19	46%
Ditchet	25	4	7	11	-14	44%
Draycott	65	31	4	35	-30	54%
Evercreech	70	158	8	166	96	237%

⁷ cf. the Appendix to these representations

<i>Parish</i>	<i>LPP1 minimum requirement</i>	<i>Completions to 2019</i>	<i>Extant consents</i>	<i>Total</i>	<i>Excess/deficit versus LPP1 minimum</i>	<i>Delivery rate versus LPP1 minimum</i>
Mells	10	5	0	5	-5	50%
Norton St Philip	45	88	17	105	60	233%
Nunney	55	2	1	3	-52	4%
Rode	65	22	57	79	14	122%
Stoke St Michael	45	14	4	18	-27	40%
Westbury sub Mendip	50	12	0	12	-38	24%

- 4.24 It is clear from the above table that the three primary villages to which further draft allocations have been made – Beckington, Norton St Philip and Rode – have all already exceeded the applicable LPP1 minimum requirements in terms of combined completions and extant consents. It must be remembered that these requirements also apply across the whole plan period to 2029 such that delivery in these three villages is significantly higher than envisaged in the spatial strategy and housing trajectory.
- 4.25 By comparison, the limitation of the area of search to the north-eastern part of the District means that six primary villages outwith that area that have not yet met their LPP1 requirements – in many cases with a significant shortfall – have been incorrectly excluded from potential allocations to meet the District-wide requirement for an additional 505 dwellings. This does not accord with policies CP1 and CP2.
- 4.26 At a broader level, there is a further concern in this disproportionate growth of some settlements within the District. The LPP1 spatial strategy clearly directs new housing to the larger settlements in the District i.e. the five principal market towns. These are planned to provide fully 80% of the District-wide housing requirement across the plan period.
- 4.27 However, the latest housing completion figures to March 2019 indicate that the five market towns have provided only 4,470 of the total 6,133 completions i.e. less than 73%. This falls below the proportion envisaged in the spatial strategy. Our Clients are concerned that allocating further housing development significantly above the figures in policy CP2 outside of the larger settlements (particularly Frome) will lead to further ‘dilution’ of the local plan spatial strategy.
- 4.28 Our Clients submit that the level of growth represented by the proposed main modifications would lead to serious harm to the local plan by undermining its spatial strategy, and leading to an unsustainable level of growth at the three villages of Beckington, Norton St Philip and Rode in particular. This growth would be, to a large extent, at the expense of growth in the more important centres, particularly the principal market towns.

- 4.29 Aside from the inherent harm to the LPP1 spatial strategy, to allocate an excessive amount of development though LPP2 would also significantly harm the value and purpose of the detailed, lengthy and collaborative plan-making process which had taken account of the views of local people wishing to shape their surroundings and future living environment. These proposed main modifications would unquestionably undermine confidence in the plan-making process.

5. Allocations should be made through neighbourhood plan process

- 5.1 Without prejudice to the foregoing, our Clients submit that any of the additional 505 dwellings that are not allocated on the settlement edges of Midsomer Norton and Radstock should not be allocated as part of LPP2. Our Clients consider that the most appropriate approach will be to leave such allocations to the neighbourhood planning process or, failing that, to leave these to the Council's pending comprehensive local plan review.
- 5.2 LPP1 paragraph 4.21 expressly states that regard will be had to emerging neighbourhood plans. As far as the three primary villages of Beckington, Norton St Philip and Rode are concerned one of them already has an adopted neighbourhood plan and another is in the process of adopting such a plan. Both of these allocate sites to meet identified local housing needs.
- 5.3 In these circumstances, it is inappropriate to bring forward further housing allocations over and above both the LPP1 requirements and identified neighbourhood allocations.
- 5.4 More generally, our Clients submit that any additional allocations to satisfy the requirement for an additional 505 dwellings are more appropriately made through the neighbourhood planning process. This option does not appear to have been considered when the main modifications were being prepared and is not mentioned in the Council's consultation documents on them as an alternative.
- 5.5 If allocation through the neighbourhood planning process is not considered appropriate, our Clients consider that the next best approach will be to allow the Council to consider potential allocations through its pending local plan review. This will enable housing need across the District to be considered on an holistic basis, rather than the current flawed and piecemeal approach.
- 5.6 This would also accord with the letters from the Secretary of State already submitted as part of the LPP2 examination⁸. These make clear that:
- "early review may be used as a way of ensuring that a Local Plan is not unnecessarily delayed by seeking to resolve matters which are not critical to the plan's soundness or legal compliance as a whole. In this context I would highlight a recent note published by the Planning Advisory service which highlights where a commitment to early review has featured in recently adopted Local Plans."
- 5.7 Our Clients submit that the Council's existing commitment to an early local plan review means that this approach – adoption of LPP2 followed by an early comprehensive review – is appropriate in the present case. This is especially so given the unsound approach adopted in the preparation of these main modifications.

⁸ cf. Examination Document ED21, Appendix 1

- 5.8 In light of the foregoing, our Clients request further hearings to discuss these matters raised if the Inspector is minded to agree that the proposed main modifications relating to these draft allocations in the north east of the District should be incorporated into LPP2 prior to its adoption. Our Clients intend to participate in any such hearings.

6. Conclusion

- 6.1 In conclusion, our Clients' position is that the additional 505 dwellings:
- (a) are to meet the needs for the wider District taken as a whole;
 - (b) are not specific to the north/north-east of the District;
 - (c) would be better met at more sustainable locations in accordance with LPP1 spatial strategy set out in policies CP1 and CP2; and
 - (d) were in any event already allocated on more sustainable sites in the submission version of LPP2.
- 6.2 There is no underlying policy justification for the assertion in the Interim Note that LPP1 requires allocations in the north-eastern part of the District (to meet local need or otherwise) and, in any event, the approach taken to site selection as part of the main modifications does not comply with the spatial strategy. In particular, the limitation of the area of search has no basis in adopted policy and is based upon a fundamental misinterpretation of LPP1.
- 6.3 Without prejudice to the above, should additional allocations nevertheless be required, our Clients submit that it would be more appropriate for these to be made through the neighbourhood planning process. This would enable local communities to identify appropriate allocations to meet established local needs in a sustainable manner throughout the north-east of the District.
- 6.4 In conjunction with the early local plan review contemplated by the Council, this approach would also ensure that any additional District-wide housing need is planned for in a robust, coherent fashion as opposed to the ad hoc manner in which the main modification have been prepared.
- 6.5 In summary, our Clients submit that introducing such major changes at a late stage through main modifications – with allocations at odds with the sustainable LPP1 spatial strategy and, as a result, inconsistent with the requirements of NPPF12 – is not acceptable and is fundamentally unsound. Main modifications MM04, MM05, MM09, MM10, MM11, MM12, MM58, MM59, MM60, MM61, MM62, MM66, MM68, MM69, MM111, MM113, MM114, MM120, MM122 and MM123 should be rejected on that basis.

DLA Piper UK LLP

12 March 2020

APPENDIX

Housing completion figures to 31 March 2019

Mendip District

Net additional dwellings completed 2006-2019

(NB figures relate to year end as at 31st March) (Private and affordable housing)

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total for Period	Dwellings with Planning Permission that were either Not Started or Under Construction at 1st April 2019
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TOWNS

Frome	121	106	101	146	128	159	61	99	47	58	35	287	154	1502	567
Glastonbury	108	86	45	68	74	17	26	42	92	18	41	18	1	636	227
Shepton Mallet	116	136	141	34	34	39	51	-25	93	50	31	13	14	727	196
Street	65	19	133	36	103	109	55	27	108	44	43	51	10	803	65
Wells	17	93	22	23	4	17	29	31	152	70	51	123	170	802	591
Subtotal	427	440	442	307	343	341	222	174	492	240	201	492	349	4470	1646

Villages

Baltonsborough	0	1	0	1	8	2	1	9	12	0	42	1	6	83	55
Batcombe	1	0	0	1	0	0	0	1	0	-1	0	0	0	2	1
Beckington	2	0	2	2	4	1	1	0	0	32	12	15	28	99	9
Binegar	0	0	0	0	0	0	1	0	1	0	0	0	0	2	1
Gurney Slade	1	1	0	0	2	0	0	0	0	1	0	3	0	8	2
Bleadney	0	1	0	0	1	0	0	0	0	0	0	0	0	2	0
Buckland Dinham	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Butleigh	0	0	2	0	0	0	0	9	0	0	0	1	0	12	1
Chantry	0	0	1	0	0	0	0	0	1	0	0	1	0	3	3
Chewton Mendip	1	0	3	0	0	0	0	0	0	0	0	0	0	4	2
Chilcompton	13	10	13	1	8	1	1	7	2	31	27	13	19	146	17
Coleford	2	10	7	8	0	1	2	0	2	29	1	2	0	64	7
Coxley	1	2	0	2	3	0	0	0	5	41	10	0	0	64	12
Coxley Wick	0	0	1	0	0	1	0	0	0	0	0	0	0	2	10
Upper Coxley	0	0	0	1	5	0	0	0	0	1	1	0	0	8	4
Cranmore	1	0	8	1	0	0	0	0	0	0	0	0	0	10	0
Croscombe	0	1	0	0	1	0	0	0	2	0	0	1	1	6	10
Ditcheat	0	0	0	0	0	1	0	1	1	1	0	0	0	4	7
Doultling	0	0	0	0	0	0	1	2	1	0	0	0	1	5	0
Draycott	3	2	5	3	7	2	4	3	0	1	1	0	0	31	4
Dulcote	0	0	0	1	2	0	0	2	0	0	0	0	0	5	0
Easton	0	0	1	4	1	3	5	8	1	4	0	0	0	27	5
East Lydford	1	1	0	0	0	0	0	0	1	0	0	0	1	4	16
Evercreech	6	3	5	5	4	2	5	2	4	23	39	42	18	158	8
Faulkland	0	3	0	0	0	0	1	0	0	0	1	18	3	26	10
Great Elm	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Henton	0	0	0	1	0	0	0	0	0	0	0	0	0	1	2
Holcombe	1	8	1	2	11	1	3	10	1	1	0	0	0	39	6
Kilmersdon	0	0	1	1	1	0	2	9	0	0	0	0	0	14	2
Lamyatt	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Leigh On Mendip	7	0	2	0	0	0	0	0	1	0	0	14	0	24	5
Litton	0	0	0	0	1	0	0	0	0	0	0	0	0	1	3
Meare	3	4	4	1	2	0	19	14	9	6	10	1	10	83	10
Westhay	1	3	0	0	0	0	0	0	0	1	0	0	0	5	2
Mells	1	0	0	1	0	1	0	0	2	0	0	0	0	5	0
North Wootton	0	2	0	2	0	2	0	0	2	0	0	0	1	9	22
Norton St Philip	0	2	0	2	0	5	13	14	30	7	5	3	7	88	17
Nunney	0	0	0	0	0	0	0	1	0	0	0	1	0	2	1
Oakhill	3	2	9	2	0	0	2	0	25	1	2	1	0	47	4
Pilton	10	1	3	4	2	3	1	1	3	1	1	13	1	44	1
Priddy	3	1	0	0	6	0	0	0	1	1	1	0	0	13	4
Rode	1	0	9	3	1	1	0	5	0	0	2	0	0	22	57
Rodney Stoke	1	1	0	0	0	0	0	1	0	1	0	0	0	4	1
Stoke St Michael	4	1	1	2	0	0	0	0	2	2	0	0	2	14	4
Ston Easton	0	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Stratton On the Fosse	0	3	0	0	0	0	0	0	1	4	0	0	0	8	7
Trudoxhill	0	0	2	0	1	0	1	1	0	2	1	0	0	8	0
Upton Noble	0	0	0	2	1	0	1	0	0	1	0	0	0	5	0
Walton	2	3	2	0	0	1	0	1	0	0	0	1	1	11	42
Wanstrow	2	1	0	0	0	0	2	0	0	0	0	3	2	10	0
Westfield	0	0	0	0	6	0	0	0	0	0	1	0	0	7	0
West Horrington	0	2	0	2	0	0	4	0	2	2	0	0	0	12	0
West Lydford	0	0	0	0	0	0	0	0	0	0	0	1	1	2	0
West Pennard	2	0	2	0	0	1	0	1	1	1	0	1	6	15	2
Westbury sub Mendip	1	3	0	2	0	0	1	0	1	0	0	2	2	12	0
Witham Friary	0	0	0	0	0	0	0	0	0	0	0	1	0	1	0
Wookey	1	0	18	1	0	0	2	2	4	0	0	1	7	36	30
Wookey Hole	0	0	0	2	12	0	0	1	0	0	0	0	0	15	1
	75	72	102	60	90	29	73	108	118	194	157	140	117	1335	410

Open Countryside	19	44	13	14	23	12	15	20	19	43	30	39	37	328	175
Total	521	556	557	381	456	382	310	302	629	477	388	671	503	6133	2231

	Primary Villages		Secondary Villages
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Notes

Source Data - Mendip Housing Land Availability Monitoring (developer and site survey)

Data relates to permanent self-contained affordable dwellings (as set out in the NPPF)

Data may include minor corrections to previous years