

**Submission to Mike Fox DIPTP
MRTPI, Inspector of Mendip
DC's Local Plan Part 2
Concerning Interim Note ED20**

From

**The Parish Councils of Rode,
Beckington and Norton St Philip**

3rd October 2019

Dear Mr Fox

Interim Note ED20

We are writing to you about the above which has raised some serious concerns in our parish councils. We know that you are not seeking comments at this stage, except from Mendip DC, and we have noted that the main modifications proposed will be subject to consultation in due course. In requesting you to consider our concerns we would refer to the ministerial thinking set out in the Secretary of State's letter of 18 June 2019 to the Chief Executive of the Planning Inspectorate and his predecessor's 2015 letter to the then Chief Executive of the Inspectorate¹. We return to this correspondence in our Summary and Conclusions below

We would like to make representations to you on the following matter:

Housing Delivery-Land to the North East of the District and the additional 505 dwellings

1. LPP1

- i) Our understanding is that this is the strategic policy document for Mendip for the period 2006-2029. It passed examination on the **fundamental basis** that development should be focused on the 5 main towns, with a 15% increase in housing stock in the primary villages; an increase which was considered appropriate (CP1²). The rolling forward of the Plan to 2029 resulted in the need for an additional 505 dwellings. The LPP1 Inspector proposed a Main Modification (MM19) which recommended that in the Mendip Key Diagram³ *"Add another box with reference to additional 505 dwellings to be added in the District"*. This was introduced, the text box being titled ***"District Wide"***.
- ii) Para 4.21 has the key text *"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"*
- iii) Para 4.7 states that *"In the event that such allocations (in Midsomer Norton and Radstock) are considered, this will be undertaken in consultation with B&NES and local communities"*

¹ See Appendix 1

² Core Policy 1- Mendip Spatial Strategy

"To enable the most sustainable pattern of growth for Mendip district

- a. *The majority of development will be directed towards the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells to reinforce their roles as market towns serving their wider rural catchments.*
- b. *In the rural parts of the district, new development that is tailored to meet local needs will be provided for "*

³ Core Policy 1-Mendip Key Diagram (p29)

2. LPP1 Inspector's Report

- i) Appendix 2 to this letter contains the LPP1 Inspector's comments in relation to development at the MDC boundary of Midsomer Norton and Radstock.
- ii) At para 24 he discounts any suggestion that the Council should commit to directing development towards this area. He agrees that the Council's policy of allocating the 505 dwellings in accordance with the Plan's Spatial Strategy is correct but notes that *"this could include land adjacent to Radstock and Midsomer Norton"*.
- iii) At para 92 he concludes *"sufficient consideration has been given to allocating land in the north east of the district in the vicinity of Radstock and Midsomer Norton"*.
- iv) In reference to the additional 505 dwellings, in Para 101 he concludes that:
*"there is no substantial evidence at this time to indicate that these houses should be directed towards one or another location.
The approach taken in the Plan, which is to indicate that these houses will be distributed in accordance with the Plan's spatial strategy, is, therefore, sound."*

3 LPP2

- i) MDC's submitted LPP2 states at paras 3.33 that the '505' allocation has been largely met and that the allocation does not need to be specifically addressed in LPP2.
- ii) In addressing Midsomer Norton and Radstock, para 3.34 states *"No land is allocated in these locations as there are sufficient sites in Mendip settlements which are better places to fulfil the district's housing and employment needs. In addition, the adopted development Plans for Bath and NE Somerset and recently published West of England Joint Spatial Strategy do not consider this area as a sustainable location for additional housing growth."*
- iii) The LPP2 Housing Supply background paper provides further evidence and at para 13 notes that
"the updated analysis of supply demonstrates there is no longer a reason to specifically meet this requirement (allocating the 505) in Local Plan Part II. In effect, the level of 'unplanned' or windfall development to date has fulfilled this aspect of CP2".
- iv) The LPP2 'Duty to Co-operate' statement⁴ demonstrates that there has been consultation with B&NES regarding the possibility of Mendip making allocations around Midsomer Norton and Radstock.
- v) Mendip's response to the B&NES LP consultation (appendix 3b of above statement) notes that *"the current adopted core strategy does not support development in this location (Midsomer Norton/Radstock) and no allocations are proposed in Local Plan Part 2..... the council does not require additional locations in this area to meet its housing need"*
- vi) We do however note the commitment by MDC to appraise sites on the boundary of Midsomer Norton and Radstock. We stress that our view is that this should only be for consideration of *"allocations on the boundary to meet the development needs of Mendip.....in the event allocations are considered this will be undertaken in consultation with B&NES"*.⁵

⁴ IQ1-Additional Duty to Co-Operate statement

⁵ IQ3-Statement of Common Ground-Matter 2. Para 2.4

4. Council's Post Hearing Note IQ7

- i) We fully support the statement made by MDC in this note that
"The Council's view is that these paragraphs (4.5, 4.21 and 23) do not direct LPP2 to address a specific quantum of planned growth or create a specific requirement for this to be located adjacent to Midsomer Norton and Radstock."
- ii) The data in the table below is drawn from IQ7:

Settlement	Minimum LPP1 requirement	Completions and Commitments 20016-18	% of Requirement
Beckington	55	108	196%
Norton St Philip	45	113	251%
Rode	65	79	121%

Beckington and Norton St Philip have seen their housing stock increase by more than 35% during the Plan period to date.

5. Your Interim Note ED20

- i) You suggest at para 16 that MDC's allocation of 505 dwellings across the District does not conform with Policy CP2 in LPP1. At para 17 your suggestion is that these dwellings should instead be allocated to areas in the north east of the District
"possibly also within other settlements which lie within the District".
- ii) It is unclear to us whether you consider that **none** of the additional 505 dwellings have been allocated in LPP2 or whether this is a **new** allocation of a further 505 houses which you estimate are required in order to maintain supply.
- iii) At your para 18 you acknowledge that *"It is not within my remit to suggest where these additional 505 dwellings should be allocated"*.
- iv) Nonetheless your proposed Main Modification 5 states *"Allocation of 505 additional dwellingsin 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"*
- v) This is clearly of legitimate interest to these Parish Councils and the communities we serve, being Primary Villages in the North East of the District.
- vi) We continue to strongly support the Spatial Strategy of LPP1, directing development largely to the 5 towns whilst recognising the need to plan for proportionate levels of growth in Primary and Secondary Villages which remains *"an essential consideration in accordance with the spatial strategy set out in Core Policy 1."*⁶
- vii) As evidenced by his report the LPP1 Inspector gave great consideration to this strategy and, in finding it sound, concluded that *'I am satisfied that the Council has taken a reasonable approach to the distribution of development in villages'*⁷

⁶ LPP1 4.22

⁷ Report by Robert Yuille para 73

6. Summary and Conclusion

The adopted LPP1 made allocations in primary villages which were considered appropriate and having been found sound, was subsequently adopted. To 31st March 2018 Norton St Philip had provided 250% of its allocation; Beckington 200% and Rode 120%.

The PCs of NSP, Beckington and Rode support the Spatial Strategy of LPP1. If modification of LPP2 allocates further housing development we consider that there is no evidence or requirement for these to be allocated purely in the north east of the District. Any further allocations should be made in accordance with the Spatial Strategy adopted in LPP1. Allocations as it appears are suggested in the 'Interim Note' would fundamentally alter this strategy and would be very unwelcome to the affected villages in the north east.

We request that the Examination of the LPP2 acknowledges this, and bearing in mind that Mendip DC are preparing a Local Plan Review which is likely to come forward shortly, **defer allocations to that review**. This planned review would of course be subject to full consultation and is perfectly achievable within the current Plan period.

Taking this approach would be in line with the advice given by Greg Clark in his 2015 letter to the Planning Inspectorate as follows:

"As inevitably a plan cannot exactly account for future circumstances there is a real value in getting a Local Plan in place at the soonest opportunity, even if it has some shortcomings which are not critical to the whole plan. We have acknowledged this in planning guidance by setting out that Local Plans may be found sound conditional upon a review in whole or in part within five years of adoption."

This point was reiterated in the 2019 letter from James Brokenshire who also stressed that local people and their representatives need to see the plan as an important platform for shaping their surroundings and have confidence in its Examination. He went on to say *"They are also right to expect that examination will be efficient, timely and easy to engage with."* and *"the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority"*.

In taking all of the evidence into account we believe that adopting the approach suggested above would give our communities confidence in the Local Plan Examination and result in a sound Plan. We request you to give this your full consideration.

Yours sincerely



The image shows three handwritten signatures. On the left is a signature that appears to be 'N.C. Abbott'. In the center is a larger, more stylized signature. On the right is a signature that appears to be 'T. Morrow'.

Clive Abbott, Chair NSP PC

Mark Wilson, Chair Beckington PC

Terry Morrow, Joint Chair
Rode PC

Appendix 1

(a)2015 letter from Greg Clark



Department for
Communities and
Local Government

Simon Ridley
Chief Executive
The Planning Inspectorate Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Simon,

Local Plans

Each local planning authority should produce a Local Plan for its area, and in doing so should proactively engage a wide section of the community so that Local Plans, as far as possible, reflect a collective vision for areas. The Government accords great importance to authorities getting up-to-date Local Plans in place and to supporting them in doing so as a priority.

We have recently seen significant positive plan-making progress: 82% of authorities have now published Local Plans and 64% adopted Plans compared with 32% and 17% in May 2010 respectively. It is imperative that this positive progress is maintained, and the Government is open to taking further measures to achieve this if needed.

As inevitably a plan cannot exactly account for future circumstances there is a real value in getting a Local Plan in place at the soonest opportunity, even if it has some shortcomings which are not critical to the whole plan. We have acknowledged this in planning guidance by setting out that Local Plans may be found sound conditional upon a review in whole or in part within five years of adoption.

The Planning Inspectorate plays an important role in examining plans impartially and publicly to ensure that they are legally compliant and sound, and many inspectors have already demonstrated commendable pragmatism and flexibility at examination to enable councils to get plans in place. I have, however, seen recent examples where councils are being advised to withdraw plans without being given the option to undertake further work to address shortcomings identified at examination.

In order to maintain plan-making progress and to recognise the cost and time to a council prior to submitting a plan, it is critical that inspectors approach examination from the perspective of working pragmatically with councils towards achieving a sound Local Plan. We will shortly make a Ministerial Statement on this issue, including the importance of inspectors highlighting significant issues to councils very early on, and of giving councils full opportunity to address issues.

I will also clarify how 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 (http://www.pas.gov.uk/web/pas1/local-planning-/journal_content/56/332612/7399006/ARTICLE.)

Please can you ensure that inspectors are aware of the Government's position, and that you update your procedural guidance and support to inspectors so that all Local Plan examinations take full account of this letter.

THE RT HON GREG CLARK MP

(b) 2019 letter from James Brokenshire



The Rt Hon James Brokenshire MP
Secretary of State for Housing, Communities and Local Government

Ministry of Housing, Communities and Local Government

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Sarah Richards
Chief Executive
Planning Inspectorate

18 June 2019

Dear Sarah,

The Government wants to see every community covered by an up-to-date plan for sustainable development - meaning that communities are in control of development and are not exposed to speculative development. As made clear in the National Planning Policy Framework, the preparation and implementation of these plans is key to achieving sustainable development.

I recognise the important role that the Planning Inspectorate plays in examining local plans on my behalf and I am committed to ensuring the independence of the examination process. If local people and their representatives are to see the plan as an important platform for shaping their surroundings then they must have confidence that examination of the plan is fair and open and that decisions are made impartially. They are also right to expect that examination will be efficient, timely and easy to engage with.

I do not generally have a role in the examination of local plans. However, this letter – which I am publicising on gov.uk – reminds inspectors and local authorities that Parliament has given me a number of legal powers that, where justified, allow me to become involved in plan making. This includes powers to notify or direct the Inspectorate to take certain steps in relation to the examination of the plan¹ or to intervene to direct modification of the plan or that it is submitted to me for approval². I am frequently asked by those affected by the plan making process to consider use of these powers and must look at each of these requests on a case by case basis. This includes requests from Members of Parliament, who have a legitimate interest in the progress of local plans in their areas and are accountable to their electorates. I am pleased that the Planning Inspectorate's published Procedural Practice encourages MPs to participate in the examination hearing sessions even if they did not make a representation and I would encourage their involvement in this way.

I am grateful for the work that the Planning Inspectorate does in providing factual information to my officials on the progress of examinations that allows them to advise me

¹ S.20(6A) Planning and Compulsory Purchase Act 2004 (as amended)

² S 21 Planning and Compulsory Purchase Act 2004 (as amended)


on whether use of my powers would be appropriate. However, I think more can be done to make the provision of this factual information more routine and transparent. For this reason, I am writing formally to set out two changes to our arrangements for sharing information that will be in place from immediate effect.

These changes are:

1. On a quarterly basis the Planning Inspectorate will publish a report that sets out the plans that are expected to be submitted for examination in the following 6-month period. I ask that this report be published on the Planning Inspectorate website. Clearly this can only be as good as the information received from local authorities, and I am arranging for this to be drawn to the attention of local authorities to remind them of the importance of giving clear timetables;
2. The Planning Inspectorate will share all post-hearing advice letters, letters containing interim findings, and any other letters which raise soundness or significant legal compliance issues, as well as fact check³ reports, with my department on a for information basis, at least 48 hours in advance of them being sent to the Local Planning Authority.

These arrangements are in addition to asking you to continue to respond positively to routine requests for information that arise on a case by case basis. I ask that you update the Planning Inspectorate procedural guidance to be clear that these arrangements are in place. I will ask the Chief Planner to write to Local Planning Authorities to draw their attention to this matter.

Finally, on the substance of plan examinations, I wanted to stress to inspectors – who are doing a challenging job – the importance of being pragmatic in getting plans in place that, in line with paragraph 35 of the NPPF, represent a sound plan for the authority and consistent in how they deal with different authorities. We support and expect Inspectors to work with LPAs to achieve a sound plan, including by recommending constructive main modifications in line with national policy. In this regard, I would reiterate the views set out by the Rt Hon Greg Clark MP in his 2015 letter, which I attach, on the need to work pragmatically with councils towards achieving a sound plan.

Yours sincerely,


RT HON JAMES BROKENSHERE MP

³ The fact check report is the version of the report the Planning Inspectorate sends to the LPA to check for factual errors or inconsistencies. The final report is issued after this process has been completed.

Appendix 2

LPP1 Inspector's Report- Excerpts relevant to the 505 Dwellings

Para 8

'The Inspector at the B&NES examination has accepted that it is reasonable for that Council to have undertaken a 'district only' Strategic Housing Market Assessment'.

Para 9

'While Mendip has links to surrounding areas it is, when taken as a whole, a Fairly self-contained housing market area and as such forms an adequate basis for the preparation of a Strategic Housing Market Assessment. It is reasonable, therefore, for the Council to take a pragmatic approach in regarding its administrative area as being tantamount to a housing market area and thus to rely on a 'district only' Strategic Housing Market Assessment for the purposes of determining housing need.'

Para 11

'The Council has cooperated constructively, actively and on an ongoing basis with neighbouring authorities and has established that, at this time, none of these are seeking to meet any part of their housing needs in Mendip, that Mendip is not relying on neighbouring authorities to meet any part of its housing needs and that neighbouring authorities have no objection to the scale or location of housing growth proposed in the Plan'

Para 12

'The Council is taking part in work on the emerging West of England Strategic Housing Market Assessment'

Para 13

'I am satisfied that the Council has discharged its duty to co-operate with neighbouring authorities in assessing its housing needs.'

Para 20

'Three main criticisms were levelled at the spatial strategy set out in the Plan; these are that no consideration had been given to the alternative of developing at Radstock and Midsomer Norton; that the strategy takes a 'brownfield first' approach to the identification of housing land; and, that the level of housing provision proposed in the rural area was incorrect.'

Para 21

'The settlements of Radstock and Midsomer Norton are located just outside the boundary of the district with parts of their built up areas abutting or extending into it. In preparing the Plan the Council has not appraised the alternative of allocating a strategic site or sites at these settlements. It was suggested that it should have done so as, regardless of any quirks of the boundary, this would have been a sustainable location for growth and hence a reasonable alternative to explore.'

Para 22

'planning for these settlements is primarily the responsibility of the local authority in which they are located (B&NES) and there is nothing to suggest in the emerging plan for that district that these settlements are seen as particularly sustainable locations for growth. Certainly the Council has not been requested to consider allocating housing land there to meet the needs of the neighbouring District.

Given that the Council had various alternative ways of meeting its needs within its own boundaries, I, like the Council, do not consider that a reasonable alternative would have been to seek large scale, strategic allocations at Radstock and Midsomer Norton when these would appear to run counter to the approach being taken by B&NES.

*Since the hearing sessions, the B&NES Core Strategy has been adopted and confirms that there are no unmet housing needs in these towns that need to be accommodated in Mendip. References to the possibility of meeting such needs are, therefore, unjustified and hence unsound and should be deleted as is proposed in **MM16**.'*

Para 23

*'largely as a result of the decision to extend the end date of the Plan to 2029, the Local Plan Part II Allocations document will need to find sites for an additional 500 or so sites across the District. No substantial evidence has been put forward to suggest that sites on the edge of these towns (Midsomer Norton/Radstock) should be ruled out as possible alternatives for such local, as opposed to strategic, allocations. allocations would need to be considered in conjunction with B&NES and local communities. ... possibility that sites on the edge of them will be considered for allocation in order to meet Mendip's housing needs. (**MM14, MM16, MM23 & MM26**).'*

Para 24

'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. Indeed, on a similar point, no substantial evidence has been put forward to support suggestions that the Council should specify in more detail where the additional 500 houses will go.

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.'

Para 25

'I am satisfied, therefore, that there was no necessity for the Council to have fully appraised the alternative of allocating a strategic site or sites at Radstock or Midsomer Norton and that the Plan, as proposed to be modified, provides an adequate framework within which the possibility of allocating sites at these towns could be appraised in the future.'

Housing Provision in Rural Area

Para 32

'The Council accepts that the rural area could take more growth but considers that the critical question is whether it should. In its view, while it is required to meet the objective assessment of need for the District as a whole – something it proposes to do – the question of how that figure is distributed is for local members and local people to determine having regard to the need to protect the intrinsic character of the rural area'

Para 33

'I consider that in a rural area such as Mendip it is perfectly legitimate for the Council to adopt a strategy of concentrating development in the principal towns, as these are the most sustainable locations for growth.

This approach has not been seriously challenged through the examination.'

Para 34

'there is widespread public acceptance that the figure in the Plan strikes a reasonable balance between the need provide sufficient development to support rural settlements without causing unacceptable harm to their character. Insufficient evidence has been brought forward to warrant altering that figure.'

Para 73

'I am satisfied that the Council has taken a reasonable approach to the distribution of development in villages and that it is not required to allocate the majority of development to the Primary Villages in general'

Radstock/Midsomer Norton

Para 92.

'For the reasons set out earlier in this report (paragraphs 21 to 25) I conclude that sufficient consideration has been given to allocating land in the north east of the district in the vicinity of Radstock and Midsomer Norton'

The additional 500 houses.

Para 101.

'The point is made earlier in this report (paragraphs 23 and 24) that the decision to extend the end date of the Plan means that the Part II Local Plan Allocations document will need to find sites for an additional 500 or so houses. Various proposals as to how these houses could be distributed have been put forward by representors. However there is no substantial evidence at this time to indicate that these houses should be directed towards one or another location.

The approach taken in the Plan, which is to indicate that these houses will be distributed in accordance with the Plan's spatial strategy, is, therefore, sound.'