



Report to Mendip District Council

by Mike Fox BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Date: 1 September 2021

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Mendip District Local Plan 2006-2029 Part 2: Sites and Policies

The Plan was submitted for examination on 23 January 2019

The first stage of the examination hearing sessions was held between 23 July and 3 August 2019; the second stage of the hearing sessions was held between 24 November and 3 December 2020. In addition to unaccompanied site visits, accompanied site visits in connection with the second stage of the hearing sessions were held on 15 and 16 December 2020.

File Ref: PINS/Q3305/429/2

Abbreviations used in this report

AA	Appropriate Assessment
AH	Affordable Housing
AMM	Additional Main Modification
B&NES	Bath and North East Somerset Council
DC	District Council
dpa	dwellings per annum
DTC	Duty to Co-operate
EA	Environment Agency
ECJ	European Court of Justice
FGA	Future Growth Area
GTAA	Gypsy and Traveller Accommodation Assessment
GTP	Gypsy and Traveller Plan
HE	Highways England
HRA	Habitats Regulations Assessment
IR	Inspector's Report
LDS	Local Development Scheme
LGS	Local Green Space
LHN	Local housing need
LPP1	Mendip District Local Plan – Part 1
LPP2	Mendip District Local Plan – Part 2 (This Plan)
LPR	Local Plan Review
LSOA	Lower Super Output Area
MDC	Mendip District Council
MHCLG	Ministry of Housing, Communities and Local Government
MIQ	Inspector's Matters, Issues and Questions Discussion Note
MM	Main Modification
NE	Natural England
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework (or <i>The Framework</i>)
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCC	Somerset County Council
SCG	Statement of Common Ground
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SL&M Ramsar Site	Somerset Levels and Moors Ramsar Site
SRN	Strategic Route Network
STW	Sewage Treatment Works
TA	Transport Assessment
<i>The Framework</i>	National Planning and Policy Framework (NPPF) [2012 version unless otherwise stated]
WMS	Written Ministerial Statement
WW	Wessex Water

Non-Technical Summary

This report concludes that the 'Mendip District Local Plan 2006-2029 Part 2 – Sites and Policies' provides an appropriate basis for the planning of the District, provided that a number of main modifications **[MMs]** are made to it. Mendip District Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at stages one and two of the examination hearing sessions. Following the stage one hearings, the Council prepared schedules of the proposed main modifications (MMs) and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period, from 21 January to 2 March 2020.

In some cases, I have amended the detailed wording of the MMs and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The **Main Modifications** can be summarised as follows:

Include a new policy to commit to early Local Plan Review (LPR).
Include a new policy to address the impact of housing allocations on the Strategic Highways Network in and around Frome and Beckington, including key highways and junction improvements.
Increase potential for sites of 5 dwellings and above; delete "up to" and replace with "a minimum of", and potential for small residential development schemes on sustainably located sites within Primary and Secondary Villages
Allocate sites for a minimum of 505 additional dwellings in the North-East of the District, on sites on the edge of Midsomer Norton and in the villages of Beckington and Norton St Philip and update the overall totals for Mendip; also strengthen the relevant policies in relation to highways access and sustainability aspects, including habitat mitigation.
Allocate a site at Morlands, Glastonbury, for gypsy and traveller accommodation.
Delete all Local Green Space (LGS) designations for reconsideration within either Neighbourhood Plans (NPs) or the LPR.
Modify policy for marketing employment land prior to determining applications for non-employment uses.
Include revisions to policies to cover the need for masterplans and the appropriate level of detail for major development sites.
Modify policy for Land at West View, Butleigh, to refer to soil condition, subsidence, improved pedestrian access and impacts on heritage assets.
Modify policy for Land at Court House Farm, Westbury sub Mendip to include requirements for community facilities.
Include a new definition of affordable housing (AH) in the Glossary.
Modify policy for Land North and South of Sandy's Hill Lane, Frome, regarding dwelling total, provision of AH, employment land and retail units.
Modify allocation at Saxonvale, Frome, to include new footpath river crossing and revised dwelling provision.
Modify allocation for Land South and West of The Mount, Frome to increase the housing total, cover effective biodiversity mitigation and master plan.

Modify policy for Land west of Brooks Road and Future Growth Area, Frome, in relation to its role as a Future Growth Area (FGA), master planning requirements and revised dwelling provision.
Modify allocation for Tinknells Depot, Wells, for development to avoid flood zones 2 and 3.
Restrict development at Land adjacent to the Pound Inn and A30, Coxley, to flood zone 1.
Include a new definition of employment land in Glossary.
Clarify that where settlements have reached their dwelling requirements as set out in LPP1, this should not, of itself, be a reason for placing a cap on further development within the plan period.
Include new policy requirements in relation to phosphate impact on the condition of the Somerset Levels and Moors Ramsar Site, both in relation to the reference to sustainability appraisal/Habitat Regulations Assessment and to cover all the housing allocations where this consideration applies.
Make various other changes to ensure the Plan is up to date, internally consistent, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the 'Mendip District Local Plan 2006-2029 Part 2 – Sites and Policies', which I will refer to as 'the Plan' for most of this report, in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the Duty to Co-operate (DTC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2012 – *the Framework* - (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The most recent revised National Planning Policy Framework (NPPF) (or *the Framework*) was published in July 2021. It includes a transitional arrangement in paragraph 220 which indicates that, for the purpose of examining this Plan, the policies in the 2012 *Framework* will apply. Similarly, where the national Planning Practice Guidance (PPG) has been updated to reflect the revised *Framework*, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF or *Framework* and the versions of the PPG which were extant prior to the publication of the 2018 *Framework*.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. This Plan is the basis for my examination. It is not the same as the document known as the Pre-Submission Document, which was published for consultation in January-February 2018¹. A subsequent document, entitled 'Proposed Changes to the Pre-Submission Plan'², was published for full public consultation in March-April 2019, and at the close of this six-week period, the

¹ MDC Mendip District Local Plan Draft for Pre-Submission Consultation 2 Jan-12 Feb 2018 [Examination Document SD1a].

² Mendip District Council: Mendip Local Plan Part 2: Proposed Changes: Agreed by the Council on 17/12/18 [Examination Document SD2a].

Council passed the consultation responses to me as the examining Inspector. The submitted Plan is therefore the pre-submission Plan, amended by the Proposed Changes.

4. On the last day of the stage one hearings on 3 August 2019, I announced that I would provide an Interim Note following receipt of information from the Council and other parties on matters which I requested during the hearing sessions. The statements which were submitted in response to my questions can be found on the examination website, referenced IQ-1 to IQ-34. The Interim Note made it clear that, at that time, I had reached no final conclusions as to the soundness of the Plan, and that following the consultation period, I would reach my final conclusions, taking into account any representations made in writing and at a subsequent (stage two) set of hearing sessions.
5. The Interim Note suggested, amongst other matters, the proposed allocation of 505 additional dwellings in the north-east of the District. It added that it was not within the Inspector's remit to suggest where these additional sites should be allocated. The Interim Note also stated that there would be a requirement for sustainability appraisal (SA) in relation to any additional housing sites put forward by the Council in their suggested MMs.
6. The Council's response to the Interim Note, under the heading *Updated summary of direction and progress*, suggested the allocation of six new housing sites in the Plan, three on the edge of the town of Midsomer Norton and three in villages in the north-east of the District. It also referred to a document prepared by the Council, entitled *505 Dwellings – Background Paper*, which sets out the policy background to the 505 additional dwellings, the Council's interpretation of what this means in practice, the area of search and how the Council has identified suitable settlements and sites. The six new sites identified in this document were subsequently included within the proposed MMs to the Pre-Submission Plan, which went out to public consultation between 21 January and 2 March 2020.
7. This new and increased level of housing provision for Mendip, which was not included within the initial, stage one, set of Matters, Issues and Questions (MIQs), but which was raised and discussed at some length in the stage one hearings by several representors, generated a considerable response from the public, many of whom stated that they had been denied the opportunity of contributing to the public discussion on both the principle of the additional 505 dwellings and on the soundness of the six new housing allocations. My Interim Note (Document E20) made it clear that the draft schedule of MMs was put forward without prejudice to the Inspector's final conclusions.
8. The Council also assessed the sustainability of potential sites for housing development in a Second Addendum to the Sustainability Appraisal (SA) and an Addendum to the Habitats Regulation Assessment (HRA), which both fed into the 505 Dwellings Background Paper. The Council's Statement in relation to Matter 1 of the stage two hearings states that the 505 Dwellings Background Paper sets out in detail the Council's interpretation the area of search for additional allocations, drawing from LPP1 and my Interim Note.

9. After considering the responses to the MMs consultation, I wrote to the Council on 3 April 2020 (Document ED27), acknowledging the frustration expressed by many representors, that they had not had the opportunity to present their case before me in a hearing session or question other participants. I stated that, whilst being acutely aware of the Council's keenness to progress the examination as expediently as possible, further hearing sessions must take place to ensure fairness.
10. My letter also stated that the additional hearing sessions, which were held between 24 November and 3 December 2020, would be restricted to discussing the principle of whether to allocate 505 new dwellings in the north-east of the plan area and the proposals for new housing therein, and that I would not reopen any discussion on other subjects that were covered in the MMs.
11. Following the stage two hearings and accompanied site visits, the Council published its Additional MMs to the Pre-Submission Plan which went out for public consultation between 9 February and 22 March 2021. Most of these MMs responded to concerns expressed by Natural England (NE) over the impact of excessive phosphates on the condition of the Somerset Levels and Moors RAMSAR Site, and also in response to my finding that one of the six additional sites, for 26 dwellings at Rode (site RD1), was not justified in view of its impact on the landscape and adjacent heritage assets.

Main Modifications

12. In accordance with section 20(7C) of the 2004 Act, the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearing(s), are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2** etc, and are set out in full in the Appendix.
13. Following the stage one examination hearing sessions, the Council prepared a schedule of proposed MMs and where these relate to new allocations, carried out sustainability appraisal of them. The MM schedule was then subject to public consultation for six weeks, from 21 January to 2 March 2020. A second schedule of MMs, following the stage 2 hearings, was also subject to a six-week public consultation period, from 9 February to 22 March 2021. I have taken account of all the consultation responses in relation to the modifications in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisals that has been undertaken.

Policies Map

14. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted local plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the

submission policies map comprises the set of plans identified as Mendip Policies Map as set out in Examination Document ED49.

15. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map.
16. These further changes to the policies map were published for consultation alongside the MMs.
17. When the Plan is adopted, in order to comply with the legislation and give effect to its policies, the Council will need to update the adopted policies map to include all the changes proposed, incorporating any necessary amendments identified in this report.

Assessment of Duty to Co-operate

18. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
19. Part 1 of the Local Plan, or LPP1, is the strategic base of the Council's Local Plan, which was found sound by a previous Inspector. This Plan gives rise to only limited strategic matters with cross-boundary implications, although there is a recognition that the forthcoming Local Plan Review (LPR) will deal with major regional housing issues and other strategic matters.
20. The Council's approach to the Duty to Cooperate (DTC) in its DTC Statement³, has been supplemented in its response to the Matters, Issues and Questions (MIQ) Discussion Note⁴ and in an Additional Statement in response to discussions and questioning at the stage one examination hearings⁵. Statements of Common Ground (SCGs) with the neighbouring authorities of Bath and North East Somerset Council (B&NES), Wiltshire Council and Somerset County Council (SCC) demonstrate that there has been ongoing dialogue between the Council and all these authorities over strategic planning matters, even though conclusions and agreements have not been reached in all matters. There has also been co-operation between the Council and the West of England Councils to address strategic cross-boundary issues, as confirmed by a SCG⁶. A SCG has also been signed between the Council and Sedgemoor District Council regarding overall housing provision⁷.
21. Although some representations drew attention to lack of an agreed strategy for settlements on the edge of Midsomer Norton, it is important to recognise that the DTC is not a duty to agree.
22. The Council's evidence shows regular contacts with other key DTC consultees. The Environment Agency (EA) commented on both the emerging Plan and the

³ Mendip DC DTC Statement; December 2018 [Examination Document SD7].

⁴ Examination Document ED04A.

⁵ Examination Document IQ-1.

⁶ SCGs – see Examination Document SD7, Appendix 1.

⁷ SCG between MDC and Sedgemoor DC – see Examination Document SD7: Appendix 2.

Sustainability Appraisal (SA), which fed into the site selection process and identification of preferred sites. Likewise, Historic England and Highways England (HE) responded to the emerging Plan. All these responses were broadly supportive of the Plan.

23. Relatively late in the examination, NE raised concerns in relation to the impact of phosphates on the condition of the Somerset Levels and Moors Ramsar Site, which have led to the inclusion of several MMs.
24. On the basis of the above evidence, I am satisfied that where necessary, the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan, in accordance with the requirements of paragraphs 178-181 of *the Framework*, and that the Duty to Co-operate has therefore been met.

Assessment of Soundness

Main Issues

25. Taking account of all the representations, written evidence and discussions at both the stage one and stage two examination hearing sessions, and my observations at site visits, I have identified seven main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Is the Plan effective in delivering the strategic aims and objectives of Part 1 of the Plan?

Key strategic parameters for Mendip

26. Part 1 of the Mendip Local Plan (LPP1)⁸, adopted in December 2014, sets out the key strategic parameters for new housing, economic and other development in Mendip. The LPP1 spatial strategy, in core policy 1, expects all new development to contribute positively towards enabling the most sustainable pattern of growth for Mendip. It focuses the majority of development on the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells, and other villages offering key community facilities, whilst strictly controlling development in the open countryside. Core policy 1 also emphasises maximising the re-use of previously developed sites and other urban land. New development is required to provide infrastructure in accordance with the needs of each town, as defined in core policies 6-10.
27. LPP1 core policy 2 provides for a minimum of 9,635 additional dwellings for Mendip over the plan period (2006-2029), at a development rate of 420 dwellings per annum (dpa) from 2011 to 2029. The largest town, Frome, is to take 25% of the District requirement, with smaller amounts (11-16%) for the other towns of Glastonbury, Shepton Mallet, Street and the City of Wells. These five settlements take around 80% of Mendip's housing provision, with the remainder earmarked for locations within the more sustainable primary, secondary and other villages.

⁸ Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies (LPP1), Adopted 15 December 2014.

28. Core policy 2 requires an additional 505 dwellings, based on a Review of Housing Requirements in 2013 and rolling forward the end of the plan period from 2028 to 2029, and I deal with this in some detail in my report. It also provides for Future Growth Areas (FGAs) at Frome, Shepton Mallet, Street and Wells. The intention in LPP1 was to release all these FGAs for development in this Plan through formal site allocations. Concerns were expressed at the stage one hearing sessions as to whether policy ST3 for Street FGA was effective as it stands and whether it is reasonable to defer release to the production of a masterplan⁹. **MM41** refers to the need for flexibility in policy ST3 in relation to the extent of development and strategic open space which will come through master planning work. This is necessary for the effectiveness of the Plan.
29. This Plan – Part 2 of the Local Plan (or LPP2) – aligns with most of these strategic parameters. It is based on the LPP1 overall provision and aims to provide a rolling five-year supply of deliverable land for new housebuilding, together with maximising opportunities for affordable housing (AH) and provide an uplift in housing growth in accordance with national policy. **MM148** provides the updated planned growth for Mendip over the period 2006-2029 in order for the Plan to be positively prepared. It takes account of the additional 505 dwelling requirement and the revised estimates of yields in the submitted Plan allocations, which increased the total provision to 11,855 dwellings, equating to an uplift of 19% over the minimum District requirement of 9,635 dwellings in LPP1. With an allowance for windfalls in table 4a, the total uplift increases to 12,755 dwellings.
30. The Plan also accords with the LPP1 strategic parameters for supporting business development and growth. Core policy 3 focuses most of the required employment land – 62.1 ha - within the main towns, whilst core policy 4 supports modest proposals for the development of the rural economy. It also sets the parameters for the reuse of employment sites. The Plan supports these strategic principles and sets out detailed employment land allocations, updates the definition of employment land, supports mixed use and opportunities for employment use in town centres and key services estates.
31. A small part of the Bristol-Bath Green Belt lies in the north-east corner of the District. The fundamental purpose of the Green Belt is to prevent urban sprawl by keeping land permanently open. Policy DP26 maintains Green Belt policy in line with LPP1. I consider that this Plan can meet the District's housing, employment land and other development requirements in accordance with the LPP1 strategic provision without the need to use any Green Belt land within Mendip.

The need for Local Plan Review (LPR)

32. LPP1, adopted in December 2014, was based on social, demographic and housing data going back to 2011. This Plan (LPP2) accords with national policy in basing its housing provision on the strategic guidance in LPP1. The Council is also aware of the recent estimates of Mendip's housing need, and the changed national policy requirements as set out in the 2019 *Framework*,

⁹ See MDC's Additional Statement IQ-13 – Future Growth Area at Street ST3.

such as its housing requirement being set by the 'standard method', which will be the basis for current development management decisions¹⁰.

33. A combined review (Parts 1 and 2) of the Mendip Local Plan is therefore needed as a matter of urgency; the 2021 *Framework* states (Paragraph 33) that: "*Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.*" These considerations have come into sharper focus since December 2019, when LPP1 passed its fifth anniversary since its adoption, and which now becomes a material consideration in ongoing decision-taking. This increases the justification for making provision for a housing total considerably more than the LPP1 total and providing 'future proofing' prior to the completion of the forthcoming LPR.
34. For the above reasons, **MM1**, setting out a new policy (LP1) and explanatory text, makes provision for a LPR, or Development Plan Review. This is to commence within two months of the adoption of this Plan, and I note the commitment by the Council to submit a successor development plan to the Inspectorate within three years of its commencement. In view of the latest housing requirements for the District (which I have to stress are not part of this examination), this modification enables the Plan to be justified as well as being in accordance with national policy.
35. The modification also refers to the need to address, in addition to Mendip's housing requirement, any unmet housing need from adjacent authorities, employment land requirements, provision for gypsies, travellers and travelling showpeople, and an assessment of highways and other infrastructure, all of which are necessary for soundness. The new policy LP1 sets out the requirement for the LPR, its remit and committed timetable for its delivery.

Issue 1 – Conclusion

36. I consider that, subject to a number of main modifications, the Plan is effective in delivering LPP1 in accordance with national policy; it reflects the key strategic parameters of providing for new development in Mendip, as set out in LPP1 and the need for an urgent LPR.

Issue 2 – Are the Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) justified and do they provide effective input into the policies of the Plan?

The role of SA and HRA in plan preparation

37. The Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) are critical elements in the preparation of the Plan, including the assessment of alternative strategies and whether the Plan's policies are sustainable, and in the case of the HRA, whether the impact on wildlife is acceptable.

¹⁰ The new standard method, referred to in paragraph 61 of the 2021 *Framework*, giving a requirement for Mendip of 588 dpa, is not required to be addressed in this Plan, although the LPR will need to satisfy this increased housing requirement in the District.

Have the SA and HRA played an effective role in the preparation of the Plan?

38. The SA and HRA were examined at the LPP1 stage, which is the formative part of the Plan in relation to strategic choices for the location of development. The Inspector's Report (IR) concludes that the SA was adequate and that HRA Appropriate Assessment (AA) was not considered necessary¹¹.
39. In relation to this Plan, the SA evidence¹², prepared in-house by the Council, and the HRA report¹³, carried out by Somerset Ecology Services¹⁴, is well documented and covers all the stages in plan preparation. This includes a SA Addendum to cover the Proposed Changes to the Pre-Submission Plan¹⁵ and an updated HRA report to respond to the Sweetman 2 Judgment in the European Court (ECJ)¹⁶. Both the SA and HRA processes have been iterative, and influential from the start of the plan-making process. Moreover, the conclusions of the updated HRA report are supported by NE¹⁷.
40. As part of its response to my Interim Note¹⁸, the Council commissioned further SA¹⁹ and HRA work²⁰ as part of the consultation on the MMs, in relation to considering provision for an additional 505 dwellings in the north-east part of the District (see Issue 3). These documents considered the sustainability and ecological impacts of all the additional sites proposed for development and they conclude that the 'preferred option' sites are sustainable, subject to certain mitigation measures, set out in the MMs.
41. The Council's 505 Dwellings Background Paper also explains that realistic alternative sites were considered around Midsomer Norton and Radstock, as well as assessing the suitability of villages within the north-east of the District, based a set of criteria covering key elements of sustainability²¹.
42. The HRA Addendum also concludes that the additional allocations are unlikely to have a significant effect on features of European designated sites. This is subject to appropriate mitigation measures in relation to proposed allocations on the edge of Midsomer Norton and in two villages, in the north-east of the District in relation to loss of foraging and commuting habitat for greater horseshoe bats within the Mells Valley Special Area of Conservation (SAC).
43. In response to these recommendations, **MM62**, **MM69** and **MM114** require, for soundness, that policy MN3, for Land East of Fosse Way, Midsomer Norton; policy BK1, for Land off Great Dunns Close, Beckington; and policy NSP1, for Land off Mackley Lane, Norton St Philip, should ensure adequate mitigation in

¹¹ LPP1 IR - see Legal Requirements, page 40 [Examination Document SD34].

¹² Sustainability Appraisal Report Pre-Submission; Dec 2017 [Examination Document SD11].

¹³ Habitat Regulations Assessment; October 2018 [Examination Document SD14a].

¹⁴ Somerset Ecology Services is an arm of Somerset County Council (SCC).

¹⁵ Addendum to Sustainability Appraisal to reflect proposed changes; Jan 2019 [Examination Document SD13].

¹⁶ People Over Wind & Sweetman v. Coilte Teoranta (C-323/17) Judgment in the ECJ (often referred to as the Sweetman 2 Judgment).

¹⁷ Examination Document SD14b.

¹⁸ Inspector's Interim Note on Post Hearing Advice; 10 September 2019 [Examination Document ED20].

¹⁹ Mendip Local Plan Part 2 – Second Addendum to Sustainability Appraisal – Main Modifications. January 2020 [SDM41 & SDM42. Proposed Main Modifications Consultation Document 2].

²⁰ Somerset Ecology Services – Addendum to Habitats Regulations Assessment; January 2020 [SDM43, Proposed Main Modifications Consultation Document 3].

²¹ See 505 Dwellings Background Paper, Appendix 3.

the form of accessible replacement habitat within the development sites, alongside any other required mitigation measures.

Issue 2 - Conclusion

44. I consider that, subject to a number of main modifications, the SA and HRA are justified; they have used best practice methodology and have provided effective input into the preparation of the Plan in accordance with national policy.

Issue 3 – Does the Plan make adequate provision for the identified housing need for Mendip, in relation to (i) the overall amount; (ii) the distribution of housing provision; (iii) the soundness of its allocations; and (iv) its deliverability, as set out in Part 1 of the Plan, and in accordance with national policy, including its five year housing land supply?

3.1 Does the Plan meet the overall amount of the identified housing need identified in LPP1?

45. LPP1 provides for at least 9,635 dwellings for Mendip over the period 2006-2029, at a development rate of 420 dpa over the period 2011-2029. The submitted Plan exceeds this with a total of 10,987 dwellings, i.e., 14% above the minimum requirements of LPP1 core policy 2²². This provision has been increased through updating the housing capacity in the District.

46. **MM8 and MM_{147 – 150}** comprise a set of tables which specify the updated allocations in the main towns in Mendip and adjacent to Midsomer Norton (table 1); Primary and Secondary Villages (table 2); a summary of planned growth 2006-2029 (table 3); planned uplift from settlement requirements in core policy 2 (table 4a); and the Mendip housing trajectory over 5 year periods (table 4b). These tables update and clarify the Plan's housing provision, for example in relation to the recent inputs into the emerging West of England Joint Spatial Plan, and in relation to the need for more clarity around the FGAs, as well as taking into account the additional 505 dwelling requirement referred to above, which I address in more detail below. They are required to add clarity and demonstrate the effectiveness of the Plan. Furthermore, by taking on board the additional 505 dwellings requirement, they ensure the Plan accords with the strategic provisions of LPP1.

47. Mendip's housing provision has been updated from the submission Plan to a new total of 11,855 dwellings (excluding future windfalls)²³. **MM3, MM4 and MM6** amend paragraphs 3.23, 3.24 and 3.45 respectively, to focus on additional allocations around Midsomer Norton and in primary villages in the north-east of the District being taken forward in this Plan, in line with the strategic provisions of LPP1 and to ensure effectiveness. This increased provision is in line with national policy, as expressed in paragraph 59 of *the Framework*, to significantly boost the supply of homes.

²² MDC Matter 3 Statement to the 2019 examination hearings, in response to MIQ 3.1 New Homes Quantum [Document Ref CS3].

²³ Update to Housing Trajectory, table 3 – summary of planned growth 2006-2029 [Document Ref MF-1].

48. The reasons for the increased estimate of dwelling capacity in Mendip are updated estimates of housing supply in consultation with relevant developers and land owners; additional sites allocated through NPs; the addition of a limited number of rural exception sites; sites for self-build and custom-build housing; a few specific redevelopment opportunities/boundary extensions to specific schemes within the towns, such as at Saxonvale in Frome; a few conversions from agricultural buildings; and finally, the inclusion of a quantum of new housing provision in the North-East of the District, which I will address later in my report.
49. Most of the housing provision in the Plan comes from planned growth, although a figure of 900 dwellings is the estimated windfall capacity (i.e. at 100 dpa). This is not unreasonable in the light of the Council's recent track record and increases the size of the buffer still further.
50. Another important change, which will have a positive bearing on the capacity of the Plan to maximise housing delivery, are the following modifications, which apply to all allocations with the exception of very small sites (i.e. from sites of up to 5 units), to change the wording from "up to" to "a minimum of" in relation to these site allocations in the submitted Plan **[MMs 25; 28-30; 35-38; 44-46; 53; 54; 56; 57; 60 - 62; 66; 69; 70; 73; 76; 83; 91; 96; 114; 117; 124; 127 and 134]**. This will ensure the Plan is positively prepared and supports the Government's objective of significantly boosting the supply of homes.
51. **MM5** is necessary to ensure that small residential schemes on sustainably located sites within Primary and Secondary Villages will, in principle be acceptable, subject to environmental, infrastructure and living conditions (amenity) considerations. This will avoid the negative and artificial capping of new development once a total for a settlement has been exceeded, a practice which runs counter to national policy. It would enable a modest measure of organic growth within many settlements over the plan period. This will ensure the Plan is positively prepared and accords with national policy.

Issue 3.1 - Conclusion

52. On the basis of the above considerations and subject to the above main modifications, I consider that the Plan meets the overall amount of housing need in LPP1.

3.2 Is the overall distribution of housing in the Plan sound and in accordance with LPP1?

53. The overall distribution of housing in the Plan, with its focus on providing most new development in the main towns and the more sustainable villages, is broadly in line with LPP1, with one significant exception. LPP1 core policy 2, in its table showing the strategic distribution of development within Mendip over the plan period, makes specific reference to an 'additional requirement' over the period 2011 to 2029, of 505 dwellings.
54. The additional requirement for 505 dwellings was the reason for the stage 2 hearings held in November/December 2020, where it was debated fully. It is for these reasons that this matter has been addressed in some detail in my report.

55. Core policy 2 refers to this 'additional requirement' to be provided in line with paragraph 4.21 of the LPP1. This in turn refers to paragraph, 4.7; both of these paragraphs address not just housing numbers, but also strategic and qualitative housing distribution.

Is there a strategic case for the allocation of an additional 505 dwellings in north-east Mendip?

56. It is necessary to look at the genesis of the LPP1 requirement for the allocation of an additional 505 dwellings for Mendip, and to assess whether their intended location is within the north-east of the District, and if so, whether this should be primarily on the edge of Midsomer Norton and Radstock.

57. The LPP1 Inspector's Report (IR) states (para 21) that the towns of Midsomer Norton and Radstock, located "*just outside the boundary of the District*", are comparable in size and range of services with the main towns in Mendip as well as having close functional links with settlements in the northern part of the District.

58. The **key question**, which was debated in the stage two hearings, can be stated as: Is the LPP1 requirement, for 505 additional dwellings, already subsumed within the plan provision of 9,635 dwellings, with no additional housing provision required in this Plan, or is there a strategic expectation for an additional 505 dwellings to be allocated? And if so, should this be in a particular geographical area of the Plan?

59. The IR states (para 23): "*What the Plan does not deal with, however, is whether such sites (in the vicinity of Midsomer Norton and Radstock) should be considered through the Local Plan Part 2 Allocations Document as a way of meeting Mendip's own development needs*".

60. The IR states that: "*This is particularly relevant as, largely as a result of the decision to extend the end date of the Plan to 2029, the Local Plan Part 2 Allocations Document will need to find sites for an additional 500 or so dwellings across the District. No substantial evidence has been put forward to suggest that sites on the edge of these towns should be ruled out as possible alternatives for such local, as opposed to strategic allocations*".

61. The IR concludes (para 23) "*The Plan is therefore, unjustified, and hence unsound in this respect.*" I agree with the LPP1 Inspector that it is necessary, in the interests of soundness, to consider whether a case can be made to include housing allocations in the Plan which focus primarily on these towns on the fringe of the District.

62. Also, in paragraph 23, the IR sets out four main MMs which would: "*remedy this element of unsoundness by making specific reference to the role that these two towns (Midsomer Norton and Radstock) play in Mendip and to the possibility that sites on the edge of them will be considered for allocation in order to meet Mendip's housing needs*".

63. It therefore seems to me that the LPP1 Inspector's view was that this Plan should clearly consider the possibility of allocating housing sites on the edge of the towns of Midsomer Norton and Radstock, which implies they should have been assessed by SA/HRA. This has not happened in the preparation of the

emerging Plan, that is until the Council's response to my invitation to consider doing so, as set out in document ED 20²⁴. This document precipitated firstly, a Background Paper from the Council, which assesses the potential for additional housing at sites around Midsomer Norton and Radstock (and elsewhere within the north/north-east of the District)²⁵, together with site assessments for additional allocations in addendums to the SA and HRA.

64. These documents, which I refer to below and which were discussed at the stage two hearings, make a strong case for the inclusion of three additional housing sites on the edge of Midsomer Norton for inclusion in the Plan.
65. The 505 dwellings provision appears in a box in the LPP1 Key Diagram, which refers to this quantum of additional housing "*to be allocated in the District*". This was raised by representors in support of spreading any additional development generally across the District, and not in the north-east of Mendip. However, this would be contrary to the strategic thrust of paragraphs 4.21 and 4.7 in the LPP1, which focus on the need to consider making specific allocations with reference to the towns of Radstock and Midsomer Norton rather than distributing the additional development generally across the District.
66. Others argued that the additional 505 dwellings should be provided through windfalls. However, there is no mention in either the IR or LPP1 of windfalls as appropriate for this purpose. I consider there are two reasons for this. Firstly, allocations, unlike windfalls, represent a planned commitment to make LPP2 positively prepared, with a reasonable certainty of delivery; and secondly, many windfalls, by their nature, are small sites, below the threshold for securing a proportion of AH, which is a critical issue for Mendip, which I explain later in my report.
67. LPP1 (para 4.21) states that the allocations for the additional 505 dwellings, to be addressed in LPP2, are likely to focus on sustainable locations in accordance with the strategy in core policy 1 and may include land in the north-east of the District, primarily adjacent to the towns of Radstock and Midsomer Norton.
68. However, this is not reflected in this Plan. The Plan's treatment of the potential options for development in paragraph 3.34, page 12, falls short of what I consider to be the expectations of the LPP1 Inspector and LPP1 itself. The sustainability doubts expressed in this paragraph, for example, run counter to the findings of the SA Second Addendum.
69. In fact, paragraph 4.7 adds further strategic input on this issue; firstly by drawing attention to the potential for new development on the fringes of Midsomer Norton and Radstock; secondly by stating that the Council will consider making specific allocations in this area to meet the development needs of Mendip; thirdly by stating that any development in this area will be undertaken in consultation with B&NES Council; and fourthly by raising the issue of addressing the impact on infrastructure in B&NES, such as education, transport and community facilities.

²⁴ Inspector's Interim Note – Post Hearing Advice; 10 September 2019 [Examination Document E20].

²⁵ Examination Document SDM44.

70. Although paragraph 4.21 states that the additional 505 dwellings 'may' rather than 'will' include allocations in the north-east of the District, I consider it significant that nowhere else in Mendip is singled out for comment, in either the IR or in LPP1, in relation to where the 505 additional dwellings requirement should be allocated.
71. It is clear to me that the strategic direction in LPP1 requires the Council to consider development allocations to meet the needs in the north-east of the District; that this development is to be carried out in consultation with B&NES and is to be located primarily on the edge of Midsomer Norton (but not necessarily in partnership with B&NES); and that key infrastructure decisions need to be faced.
72. The Council has now acted on this strategic steer by responding positively in response to document ED20, that the 505 dwellings should be allocated in the north/ north-east part of the District. Its subsequent documentation in the 505 Dwellings Background Paper and the supporting SA and HRA addenda, present robust and convincing justification for its view.

What is the economic, social and housing needs evidence to justify the allocation of 505 dwellings in the north-east of the District?

73. In considering whether this part of the District justifies the allocation of 505 dwellings on economic, social and housing needs grounds, I consider the following factors are relevant.
74. Firstly, there are significant functional links between Mendip and the cities of Bath and Bristol. LPP1(para 2.3) states that these cities exert a greater influence on the District than other outside centres, such as Taunton or Yeovil, in terms of commuting to comparatively better paid jobs and higher order shopping, which is reflected in local housing markets within Mendip.
75. There is evidence that these functional links are especially strong in the north-east Mendip. The housing pressures linked to these nearby cities are exacerbated by the Bristol and Bath Green Belt, which effectively puts the brake on almost all new development in the villages between the northern boundary of the District (where the Green Belt starts) and the urban areas of Bristol and Bath. This puts peripheral villages in Mendip, facing towards Bath and Bristol, such as Norton St Philip, on the 'front line', as the closest settlements to these cities, where there is no blanket policy restriction to new development/organic growth to the extent that there is in the Green Belt.
76. Secondly, these links are viewed as significant in driving up house prices in areas closest to Bath and Bristol; a map showing 2018 house prices in Mendip²⁶ shows the median house price for the District at £260,000. Mendip is divided into a 'patchwork quilt' of median house prices in small areas, which range from the lowest price band of 0-75% of the median average for the District, to the highest band of 200% plus. There are seven of these price categories, and the two highest (175-200% and 200% plus) are exclusively located in the extreme north-eastern part of the District, i.e. closest to the City of Bath. These highest house prices contrast with all the main towns in

²⁶ Map 1: 2018 House Prices Mendip, page 22 of the 505 Dwellings Background Paper: Appendix 3 Settlement and site assessments [Examination Document SDM45].

Mendip; Frome, for example, shows several small areas indicating house prices in the lowest three bands (i.e. from 0-75% to 101-125%).

77. This house price information is reinforced by evidence submitted at the hearings, confirming the high house prices in Norton St Philip, which are comparable with settlements nearer to Bath and in the city itself²⁷.
78. Housing affordability evidence also points to the north-east part being the least affordable in the District, within a context of Mendip on average being an area of relative housing unaffordability both compared with the South West Region and with England as a whole.
79. The Council's housing affordability evidence²⁸ shows 14 so-called Lower Super Output Areas (LSOAs) which comprised Mendip in 2018 (the latest figures available at the time of writing); the evidence shows that the ratio of median house price to median income (all properties) in the Rode, Mells and Woodland LSOA, which comprises the eastern part of the north-east of the District, including the villages of Norton St Philip, Rode and Beckington, has a ratio of 13.04, which is the highest in the District²⁹.
80. In contrast, the figures for the two LSOAs for Frome are somewhat lower, at 7.8 and 8.67, whilst Wells registers 7.56 and Shepton Mallet is significantly lower at 5.53. These figures justify the separation of the rural north-east from the town of Frome the purposes of considering the allocation of the above-mentioned 505 dwellings.
81. The number of AH completions in north-east Mendip since the start of the plan period (1 April 2006 – 31 March 2020) totals 122³⁰, of which 50 were completed in Chilcompton and 28 in Coleford. In contrast, 22 were completed in Beckington, 8 in Norton St Philip and none in Rode, although it was stated in the hearings that 13 affordable dwellings are in the pipeline for Rode³¹.
82. Thirdly, there is a relatively low level of housing allocations in the north-east of the District in the submitted Plan, despite the significant level of need that the above statistics point to.
83. Fourthly, the SA Second Addendum supports the additional housing allocations in the north-east of the District, and the key sustainability considerations for these sites are summarised in relation to these allocations below.
84. There is, therefore, a robust case, both in relation to the IR and LPP1, and supported by the economic, social and housing needs evidence set out above, that it is appropriate and sustainable for an additional 505 dwellings to be allocated within the north-east part of the District, primarily centred on the towns of Radstock/Midsomer Norton. This view is supported by the recent work undertaken by the Council in its 505 Dwellings Paper and its addendums to the SA and HRA. I therefore conclude that the decision to allocate 505

²⁷ MDC Note: House prices in Newton St Philip in comparison with neighbouring towns/villages and housing delivery in Newton St Philip to date in the plan period; Figures 1.2 and 1.3 [Action Point 16].

²⁸ MDC Note: Affordable Housing [Examination Document AP1-1].

²⁹ MDC Document on Affordable Housing; Figure 1.2 [Examination Document AP1-1].

³⁰ Action Point 1, table 2.1.

³¹ Evidence given in Day 3 of the stage two examination hearings by Tobias Shaw Paul.

dwellings in the north-east of the District is justified, sound and consistent with the aims and objectives of LPP1.

Summary of the strategic reasons for increasing the total housing provision in Mendip by 505 dwellings

85. In response to the key question expressed in paragraph 58 above, there is a robust case, both in relation to the IR and LPP1, and supported by the economic, social and housing needs evidence set out above, that it is appropriate and sustainable for an additional 505 dwellings to be allocated within the north-east part of the District, primarily centred on the towns of Radstock/Midsomer Norton. This view is supported by the recent work undertaken by the Council in its 505 Dwellings Paper and its addendums to the SA and HRA. I therefore conclude that the decision to allocated 505 dwellings in the north-east of the District is justified, sound and consistent with the aims and objectives of LPP1.
86. Given that there is already an identified 'overprovision' of supply against the identified housing requirement, I acknowledge that it could be suggested that there is no need for a further 505 homes in the north-east of the District. However, I consider such further provision to be appropriate for several reasons:
 - (i) it provides further flexibility against the possibility of some sites stalling, for example, policies GL1 and WL2, which I discuss in more detail later in my report;
 - (ii) the further overprovision gives the Plan a measure of future proofing, especially in the light of the increased housing need figure set by the standard methodology for calculating local housing need, which the local planning authority will have to have regard to in planning decisions from hereon in;
 - (iii) the housing requirement is not a maximum and the 505 additional homes support the Government's objective of significantly boosting the supply of homes;
 - (iv) it would also help to address evident affordability issues in the District; and
 - (v) the additional housing can be implemented sustainably and without impacting harmfully on the localities where the new allocations are proposed.

*How is the north/north-east of Mendip defined?*³²

87. LPP1 does not define the precise area of the north-east part of the District, except by stating that it includes land adjacent to the towns of Midsomer Norton and Radstock. It is not unreasonable to include other settlements in the north-east of the District, and the Council's 505 Dwellings Paper suggests

³² I use the terms 'north-east' and 'north/north-east' interchangeably in my report.

the allocation of 81 dwellings in three villages as a part of the 505 dwellings – which the Council considers could be increased to 536 dwellings, i.e. over 15% of the total suggested provision for the north-east of the District.

88. The Council's 505 Dwellings Paper sets out its definition of the north/north-east part of the District in a map³³, extending from Chewton Mendip in the west to Rode and Beckington in the east, extending as far south as Stoke St Michael but avoiding the town of Frome. There is no indication in LPP1 that the area should include Frome, which is designated as a FGA and has been allocated an appropriate level of growth. One representation argued for a more limited area, to exclude the quarry villages, on the grounds that these settlements primarily looked south to the Mendip towns. In fact, the 505 dwellings Paper excluded this southern part of the area from any further allocations, and I conclude that the Council's definition is appropriate and fit for purpose.

Distribution of new homes outside the north-east part of the District

89. The provision for new homes in the main towns and other settlements within the rest of Mendip are in line with the strategic requirements of LPP1. I summarise the main components of this strategic distribution below.

(i) Frome

90. Frome's planned housing growth exceeds its strategic provision in LPP1 core policy 2 by 25%, from the minimum requirement of 2,300 dwellings to 2,880 (see updated Table 4a, showing planned uplift from settlement requirements in policy CP2 in MM149). The town, with its extensive facilities and public transport provision, including the only railway station in the District, is the most sustainable settlement in Mendip, and the high level of housing provision in the allocations within and on the edge of the town is therefore justified and in line with national policy. For the same reason, the level of employment land provision and mixed-use areas in the town is also justified.

(ii) Glastonbury

91. The town of Glastonbury is a highly constrained 'island' within a 'sea' of alluvial land; environmentally acceptable options for new development sites in the town are few. The planned housing growth for Glastonbury, however, still exceeds the strategic provision for the settlement in LPP1 core policy 2, by 4%, from the requirement of 1,000 dwellings to 1,036 (see updated Table 4a in MM149). **MM30** updates the level of shortfall against the core policy 2 target for Glastonbury, whilst the policies for housing land increase the provision in the town to 36 dwellings above the core policy 2 minimum requirement.
92. The contribution of the settlement towards the District's dwelling requirement is appropriate, in view of its proximity to the larger, neighbouring settlement of Street, which has more development opportunities than Glastonbury.

³³ 505 Dwellings - Background Paper, map on page 10 [Examination Document SDM44]

(iii) *Street*

93. The planned housing growth for Street exceeds the strategic provision for the settlement in core policy 2 by 22 %, (see updated Table 4a in MM149). Street has an adequate range of facilities and services to justify this level of housing provision. **MM7** is necessary to update and clarify the position regarding the FGA at Street, including strategic open space through master planning work. This will ensure the Plan is positively prepared.

(iv) *Shepton Mallet, Wells and the Primary and Secondary Villages*

94. The planned housing growth for Shepton Mallet, Wells and the Primary and Secondary Villages are proportionate and consistent with LPP1, as can be seen in Table 4a in MM149.

Issue 3.2 - Conclusion

95. On the basis of the above considerations, and subject to the above modifications, I conclude that the overall distribution of housing in the Plan is sound and in accordance with LPP1.

3.3 Are the site allocations in the Plan sound in terms of their sustainability and potential impact?

The additional allocations in the North East of the District

(i) *Allocations on the edge of Midsomer Norton*

96. Three additional allocations in the north-east of the District, for 455 dwellings, are located on the fringes of the town of Midsomer Norton, on greenfield sites.

97. The proximity of these allocations to a wide range of facilities is set out comprehensively in the submitted evidence³⁴ and a summary of the key findings of the National Travel Survey demonstrated that they were within a reasonable walking/cycling distance of the town centre³⁵.

98. A submitted Transport Assessment (TA)³⁶ assessed the cumulative traffic impact from the additional allocations on the fringe of Midsomer Norton. Its trip generation assumptions have been agreed by both the relevant highways authorities (B&NES and Somerset County Council (SCC)). It considers recent changes in travel trends and the capacity of the local highways network to support future growth. The results suggest that during both the AM and PM peak periods, with minor adjustments, all the junctions can satisfactorily accommodate the forecast traffic flows across the extended three-hour peak period.

99. This evidence demonstrates that the cumulative impact on highways safety and ease of movement in the Norton/Radstock area from these three

³⁴ Matter 4 Hearing Statement by Barton Willmore on behalf of Curo Enterprises Ltd [Examination Document PMS4-4].

³⁵ Appendix 2 Transport Technical Note by Stantec, to Tetlow King Matter 4 Statement [Examination Document PMS4-14], and in Action Point 4 – National Travel Survey [Examination Document AP4-1A and 1B].

³⁶ Matter 4 Hearing Statement by Tetlow King Planning for Waddeton Park Ltd; Appendix 2 Transport Technical Note; Section 5 Impact of the Development on the local network [Examination Document PMS4-14].

allocations would be acceptable³⁷. Furthermore, a SCG agreeing transport mitigation measures for allocations MN1, MN2 and MN3 was prepared and signed by the Council and B&NES³⁸. MM58, MM60, MM61 and MM62 are necessary to update the position in relation to new housing allocations on the edge of Midsomer Norton.

100. Concern was expressed that the existing housing/employment balance in the Midsomer Norton/ Radstock area was already skewed by heavy out-commuting to Bath and Bristol. This issue is addressed in the Council's response to the relevant MIQ question³⁹. It states that the Somer Valley section of the B&NES Core Strategy and Placemaking Plan⁴⁰ identifies the imbalance of homes and jobs as a local strategic issue resulting from the closure of local manufacturing companies, leading to increased out-commuting. However, policy SV1 in that plan, dealing with the Somer Valley, seeks to enable the delivery of 900 jobs and 2,470 homes over the plan period from 2011-2029.

101. B&NES, in its written and verbal evidence⁴¹, argued for its employment policy to take off prior to giving the greenlight to additional housing. However, given the impressive progress achieved by B&NES and its partners in securing significant employment development as part of its sustainable regeneration strategy, I consider that the additional housing allocations around Radstock/ Norton in this Plan would not be unsustainable. It was also pointed out that site MN2 (Underhill Lane) is located within one mile of the Somer Valley employment area, and therefore within walkable commuting distance for many future residents of this scheme.

102. In view of the strong links between settlements in north Mendip and Bath, it is not straightforward to isolate the impact of development arising from the Plan from other growth pressures on B&NES. The commuting pattern in this area is complex. The Census journey to work data (albeit dated 2011), shows strong links to Bristol, Frome and Wells from the Norton/Radstock area, with 33.4% of car trips shown to be local to the Radstock/Midsomer Norton area.

103. Other relevant considerations discussed at the stage two hearings included: (i) several convenient bus links, including the 'flagship' 174 service to Bath from Silver Street in Midsomer Norton, which is close to both sites MN1 and MN3; (ii) increased home working, accelerated by Covid-19; (iii) decreasing car ownership, especially among young people; and (iv) only 15% of vehicle trips being work related⁴².

104. I therefore do not accept that the impact of an additional 455 new dwellings on the local economy of Norton/Radstock over the plan period would be significant (it would comprise around 15.6% of the combined total of 2,925 dwellings from B&NES in policy SV1 [Somer Valley regeneration scheme] and

³⁷ Ibid, Section 4, para 4.4.

³⁸ Examination Document AP2-1.

³⁹ MDC Additional Hearing Statement-Matter 4.1 Sites on the edge of Midsomer Norton [Examination Document CMS4-1].

⁴⁰ B&NES Placemaking Plan; 24 January 2020; Volume 5 Somer Valley.

⁴¹ Including evidence given by Richard Daone (B&NES) on Day 4 of the stage two hearing sessions.

⁴² Evidence given by Stantec on Day 4 of stage two hearing sessions.

the proposed housing allocation in this Plan). Neither do I agree that it would be unsustainable.

105. Regarding the question of prematurity in advance of the forthcoming LPR and/or a joint planning exercise with B&NES, I have no detailed and realistic evidence that this will happen anytime soon, whilst the housing needs in Mendip are critical now and addressing them should not be postponed. There also appears to be an expectation in the LPP1 and IR that some form of joint working between the two authorities should have occurred some time ago. The principal reason for pursuing development allocations near Norton/Radstock is that the LPP1 acknowledges that these towns are sustainable locations for added growth.

106. I conclude that the three proposed additional housing allocations for at least 455 dwellings on the edge of Midsomer Norton, based on the considerations in the above paragraphs, are sustainable and sound, in accordance with the policy thrust of LPP1. **MM58** in the interests of securing the positive preparation of the Plan, sets out the development framework for the three housing allocations on the edge of Midsomer Norton, their importance in relation to LPP1 core policy 2 and their relationship to the development plan framework for Midsomer Norton and Radstock.

107. I now deal with the three sites individually.

108. In relation to **Site MN1 (Land at White Post)**, the SA Addendum notes positive or neutral assessments against most of the 13 SA objectives, with just two slight negatives against biodiversity and improving access to facilities and services, such as education. The bat habitats in the hedgerows on the site are addressed in policy MN1. In relation to education capacity, the Council states: "*Given the combination of statutory duties, joint working and some ability to expand existing schools, it is considered there are solutions to accommodating primary and secondary school capacity in the vicinity of MN1, MN2 and MN3. Where appropriate, it is expected that planning obligations can be made to help mitigate the impacts of additional demand*"⁴³. I have no grounds to challenge this evidence. The site is also deliverable, with no ownership problems or other potential infrastructure constraints.

109. Although the land has good agricultural quality, this is outweighed by the considerations outlined above in favour of developing the site for housing. The allocation of a minimum of 250 dwellings in policy MN1 at land at White Post **[MM60]** is required to make the Plan positively prepared, as well as justified and effective, and is a necessary contribution towards the 505 dwellings requirement for the north-east of Mendip.

110. Most of the SA Addendum's notes of **Site MN3 (Land East of Fosse Way A367)** are neutral, with slight negatives against impact on landscape character and improving access to facilities and services. The potential impact on the landscape character and long-distance views is addressed in policy MN3.

⁴³ MDC Action Point 3- Education Capacity; 10 December 2020 [Examination Document AP3-1]

111. The Council considers that the site forms part of the urban to rural transition for Westfield, an urban area contiguous to Midsomer Norton, and I agree. The site is deliverable, with no ownership or infrastructure constraints. Education capacity is addressed in the above-mentioned Council Note. Replacement habitat for development is addressed in policy MN3.
112. The site's good agricultural quality is outweighed by the considerations outlined above in favour of developing the site for housing. The allocation of a minimum of 140 dwellings in policy MN3 on land to the East of Fosse Way (A367) **[MM62]**, is required to make the Plan sound, and is a necessary contribution towards the 505 dwellings requirement for the north-east of Mendip.
113. **Site MN2 (Land at Underhill Lane)** is located adjacent to a mature woodland, immediately to the west and south, which has high ecological value. In response, policy MN2 requires a buffer area, (10-15 m wide in the supporting text). The policy addresses the need to protect the settlement character and the landscape through appropriate planting, screening, choice of materials and design and layout to ensure that the scheme would fit in well within its natural and urban context.
114. A suitable access will need to meet highways standards on width and visibility, although the impact on traffic conditions on the nearby highways network is not considered to be significant. The site is deliverable with no known ownership or other constraints. The allocation of a minimum of 60 dwellings in policy MN2 on land at Underhill Lane **[MM61]** is required for the soundness of the Plan and is a necessary contribution towards the 505 dwellings requirement for the north-east of Mendip.

(ii) *Allocations at the Primary Villages*

115. Two new housing allocations within Primary Villages in north-east Mendip are proposed in the main modifications for Site BK1 on land south of Great Dunns Close, Beckington for a minimum of 28 dwellings; and Site NSP1 on land off Mackley Lane, Norton St Philip for a minimum of 27 dwellings.
116. Both of these Primary Settlements have sufficient facilities and services to satisfactorily accommodate the quantum of housing proposed for each site.
117. At **Site BK1 (Land South of Great Dunns Close, Beckington)**, the SA Addendum notes a slight negative assessment against maintaining and enhancing the distinctive character of settlements, which is addressed in policy BK1, criterion 2.
118. The site is located close to facilities and services in a village which has a regular bus service to Bath and Frome. The site is unused, open ground, largely contained by existing housing and mature trees and would form a 'natural' southern extension to the recently completed Great Dunns Close housing development, where a suitable vehicular access is in place. It is sufficiently distant from the A36 dual carriageway to the east to avoid harmful impact on the living conditions of future occupiers.

119. The site drops southwards towards properties fronting onto Goose Street, within the Beckington Conservation Area. The proposed landscaped public open space on the southern part of the site would provide further mitigation for Goose Street residents. The distance between the nearest proposed dwellings and the existing properties on Goose Street is sufficient to ensure that there would be no harmful overbearing, being over twice the critical distance set out in relevant BRE report⁴⁴ at which testing would need to be undertaken.

120. Moreover, Goose Street, located to the south of the proposed development, would not be overshadowed. In a recent appeal⁴⁵ concerning a similar development proposal on this site, no concern over overbearing impact was raised, and the evidence before me does not lead me to a different view. The above-mentioned appeal decision states that the settings of the listed buildings in Goose Street have already been significantly compromised by 20th century properties on Goose Street, an opinion I share following my site visit.

121. Although the housing allocation is at a higher elevation than Goose Street, the photomontages prepared by the developer's consultants⁴⁶ show minimal visible impact from three locations in Goose Street; and after 15 years of landscaped growth, they show no visual impact. This accords with the above appeal decision, which states: "*As the landscaping would mature over time, so it would mitigate the visual effects and completely so by year 15*". I therefore do not consider that the visual impact of the proposal would be significantly harmful to justify its deletion from the Plan.

122. Having regard to the above considerations, the proposed housing allocation at Site BK1 in Beckington, for 28 dwellings [MM69], is required as a necessary and sustainable contribution towards the provision of an additional 505 dwellings in the north-east part of the District. Policy BK1 provides a set of comprehensive development requirements and design principles to ensure that the development integrates successfully into the existing settlement of Beckington.

123. **Site NSP1 (Land off Mackley Lane, Norton St Philip)** comprises two linked areas at the south-east edge of the village. The north-east section, known as the northern or Laverton Triangle, is also referred to as Site A in a recent planning appeal⁴⁷; site B in that appeal lies closer to the historic heart of the village, to the north of, and not part of, site NSP1.

124. The SA Second Addendum⁴⁸ states that both areas have mainly neutral or positive impacts, with the northern triangle scoring negatively in relation to impact on settlement character and built environment. The northern part of the triangle lies within the Norton St Philip Conservation Area; however,

⁴⁴ Building Research establishment document BRE Report209 (Site layout planning for daylight and sunlight – a guide to good practice (2011)-see para 2.2.4.

⁴⁵ Appeal Decision Ref: APP/Q3305/WW/17/3187245, Land at Bath Road, Beckington, for the erection of 28 dwellings.

⁴⁶ Examination Document AP11-2: Lichfields Response to AP11-1- Goose Street Image.

⁴⁷ Appeal Decision Ref: APP/Q3305/A/14/2221776, dated 28 April 2015, dismissing development proposed for up to 20 dwellings, East Site, Laverton Triangle, Norton St Philip, BA2 7PE.

⁴⁸ SA Second Addendum, Appendix 2 - Sites in Primary Villages [Examination Document SDM41].

mitigation through planting and landscaping would mitigate the impact on the Conservation Area and the sense of incursion into open countryside.

125. The above mentioned appeal proposal, for up to 18 dwellings, was dismissed on the grounds that the environmental harm to the landscape character and appearance of the area would be "*less than substantial*" (paragraph 83 of the appeal decision) whilst the scheme's benefits were not sufficient to outweigh the identified harm. The principal ground for concluding less than substantial harm was impact on the open countryside, with the number of dwellings too great to enable the planting of a 15m wide tree belt to strengthen the verdant edge of both the existing and proposed built development.
126. The reduction to seven dwellings on the northern triangle would enable the planting of the above-mentioned tree belt. Policy NSP1 would also enable thicker and more substantial landscaped tree screens to the east and south, to effectively mitigate anything greater than marginal impact of the scheme on open countryside and also on the heritage assets and Conservation Area.
127. The appeal Inspector considered that the proposed accesses, onto Mackley Lane and at the Mackley Lane/Frome Road junction, would meet the necessary highway tests (para 65). In addition, the landscape visualisations showing both the above-mentioned junction and looking north-east along Mackley Lane⁴⁹, demonstrate that the proposed housing would be barely visible with adequate treatment of the junction and Mackley Lane.
128. A detailed highways plan⁵⁰ was not robustly challenged and would ensure that the access treatment would be safe for pedestrians and vehicular traffic as well as securing adequate landscape mitigation through earthworks, tree and hedge planting and safeguarding the existing stone wall. The above proposals would be complemented by traffic calming on Frome Road close to the access with Mackley Lane. I am therefore satisfied that the proposal for the northern triangle addresses the concerns articulated by the appeal Inspector.
129. The larger, south-western part of NSP1, for at least 20 dwellings, would form a south-western extension to the village. The developers' layout⁵¹ shows comprehensive landscaping, including substantial tree planting, which would significantly strengthen the existing green, defining boundaries.
130. The developer's photomontage illustrates the minimal visual impact of the scheme on the village and surrounding landscape⁵². This landscape visualisation has been prepared in full accordance with best practice for this type of exercise⁵³ and therefore carries significant weight.

⁴⁹ Lochailort Investments Ltd: AVR Report, Views 2 and 4 [Examination Document PMSV-1A].

⁵⁰ Stuart Michael Associates: Plan showing proposed access arrangements via Mackley Lane, Norton St Philip; January 2020 [Examination Document PMSV-1E].

⁵¹ Lochailort Investments Ltd: Plan showing illustrative site layout for allocation NSP1 [Examination Document PMSV-1C].

⁵² Lochailort Investments Ltd – LVIA representative viewpoint, produced by LDA Design [Examination Document PMSV-1D]

⁵³ Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3) Landscape Institute with the Institute of Environmental Management and Assessment, 2013, and the Landscape Institute's Guidance Note 06/19 (TGN 06/19) Visual Representation of Development Proposals – with key technical issues summarised in Examination Document PMSV - 1F.

131. The District Councillor for Rode and Newton St Philip submitted a visualisation of the impact of the proposed development from the west⁵⁴. It fails to show any proposed landscaping and tree planting along the western boundary of the allocation, some of which already exists. This visualisation shows the proposed houses portraying a uniform white coating giving off a 'dazzling' effect, with no allowance made for weathering. In any event, the external materials of the dwellings could be determined through conditions at the planning application stage, for example requiring recessive (as opposed to reflective) colours. For the above reasons, I am satisfied that the developers' photomontage gives a more objective and realistic visual impact of the south-western part of allocation NSP1 than that supplied by the two parish councils.

132. The accompanied site visit took in views from around the balancing ponds, to the west /north-west of the site, and from the field between the balancing ponds and Church Mead, to the north. The developer's representative stated that any views from points west and north-west of the site would be satisfactorily mitigated after 15 years from public viewpoints; this was not challenged by any of the parties at the site visit, and I also saw no reason to challenge his comments.

133. I therefore consider that the site would be effectively contained within the landform, reinforced by the proposed tree planting and would have a neutral impact on the historic heart of the village and the setting of the Conservation Area and listed buildings, including the George public house and the church. The site would, of course, require a statutory flood risk assessment.

134. There is significant out-commuting, and car-based travel for commuting and other types of trips is the norm for rural Mendip. Based on this criterion alone, there could be a moratorium of new housing in all Mendip's villages, which in turn would drive house prices to even higher levels and fail to meet the AH and other housing needs in the area. The village is served by a regular bus service to Bath and other destinations.

135. The reality is that many Mendip residents find work in the major employment centres outside the District, with Bristol and Bath predominating; and the villages closest to these cities are the ones selected by the Council for the additional 505 dwellings to help meet Mendip's needs over the plan period. This is illustrated on the map on page 10 of the 505 Dwellings – Background Paper⁵⁵.

136. The Green Belt lies immediately north of the village, making it one of the closest villages to Bath and Bristol in Mendip. Therefore, commuting patterns from Norton St Philip in relation to these cities would involve shorter travelling distances than from other villages within Mendip, with positive sustainability implications. It is also noteworthy that no concerns were raised in relation to development in Norton St Philip by the highway authorities.

137. Regarding education capacity, the local primary school states: "*Future suitable housing developments that bring children into Norton St Philip would be whole-heartedly supported by the school and would help to ensure the school's*

⁵⁴ Examination Document PMS2-8: Appendix 1: Existing and potential views on approach to NSP1 from West.

⁵⁵ Examination Document SDM44.

*long-term viability as a key local facility*⁵⁶. I am therefore satisfied that the allocation would not adversely impact on local education capacity. Policy NSP1, for a minimum of 27 dwellings, provides a set of comprehensive development requirements and design principles to ensure that the development integrates successfully into the existing village of Norton St Philip.

138. Having regard to the above considerations, the proposed housing allocation at Site NSP1 in Norton St Philip, for 27 dwellings [MM111], is a necessary and sustainable contribution towards the provision of an additional 505 dwellings in the north-east part of the District. Policy NSP1 provides a set of comprehensive development requirements and design principles to ensure that the proposal integrates successfully into the existing village.

139. A third housing allocation in the north-east villages was initially put forward by the Council at **Site RD1 (Land off The Mead, Rode)**. Rode has good sustainability credentials, which would in principle justify additional dwellings in the village. The site is an open field on the western edge of the village and is visible from some distance across a wide arc taking in countryside viewpoints from the north, north-west and west. Photographs illustrating this can be seen in the document submitted by Wessex Archaeology⁵⁷.

140. Historic England expressed concern that the allocation would compromise the setting of Merfield House, a listed Grade 2* Georgian country house which is clearly visible from the edge of the village. The development would occupy around two-thirds of the field separating Merfield House from the edge of the village, which is integral to its setting. A proposed landscaped strip at the south-western part of the site, nearest to Merfield House, would not in my view prevent its setting being effectively compromised by the development.

141. The benefits of 26 new homes at Site RD1 would not outweigh the harm to the landscape and setting of the above-mentioned heritage assets, as evident from my accompanied site visit. The deduction of 26 dwellings from the total of 536 additional dwellings proposed by the Council for the north-east of the District would still, at a lower total of 510 dwellings, satisfy the LPP1 requirement for 505 additional dwellings, which reduces its justification. For the above reasons, I consider that the inclusion of policy RD1 in the Plan would be unsound.

142. The two village allocations in Beckington and Norton St Philip comprise a modest but important component of the additional 505 dwellings required for the north-east of the District. Development of both sites are also subject to habitat replacement, as set out in **MMs 69 and 114**.

The allocations in the main towns and elsewhere in the District

(i) *Frome*

⁵⁶ Letter from Chair of Governors of the Rode and Norton St Philip School Federation; 30 July 2019 [Appendix 1 to Examination Document PMS2-9].

⁵⁷ Examination Document ED43C-2020-1686; revised November 2020.

143. A Future Growth Area (FGA) is proposed in LPP1 core policy 6 for an area to the south of The Mount, Frome, on the southern fringes of the town. The Plan proposes the deletion of this FGA, pending the forthcoming LPR (see MM1 for details), not because the FGA is no longer needed; indeed, a Council note explains the need for a comprehensive approach, particularly in terms of highways access and infrastructure provision prior to planning for the entire FGA as proposed in LPP1.⁵⁸

144. This note is supported by Highways England (HE), which expressed concern over the uncertainty associated with the potential impact of proposed site allocations on the safe and efficient operation of the Strategic Route Network (SRN), i.e. the A36 and A303⁵⁹. A further HE note⁶⁰, based on a 'high level' review of potential traffic flow impacts on the SRN associated with the Plan, states that, although the Plan allocations are unlikely to harmfully affect the SRN as a whole, there would be a significant impact on traffic flows at the A36 White Row and Beckington roundabouts, which are close to the northern edge of Frome. The SCG between the Council, SCC and HE, which confirms the above statements, was signed off immediately before the start of the stage one hearing sessions.⁶¹

145. Stemming from this and further discussion at the stage one hearing sessions, a new policy, DP27, covers the provision of key highway infrastructure measures to support the delivery of development within Frome, Beckington and Rode. The new policy (and supporting text), which includes schemes for (i) A36 Beckington roundabout; and (ii) A36 White Row roundabout **[MMs 17 and 18]** is required to ensure that the proposed developments in Frome (especially policies FR2, FR3a and FR7, all on the south side of the town) enable effective highway circulation and ensure that the functionality of the highway network is not compromised, and therefore are necessary for the effective delivery of the Plan.

146. Modifications are proposed to policy FR1 (Saxonvale) in Frome town centre, to increase its potential to a minimum of 250 dwellings within a mixed use scheme **[MM22]**; and to optimise the use of the Frome River Corridor with a new footbridge over the River Frome to Willow Vale to the north **[MM24]**. They are necessary for the positive preparation of the Plan as well as being in line with national policy such as supporting the Government's objective of significantly boosting the supply of homes⁶².

147. Policy FR3a (Land South of Little Keyford and The Mount) is a combination of three separate but connected site allocations in the submitted Plan (numbered FR3, FR4 and FR5), and these occupy a significant part of the original FGA. **MMs 26-28** set the parameters for a masterplan for these three adjacent sites as a combined site and are required for soundness.

⁵⁸ MDC Additional Statement - Question 8: MDC note on reasons for deletion of the FRA from Frome [Examination Document IQ-8].

⁵⁹ Highways England: Mendip Local Plan Part 2 2006-2029 Examination Inspector's Matters, Issues and Questions Discussion Note; 24 June 2019 [Examination Document PS07-3].

⁶⁰ Highways England: Mendip Local Plan Part 2 2006-2029 Examination in Public; 26 July 2019 [Examination Document PS07-3C].

⁶¹ Statement of Common Ground between MDC, SCC and Highways England (HE) – Strategic Highways; 17/07/2019 [Examination Document SCG1].

⁶² Paragraph 59 of the Framework.

148. These parameters require technical studies to address issues such as drainage and sustainable transport; landscape and ecological mitigation/enhancement; increase the housing potential to 325 dwellings; and ensure that the living conditions of nearby properties are safeguarded. For the above reasons, I consider that the appropriate forum to consider the provision of the remainder of the LPP1 proposed FGA at Frome is in the context of the LPR. The need for and provision of the appropriate infrastructure to support this substantial development area for the longer-term future can then be assessed and new housing allocations can be considered.

149. **MM25** is required to enable policy FR2 (Land North and South of Sandy's Hill Lane) to be justified in relation to the specification of acceptable business use classes, provision of retail units and greater flexibility in the provision of a specified area of replacement habitat.

150. Policy FR6 for up to 100 dwellings on land at Innox Hill, on the northern edge of Frome, was deleted prior to submission as part of the 2019 Proposed Changes to the Plan for several reasons, including its potential visual impact on the landscape and impact on the setting of the town. The site lies within Band B of the Mells Valley SAC, with a wide diversity of bats. It also has serious drainage issues. I therefore support the Council's deletion of this site from the Plan.

(ii) Glastonbury

151. The proposed allocation of the Glastonbury Highway Depot for housing (policy GL1 for 62 dwellings) is scheduled for delivery in 2025/26 – 2026/27 in the updated Housing Trajectory⁶³. It is unclear from a detailed Council note⁶⁴, whether this site could be released for housing development within the plan period, although SCC is exploring the principle of relocating the depot. I remain of the view that these issues can be overcome during the plan period. Moreover, since there are no identified alternative sites for housing within Glastonbury, and because it scored highly in the SA, I consider that it should remain in the Plan, whilst I note that the Council's housing trajectory has been revised to show the site in the '10 years plus' timescale.

152. I address the changes to the Plan in relation to site GL5 (Land at Morlands) under the section of my report dealing with Gypsies and Travellers below.

(iii) Street

153. The largest site allocation at Street, policy ST3 (Land West of Brooks Road) is a gateway site at the town's western approach. A Council note⁶⁵ confirms that the number of proposed dwellings has increased in the Main Development Area from 340 units in the submitted Plan to 400 units [**MM41**]; this update is necessary for the Plan to be justified and fulfil its potential.

⁶³ Examination Document ED1.

⁶⁴ Requested Document MF2.

⁶⁵ Requested Document MF5.

154. A SCG⁶⁶ commits the principal landowner to bring forward a masterplan for the development of the Main Development Area; there are no land ownership constraints; there is agreement on an indicative timetable to commence housing delivery by 2024; and the key parties have agreed to regularly review progress. The timetable is based on the SCG estimates for delivery of 260 dwellings within the plan period. The rate of delivery suggested by the Council, and the details in the note and the SCG, were not contested robustly at the hearing sessions and I am not therefore persuaded that the evidence points to a lower pace of delivery for policy ST3.

155. **MM46** sets out the masterplanning parameters for policy ST3, covering highways and access, landscape, ecology, accessible natural greenspace, living conditions of nearby residents, community facilities, as well as addressing any contaminated land and heritage issues. This is necessary for the effectiveness of the Plan and to ensure it is positively prepared.

(iv) *Shepton Mallet*

156. The Council's update⁶⁷ on the delivery of the LPP1 strategic site at Cannards Grave Road demonstrates that a rate of 45-60 completions per year is realistic, making a conservative estimate of 280 dwellings being completed within the plan period out of the scheme total of 600 dwellings. No modifications are needed for Shepton Mallet's housing provision to make the Plan sound. **MM47**, which updates the capacity of the Cannards Grave site from 580 to 600 dwellings, is necessary for the positive preparation of the Plan.

(v) *Wells*

157. Site WL1 (120 dwellings at land off Bubwith Walk) lies approximately 258m to the north of the Wells Water Recycling Centre across open fields. An independent odour impact assessment⁶⁸ by a recognised environmental consultancy, and a report by the Council state that the proposed development is acceptable in principle⁶⁹. That report concluded that most of site WL1, except the south-east corner, is predicted to experience odour concentration less than the benchmark criteria (see the report for technical detail). Policy WL1, based on the findings of the above-mentioned odour impact assessment, excludes the south-eastern part of the site from residential development, to ensure the policy is positively prepared and justified. The developers' scheme, however, excludes development from this area so that there is no requirement to reduce the planned dwelling yield of the site.

158. Policy WL2, for a minimum of 80 dwellings at Wells Rugby Club, is dependent on the relocation of the ground and its development at policy WL3 (New Rugby Club site at Haybridge). The Council, in liaison with the scheme developers, has issued a statement⁷⁰ which confirms that there is a contractor in place who is able to deliver the replacement ground ahead of the release of the site

⁶⁶ Appendix 1 to Document MF5.

⁶⁷ Examination Document IQ6.

⁶⁸ Wardell Armstrong: Land at Elm Close, Wells – Odour Impact Assessment; August 2019 [Examination Document MF4].

⁶⁹ Requested Document MF4.

⁷⁰ Requested Document MF3.

for redevelopment; terms of sale have been agreed for the ground once it is vacated; and the promoters intend to submit a planning application shortly. In view of these considerations, the Council has submitted a revised timetable for scheme delivery, based on new figures from the developers. Based on this information, the implementation timetable appears to be realistic.

159. The Council's statement, based on the developer's estimates, is for completions to come on stream between 2023/24 and 2025/26, i.e. significantly before the submitted Plan projection of completions by 2028/29. I therefore consider that the proposed development at Site WL2 is positively prepared and effective.
160. Regarding policy WL4, for the development of a minimum of 25 dwellings at Tincknells Depot, **MM55** requires that all houses are to be built outside flood zones 2 and 3. This is necessary for the Plan to be positively prepared and accord with national policy.

(vi) *Primary and Secondary Villages*

161. **MM63** extends the development limits at the eastern end of the village of Baltonsborough to include an existing employment area. This is necessary for clarity and for effectiveness.
162. **MM76** clarifies the housing total, heritage impact and impact on existing ground conditions for policy BT1 at Butleigh (Land at West View, Sub Road, for a minimum of 25 dwellings). This is necessary for the justification and effectiveness of the Plan.
163. **MM86** is necessary to restrict the development at policy CX1 (Land adjacent to the Pound Inn and A39, Coxley, for appropriate community uses and a limited number of dwellings, but only to subsidise the development of the community facility) and to ensure that development is restricted to flood zone 1 only. This will ensure compliance with national policy.
164. **MM134** requires up to 0.1 ha of land on site WM1 at Westbury Sub Mendip (Land at Court House Farm, for a minimum of 40 dwellings) for the delivery of a community facility. This is necessary for the Plan to be positively prepared. **MM181** is required to amend policy WM1, bullet point 5, to correct the amount of accessible bat habitat to be provided at the site to 0.27ha, as the site is located within Band C of the North Somerset and Mendip Bats SAC, and not Band B as previously thought.

Matter 3.3 conclusion

165. On the basis of the above considerations, and subject to the above modifications, I conclude that the site allocations in the Plan sound in terms of their sustainability and potential impact.

3.4 Are the allocations deliverable and is there a five year supply of housing on adoption of the Plan?

Can the Plan demonstrate that the proposed new homes can be implemented over the plan period?

166. Table 4a shows the planned uplift from settlement requirements in LPP1 core policy 2. The planned growth, plus windfalls, gives a figure of 12,755 dwellings over the entire plan period. The amount within the plan period therefore exceeds the LPP1 provision by a considerable margin. Table 4a also shows the distribution by the main settlements, including the additional allocations in NE Mendip, as well as the contributions in villages and rural areas.

167. Doubt was expressed by some housebuilders on the likelihood of some of the housing allocations being delivered in full over the plan period. No allocations, however, exceed 400 dwellings, which falls some way below the definition of large sites used by volume housebuilders⁷¹, and the evidence submitted at the examination pointed to no significant constraints on implementation or which involve mitigation issues on the majority of allocations, e.g. in relation to major infrastructure provision.

168. I consider there are only two potential 'showstoppers', in relation to site deliverability, both of which rely on relocation of existing uses, or where no obvious replacement sites have yet been identified. These are the sites at Glastonbury Highways Depot (policy GL1 for 62 dwellings) and Wells Rugby Club (policy WL2 for 80 dwellings). I am reasonably confident, however, from the evidence before me, that the issues related to these sites can be overcome within the plan period.

169. Even if these allocations remain undeveloped at the end of the plan period, their combined total of 142 dwellings would not result in doubt over the overall effectiveness of the Plan to deliver the LPP1 total for the District over the plan period.

Can the Plan deliver a five-year supply of housing?

170. Some the representations alluded to the more exacting requirements for a five-year housing land supply in the 2019 *Framework*⁷². As explained, both in my Guidance Note⁷³ and at the hearing sessions, this is not within my remit, and I therefore do not respond to these representations. The representations which based their responses on the 2012 *Framework* generally supported the Council's calculations with no robust criticism of these calculations based on the LPP1 requirements.

171. National policy requires each local planning authority to maintain a five-year supply of deliverable housing sites. Paragraph 49 of *the Framework* states that the relevant policies (in a local plan) shall not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

⁷¹ For example, the Lichfields 'Start to Finish' report, dated February 2020, defines large schemes as 500+ and states (page 6), that "only sites comprising fewer than 499 dwellings are – on average – likely to deliver anything within an immediate five year period".

⁷² And now in the 2021 *Framework*.

⁷³ Guidance Note from the Inspector [Examination Document ED03A].

172. The Council's five-year housing land supply position at October 2018⁷⁴ is the basis for calculating that under the 2012 *Framework*, it has 5.7 years' housing land supply. This calculation is based on the LPP1 annual housing requirement of 420 dwellings, with a 5% buffer to ensure choice and competition, and it also assumes a 5% non-implementation rate. The document shows that the rate of housing delivery in Mendip since the start of the plan period (2006) until 31 March 2018, was 5,632 against a target of 5,015 dwellings, whilst over the most recent three years, the rate has exceeded the requirement by 22%.

173. During the examination, several new allocations were added, and some were revised upwards, as already explained. The Council's latest revision of its five-year housing land supply⁷⁵, submitted following the examination hearings on Matter 3 (housing) and based on its reviewed housing provision, is estimated at 6.7 years, based on a 5% buffer. With the application of a 20% buffer, this reduces to 5.8 years. The non-implementation rate is factored in at 5% of the housing delivery estimate, which is not unreasonable. The buffer is added to the Local Plan requirement, to be completed over the five-year period, i.e. the Sedgefield method, as preferred in national policy. The Council's five year estimate is explained in greater detail in its document, IQ-15.

174. In addition to the above calculation, the additional 510 dwellings to be added to the total of the Plan's housing provision in the north – east part of Mendip, means that the 6.7 years is likely to be exceeded. The developers of all these additional sites stated they intended to complete their schemes as soon as possible and in several cases within five years. The evidence points to the smaller sites standing a realistic chance of build out within five years, with starts likely to be made on all five sites.

175. Given the District's performance since the start of the plan period, which overall has been above the LPP1 target, including three out of the last four years⁷⁶, the District has not had a: "record of persistent under delivery" and therefore the additional buffer of 5% rather than 20% accords with the requirement in paragraph 47 [2] of the *Framework*. However, even applying the 20% buffer gets the District over the line in relation to the requirements of the 2012 *Framework*.

Issue 3.4 - Conclusion

176. On the basis of the above considerations, and subject to the above modifications, I conclude that the Plan can demonstrate that the proposed new homes can be delivered over the plan period and that the Plan can realistically deliver more than a five-year supply of housing.

Issue 4 – Does the Plan effectively address the qualitative aspects of housing supply in Mendip?

⁷⁴ MDC: Mendip District – Five Year Housing Land Supply – Autumn 2018 [Examination Document SD26a].

⁷⁵ MDC: Additional Statement Question 15 – Five Year Housing Land Availability [Examination Document IQ-15]. In particular, see Table 2a/2b.

⁷⁶ See Table 1 of Examination Document SD26a.

177. Most qualitative aspects of housing supply, such as AH provision, first homes, older persons' accommodation, care homes, accessible housing and student accommodation, are either covered in LPP1 or will be covered in the forthcoming LPR (see MM1). I see little merit, at this stage in the examination, in calling for additional work on these aspects, which would slow down the progress of this Plan significantly. Their inclusion within the LPR would seem to be the appropriate course of action at this time. As stated in MM1, prompt delivery of the LPR is essential to meet the requirements of national policy, which now places higher housing targets for the District.

Affordable housing (AH)

178. **MM2** is required to update the Plan's AH provision in the Plan, showing that the allocations identified in Tables 1 and 2 should contribute 887 affordable homes in compliance with LP policy DP11.

179. **MM143** is necessary to clarify the definition of AH in the Glossary, in line with national policy. The fuller definition of AH includes discounted market sales housing. This is important in view of the relative unaffordability of Mendip's housing market, as referred to earlier in my report. This is also evidenced by the Home Truths Report 2017/18 for the South West, published by the National Housing Federation, which highlighted the ratio of house prices to average earnings of 11.8, compared to 10.2 for the South West as a whole.

Gypsy and traveller accommodation

180. LPP1 policy DP15 requires a Site Allocations Document to meet the needs identified in the Gypsy and Traveller Accommodation Assessment (GTAA) (September 2013). The GTAA identifies a need for 90 additional residential pitches by 2020 and a further 51 pitches between 2021 and 2029, in addition to transit pitches and showmen's yards.

181. The scale and diversity of need for gypsy and traveller accommodation in Mendip is perhaps unusual. The evidence points to a sizeable element of New Age travellers in addition to other gypsy and traveller groups, such as Irish Travellers and Romany Gypsies. There is an urgent need for this issue to be addressed in line with national policy⁷⁷.

182. The Council included a Gypsy and Traveller Site Allocations Plan in its Local Development Scheme (LDS)⁷⁸, programmed for completion in 2019. Work on that plan has not yet commenced (at the time of writing), and the Council's energies over the next few months are to be focused on securing a submitted LPR to encompass Parts 1 and 2 (i.e. LPP1 and this Plan) as soon as possible for sound planning reasons. The LPR clearly needs to make provision for gypsy and traveller site allocations, in line with an updated GTAA, which is another reason for prompt delivery of the LPR, as required in MM1. The Council has since updated its LDS, with a timetable to progress its gypsy and traveller plan (GTP) to adoption in May 2022, in parallel with the LPR.

⁷⁷ Planning Policy for Traveller Sites (PPTS), Department for Communities and Local Government; August 2015.

⁷⁸ Examination Document SD9.

183. Although these issues need to be addressed fully in the GTP, there is also an urgent need to address the issue in the period between now and mid-2022, in this Plan, for the above reasons.

184. The Morlands site at Glastonbury was promoted for gypsy and traveller accommodation at the examination. The Council submitted a note⁷⁹, following discussion at the stage one hearing sessions, which covers the main concerns relating to this site, including potential ground contamination; proximity to a sewage treatment works (STW); flood risk; and its allocation as an employment location in the submitted Plan. The note summarises a Feasible Remediation Options Appraisal by independent consultants (Tweedie Evans Consulting) between October 2013 and October 2014. The note advises that an impermeable membrane and gravel cover solution would be sufficient remediation for development.

185. The note also advises that the southern part of the site is less vulnerable to flooding, being outside flood zone 3 and therefore more suitable for gypsy and traveller accommodation, even though this is the closest area to the STW. I also note that a refresh of an existing odour study in relation to the STW is expected to conclude that the site is within acceptable levels; and that the Environment Agency (EA) has advised that, providing a minimum of 300mm height is maintained above the flood zone 2 land, its concerns are mitigated.

186. Although allocating a site for gypsy and traveller accommodation is less than ideal on the Morlands site, this has to be weighed against the following material considerations: (i) the site is already, and has been for some time, occupied by what the Council refers to as 'van dwellers' with about 35-45 pitches; (ii) the site is in a poor environmental state, with several abandoned vehicles, which a new policy and resources could constructively address; (iii) there is a significant and urgent need for gypsy and traveller accommodation within the District; (iv) little serious interest has been shown for employment uses, despite its erstwhile designation as such; and (v) the Glastonbury area is viewed as especially desirable for some sections of the gypsy and traveller community.

187. On the basis of the above considerations, **MM39** requires the allocation of the Morlands site – policy GL5 – primarily for the provision of gypsy and traveller accommodation, subject to a remediation and implementation plan, which would address issues such as odour nuisance, ground contamination, flood risk, landscape and ecological impact, heritage matters and the provision of a safe and convenient vehicular access. This modification ensures the Plan is positively prepared, justified, effective and is in line with national policy and LPP1. **MM31** and **MM32** are required to clarify that the site is now allocated for a gypsy and travellers' site rather than as an employment site with future capacity.

Issue 4 – Conclusion

188. I conclude that, subject to a number of main modifications, including the commitment to tackle the full accommodation needs of the gypsy and traveller

⁷⁹ Additional Statements – Question 16 – Gypsies and Travellers [Examination Document IQ-16].

community, the Plan effectively addresses the qualitative aspects of housing supply in Mendip.

Issue 5 - Are the Plan's provisions for the protection and enhancement of its environmental, landscape, biodiversity and heritage assets justified and in accordance with national policy?

Is Local Green Space (LGS) allocation within the plan area justified and in accordance with national policy?

189. The issue of Local Green Space (LGS) designation was debated fully during the stage one hearing sessions. Although LPP1 sets out a strategic approach to open space provision in policy DP2 (open areas of local significance), there is no locus for LGS designation; the clear expectation in the supportive text is that this Plan or NPs should review the ongoing appropriateness of protection for existing areas and provide an opportunity for new areas to be identified.

190. The Council's methodology for selecting areas to be designated as LGS⁸⁰ included detailed LGS work sheets. To make it manageable, the requested sample was restricted to LGS that were subject to representations, and also raised at the hearing sessions. The sample comprised worksheets for eight settlements, including three of the five main towns and five of the villages, and I consider this to be a representative sample.

191. In addition to LGS designations, the worksheets showed areas which were reassessed and removed from LGS designation following the pre-submission consultation; sites that were drawn to the Council's attention as potential LGS and assessed and then rejected; and areas of green space that were not assessed. The Council's maps also showed: Conservation Areas, Flood Zones 2 and 3, and protected recreation areas and playing fields. I also visited some of the proposed LGS sites.

192. The Council's detailed evidence showed a few examples within Flood Zones 2 and 3, and LGS designations on extensive tracts of open land, some of it in agricultural use on the edge of villages, where such designations appear to be at odds with national policy. In some villages, several LGS are located within Conservation Areas and other protective designations, where national policy requires consideration should be given to whether any additional local benefit would be gained by this designation⁸¹; these policy requirements do not appear to have been considered by the Council.

193. The Council has worked hard in preparing the proposed LGS designations in the submitted Plan. However, unlike a 'call for sites', which local planning authorities are encouraged to do in the interests of maximising opportunities for housing development to meet local housing needs, national policy in relation to LGS designation is completely different. Rather, it sets a very high bar for LGS designation. The opening sentence of paragraph 77 of the *Framework*, which can be described as a 'headline' message, states: "Local Green Space designation will not be appropriate for most green areas or open

⁸⁰ MDC: Response to Inspector's Questions 17, 18 and 19 [Examination Document ED11B sets out the questions and IQ 17, 18 and 19 set out the Council's response].

⁸¹ PPG Ref ID:37-011-20140306 What if land is already protected by designations such as National Park, Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled 8 Monument or Conservation Area?

space". It therefore follows from national policy that LGS designation should be the exception rather than the rule. One good reason for national policy setting this high bar is explained in paragraph 78 of *the Framework*, which states that local policy for managing development within LGS should be consistent with Green Belt policy.

194. To reinforce the message that LGS designation is to be used sparingly, paragraph 77 of *the Framework* states that LGS designation should only be used:

- (i) where the green space is in reasonably close proximity to the community it serves;
- (ii) where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness in wildlife; and
- (iii) where the green area concerned is local in character and is not an extensive tract of land.

195. It is clear from the phraseology of paragraph 77 that all three of these criteria are necessary for LGS designation.

196. Paragraph 76 of *the Framework* also states that LGS designation should be consistent with the local planning of sustainable development, and complement investment in sufficient homes, jobs and other essential services. It is therefore clear from paragraphs 76 and 77 that LGS designation has to be integral to the positive preparation of plans for the future of communities and should not be an isolated exercise to put a stop to the organic growth of towns and villages, which would be clearly contrary to national policy.

197. The PPG requires that landowners should be contacted at an early stage in relation to proposals to designate any part of their land as LGS and have opportunities to make representations⁸². Some landowners claimed at the stage one hearing sessions that this had not happened, and it is not clear to me that this process has been followed in all cases.

198. The clear message in national policy is that LGS designation is to be used sparingly, as part of the overall consideration of the sustainable planning and development needs of communities and is not a tool to stop development. The PPG also makes clear that LGS designation will need to be consistent with local planning for sustainable development in the area and must not be used in a way that undermines this aim of plan making⁸³.

199. It is clear from the allocations maps in the submitted Plan that in not only the eight sample areas I have referred to, but more generally, LGS designations have been distributed liberally within the towns, and in some cases to an even greater extent in several of the villages.

⁸² PPG Ref ID: 37-019-20140306 Does land need to be in public ownership?

⁸³ PPG Ref ID: 37-007-20140306 How does Local Green Space designation relate to development?

200. The methodology set out in the Council's Background Paper on LGS designation⁸⁴ omits any reference to the 'headline' message of *the Framework*, i.e. that LGS designation will not be appropriate for most green, open space areas. Although the document describes each site which is subject to LGS designation, often in some detail, the criteria set out in paragraph 77 of *the Framework* have demonstrably not been applied rigorously, and the resultant distribution of LGS designations in several instances can be said to apply to sites which whilst not being without a measure of attractiveness, cannot be described as being of a limited and special nature and which satisfy all of the three criteria set out in paragraph 77.

201. I recognise that many if not all LGS designations are important to local communities; however, this is a lower bar than being 'demonstrably special' and of 'particular local significance'.

202. The LGS designations in the submitted Plan for all the reasons set out above, are not in line with national policy. **MMs 20; 33; 42; 48; 51; 64; 67; 71; 74; 77; 79; 81; 84; 87; 89; 92; 94; 97; 99; 101; 103; 105; 107; 109; 112; 115; 118; 125; 128; 130; 132; 135; and 137** are necessary to remove all the LGS designations from the Plan, whilst **MM139** is required to remove section 12, covering LGS designations in open countryside. These modifications ensure the Plan is justified and accords with national policy. The Council, in response to my Interim Note, stated that the draft LGS policies and explanatory text will be withdrawn from the Plan, with the intention of reviewing LGS designation as part of the forthcoming LPR⁸⁵. This is an appropriate way forward, which I support.

203. In the absence of LGS policy in the Plan, **MM15** is required to clarify that LGS policy will be formulated in the LPR, whilst stating that LPP1 development policy 2 (Open Areas of Local Significance) still remains in force. However, this policy does not have LGS status (i.e. it does not have the power of Green Belt policy), and as LPP1 states, these open areas need to be reviewed for their ongoing appropriateness. It is expected that they will be replaced when the forthcoming LPR and/or NPs come to review them.

Are other environmental, landscape, biodiversity and heritage policies justified, effective and in accordance with national policy?

204. In general, LPP1 has a comprehensive suite of policies covering the environment, landscape, biodiversity and heritage. No need has been identified from any of the parties for additional policies in the Plan relating to these issues, and I see no reason to disagree.

205. However, several allocation policies have been modified to address specific environmental issues which were raised in representations, including all the allocations affected by NE's concerns over the impact of phosphates on the Somerset Levels and Moors Ramsar Site (SL&M Ramsar Site) which are covered in **MM146, 151-177** and **181**. In brief, NE expressed its concern⁸⁶

⁸⁴ MDC: Designation of Local Green Spaces; December 2017 [Examination Document SD20].

⁸⁵ MDC letter to Inspector-Draft Main Modifications; 3 December 2019 [Examination Document ED24].

⁸⁶ Letter from Natural England to several authorities, including MDC on Matters regarding development in relation to the Somerset Levels and Moors Ramsar Site; dated 17 August 2020 [Examination Document ED37A].

relating to the impact of eutrophication caused by excessive phosphates on the ecological quality of the SL&M Ramsar Site. This letter from NE is accompanied by an indicative map, which shows the Hydrological Catchment Area of the SL&M Ramsar Site, which covers the western part of Mendip District⁸⁷.

206. **MM146** requires the HRA to be updated following NE advice of the impact of excessive phosphates on the condition of the SL&M Ramsar Site, a policy stance supported by NE. The MMs referred to in the above paragraph cover specific allocations and point to the need to secure the necessary mitigation to ensure the development likely to affect the SL&M Ramsar Site is 'phosphate neutral'. These MMs are necessary to comply with national environmental policy and paragraph 176 of *the Framework*.

Is there a need for a policy to address the need to protect green gaps between settlements?

207. At a strategic level, green gaps can serve a useful purpose; LPP1 identifies two green gaps within Mendip, one to the west of Wells and the other to the west of Street. Both gaps are associated with strategic development of housing/FGAs. In Wells, the boundary has been revised to exclude an area with planning permission for residential development. In Street, a small area is identified as a FGA, to allow for additional access options and improved deliverability for the site. Both revisions are justified, and the revised boundaries are shown on the Policies Map.

208. From the evidence before me, I am not persuaded of the need for an additional policy to cover the need for the protection of further green gaps. The appropriate forum to cover this issue is the forthcoming LPR.

Issue 5 - Conclusion

209. I consider that, subject to several main modifications, the Plan's provisions for the protection and enhancement of its environmental, landscape, biodiversity and heritage assets are justified and in accordance with national policy.

Issue 6 – Are the policies to manage and promote the local economy and employment areas and allocations sound?

Are the allocations in the Plan for employment growth soundly based on sustainable principles?

210. The Plan allocates land for employment use in line with the LPP1 strategy, focusing development on sites in the main towns and key existing employment areas. All the allocated employment sites have been subject to SA. **MM13** is necessary to clarify the Plan to refer to commercial space allocated at Saxonvale (policy FR1) in the interests of the effectiveness of the Plan.

211. The updated employment land supply is set out and clarified in an amended Table 6 [**MM14**]. Resulting from the consideration of gypsy and traveller accommodation at Morlands, Glastonbury, **MM31** requires its identification as

⁸⁷ Examination Document ED37B.

a key employment site, whilst committing the local planning authority to undertake further work on meeting any future needs for employment land, and this will be in the context of the LPR. However, **MM39**, whilst making provision for gypsy and traveller accommodation at Morlands, states that the site is suitable for a range of employment uses, although priority will be given to gypsy and traveller accommodation on the remediated part of the site. These modifications are all required for the positive preparation of the Plan.

212. Concern over the shortage of employment land in the Frome area was expressed, although no robust evidence confirmed this. Neither have I seen evidence directly linking the movement of companies out of the District due to employment land shortages.

213. In order for the employment allocations in the Plan to be consistent with LPP1, **MM144** changes the definition of employment land in the glossary to include traditional employment land where the adverse impact of activities on residential living conditions would warrant specific land provision; town centre uses, such as offices, hospitality, retail and leisure uses; and commercial uses, such as motor trade uses, research and development and property management activities. **MM145** adds a definition of 'established employment areas' to the glossary, which specifically excludes freestanding supermarkets. Both modifications ensure the Plan is effective, allocating enough land in the right places to be consistent with LPP1.

How effective is the Plan in protecting existing an allocated employment sites from other uses, such as housing?

214. LPP1 policy DP20 addresses the issue of the re-use of employment sites and policy DP25 in the Plan, subject to **MM16**, draws attention to the Council's Marketing and Business Evidence Supplementary Planning Document (SPD) to support planning applications⁸⁸. The SPD provides the parameters for an independent assessment, giving guidance on sites where there is no reasonable prospect that they will be developed for their intended use. This is necessary for the effectiveness of the Plan.

215. I consider that policy DP25 and the supporting SPD, as modified, provide an appropriate level of flexibility to accord with the requirements in *the Framework*, to firstly support the building of a strong, competitive economy (paragraphs 18-21), whilst avoiding the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose (paragraph 22).

Does the Plan address the need for a housing/employment balance? Is there a balance between housing provision and maintaining an adequate supply of employment land?

216. The overall housing/employment balance was found sound as part of the LPP1 examination (Paragraphs 45-47 of the IR). As part of this commitment towards a sustainable planning balance, there are two mixed use allocations in Frome and one in Wells. I consider that policy DP25 provides several sustainable parameters which address both the location of employment land

⁸⁸ MDC: Marketing and Business Evidence SPD; [Examination Document ED14].

and several qualitative aspects which seek to ensure a satisfactory relationship between employment areas and considerations which if complied with, would ensure a sustainable housing/employment balance.

Town centres and retail development

217. Section 5 of LPP1 sets out five specific town centre strategies, which are sufficient to guide and focus development within the Mendip towns. There is therefore no need for a more prescriptive 'town centres first' approach in this Plan.

Development boundaries in relation to employment areas

218. Development boundaries are useful tools in preventing urban sprawl into the countryside. However, it is critical that these boundaries are drawn to avoid anomalies. One such anomaly exists at the eastern edge of the village of Baltonsborough, where an existing employment site, in existing policy terms would have to be considered as open countryside. **MM63** is required to address this anomaly by including the employment area within the village boundary and enables policy DP25 to be effective.

Issue 6 - Conclusion

219. I consider that, subject to several main modifications, the Plan's policies to manage and promote the local economy and employment areas and allocations are sound.

Issue 7 – Are the transport, infrastructure, implementation, development management and monitoring provisions of the Plan sound?

Are there any infrastructure needs that are not addressed in the Plan?

220. The new policy DP27 [**MM17**] addresses the highway concerns in and around Frome. Elsewhere, the evidence does not point to any specific missing infrastructure requirements which are necessary to deliver the planned growth in the Plan. The updated Infrastructure Plan⁸⁹ highlights infrastructure issues which need to be addressed for the LPR, but the current Plan can be implemented within the resources which are either existing or likely to be made available during the plan period.

Are there any 'showstoppers' which would limit the effectiveness of the Plan, for example in relation to sewerage or flood risk?

221. Wessex Water (WW) considers there is sufficient sewerage capacity to support the development allocations in the Plan, or additional investment can be put in place as individual planning applications are submitted. A comprehensive approach to sewerage and drainage, for example, has been identified by WW in relation to the sites allocated for housing on the southern fringe of Frome.

222. The EA's concerns over allocated sites in Flood Zones 2 or 3 led to the deletion of the former site FR6 at Innox Hill, Frome, in the Proposed Changes (2019).

⁸⁹ MDC: Infrastructure Plan; December 2018 [Examination Document SD19].

In relation to site FR1 (Saxonvale, Frome), the emerging masterplan can locate all the proposed dwellings outside the area of flood risk. At site ST1 (Somerton Road, Street), the development can avoid close proximity to the watercourse and associated flood risk. At site WL4 (Ticknells Depot, Wells), the northern part is within Flood Zone 1, and the supportive text states that the extent of the development would need to reflect a flood risk assessment on the site.

223. In accordance with these detailed provisions as articulated by the Council, I consider that sites FR1, ST1 and WL4 can be developed sustainably and do not present soundness issues.

224. The evidence before me does not point to any 'showstoppers', i.e. issues critical to the overall implementation of the Plan, which if unsolved could potentially derail the Plan, in relation to the strategic infrastructure provision of the Plan.

Are there any issues arising from the impact of the development allocations on the strategic highways network? If so, can these issues be overcome in a satisfactory manner?

225. The Plan takes account of the strategic concerns of HE, in particular the impact of growth around Frome on the A36 via the A361. These issues will be addressed more comprehensively in the preparation of the LPR, including the commissioning of a study of the District Highways Network, to address HE's concerns. In this Plan, three separate sites to the south of Frome are to be amalgamated into site FR3a (Land at Keyford Field) as part of a comprehensive approach to infrastructure planning, including highways and accessibility matters. Growth around the southern periphery of Frome has therefore not been planned in a piecemeal fashion.

226. From the evidence before me, I am satisfied that all the allocated sites in the Plan can be developed to meet the initial soundness concerns expressed by both HE and SCC as the local highways authority.

Are the Plan's development management policies justified and effective?

227. LPP1 contains 23 development management policies. Apart from policies DP24, DP25, DP26 and DP27, no case for inclusion of additional policies in the Plan was made. On this basis, there is no need for additional development management policies or replacement development management policies within this Plan. This issue will be covered in the LPR.

Uncertainties and risks

228. The Council closely monitors housing and employment land delivery. It has sought to reduce the risk of housing under-delivery by: (i) proposing allocations with planned delivery significantly above the minimum requirement set in LPP1; (ii) a conservative windfall estimate; (iii) any perceived 'uncertainties' and infrastructure requirements are identified within the allocation policies; and (iv) the allocations were revised during the Proposed

Changes stage to take account of delivery and other risks identified through representations to the pre-submission Plan. Also, the modifications to remove the caps on proposed housing numbers [MM5] also allow for greater flexibility in delivering housing provision.

229. Employment allocations were also reviewed at the Proposed Changes stage to ensure the Plan is effective.
230. The role and timetable of the LPR are discussed in more detail under Issue 1 of my report.

Monitoring

231. The monitoring framework, set out in LPP1 Appendix 2, will also apply to this Plan. In addition, there is regular and detailed monitoring of housing completions, the trajectory and the five-year housing land supply. There are also regular and detailed updates on employment land availability. A delivery action plan is to be published shortly.

Issue 7 - Conclusion

232. I consider that, subject to a number of main modifications, the transport, infrastructure, implementation, development management and monitoring provisions of the Plan are sound.

Assessment of Legal Compliance

233. My examination of the legal compliance of the Plan is summarised below.

234. The Plan has been prepared in accordance with the Council's LDS.

235. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.

236. SA has been carried out at all stages of the preparation of the Plan and is adequate.

237. The Habitats Regulations Appropriate Assessment Report, including its Addendum [January 2020], sets out why an AA is necessary in relation to four proposed development sites, all in the north-east of the District, and in relation to the Mells Valley SCA, which are covered in more detail in relation to Issue 2, concluding that these sites are unlikely to have a significant effect on features of European designated sites, provided that the policy wording regarding habitat replacement for Greater Horseshoe bats, as set out in the relevant modifications to these sites, is applied. The HRA Addendum also states that, subject to the above-mentioned modifications, of the HRA Stage 3 (Assessment of Alternative Solutions) will not be required in relation to any of these sites. Following NE's concerns regarding the potential impact of development on the quality of the ecology of the SL&M Ramsar Site, MM146 states that a HRA will be updated following NE advice of the impact of excessive phosphates on the condition of the relevant part of the Plan area.

238. Part 1 of the Plan (LPP1) includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

239. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

240. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including, for example the provision of sites for gypsies and travellers. The Plan is not fully meeting gypsy and traveller needs, although MM1 is committing the Council to an almost immediate review to address the issue.

Overall Conclusion and Recommendation

241. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

242. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the Appendix, the 'Mendip District Local Plan 2006-2029 Part 2: Sites and Policies', satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Mike Fox

Inspector

This report is accompanied by an Appendix containing the Main Modifications (MMs).