

From: The Chair of Norton St Philip PC, Clive Abbott (ncliveabbott@hotmail.com)
The Chair of Beckington PC, Mark Wilson (markwilson173@gmail.com)
The Joint Chairs of Rode PC, Peter Travis, Terry Morrow, Pat Banwell
(peter_b_travis@hotmail.com ; tm_morrow@yahoo.co.uk ; patbanwell@hotmail.com)

To : Tracy Aarons, Deputy CE MDC

Copied to : Andre Sestini, Jo Milling (Planning Policy).

24th November 2019

Dear Tracy

LPP2-Inspector's Interim Note

We are writing further to our letter of 4th November 2019. Thank you for your acknowledgement of 11th November. I hope you will excuse us writing again before you have replied in any detail to the points raised in our letter. We understand, however, that MDC is likely to submit a response to the LPP2 Inspector by the end of this week. We further understand that your response is likely to accept the Inspector's Main Modification 5 and allocate the 505 dwellings at *"sites adjacent to Midsomer Norton and Radstock, and on sustainable sites at primary and secondary villages within this part of the District"*.

It appears that the number of dwellings that you are proposing to allocate to the 3 villages we represent may largely depend upon the allocation around Midsomer Norton /Radstock but that the balance is likely to be around 80 dwellings to be divided between the 3 villages. We continue to have very serious concerns about this approach, which is likely to result in allocations on sites previously considered unsuitable and on which you have not carried out any local consultation. Furthermore, in both Beckington and NSP it appears that you are considering allocations on sites recently refused for housing development by the Council itself and subsequently upheld by the Planning Inspectorate at Appeal. This raises serious questions about these allocations.

A Neighbourhood Plan is in place in Rode and is at an advanced stage in NSP. In NSP the sites being considered for allocation are owned by the same developer who has stalled the NP with an injunction relating to the referendum.

We understand that in selecting sites for the allocation of the 505 dwellings, you have only considered those submitted at the LP consultation and hearing. This does not appear to be a stipulation of the Inspector's, but a means of 'fast tracking' the allocations. We have therefore been given no opportunity to consult our communities on where allocations might be acceptable. The Inspector states at para 19

" There would also be a requirement for sustainability appraisal (SA) in relation to any additional housing sites put forward by the Council in MMs. This work could be undertaken so that its results could be consulted on, at the same time as the MMs."

We return to the suggestions put to both you in our letter of 4th November 2019 and to the Inspector in our representation of 3rd October 2019. Notwithstanding the fact that any allocations as suggested by the Inspector are contrary to your spatial strategy (as set out in our previous submissions), under the plan led system there should be proportionate growth at the same level across all of the villages in the District rather than at only a few.

We therefore ask again that you request the Inspector gives his reasoning for these allocations, pointing out that his proposal is causing very great concern in the villages affected. It appears to be in direct contravention of the approach endorsed by the LPP1 Inspector whereby the additional 505 dwellings were to be **“distributed in accordance with the plan’s spatial strategy”** (para 101). It was on this basis that the Plan was found sound.

We would also ask you to refer him to our suggestion that the allocation of the ‘505’ is deferred to the Local Plan Review, which would accord with the principle set out in the Secretary of State’s letters of 2015 and 2019 (attached).

Yours

Clive Abbott; NSP PC

Mark Wilson; Beckington PC

Peter Travis, Pat Banwell, Terry Morrow; Rode PC

Appendix- Letters to The Planning Inspectorate from Greg Clark MP and James Brokenshire MP



Department for
Communities and
Local Government

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

Dear Simon,

Local Plans

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

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

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

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

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

highlighting significant issues to councils very early on, and of giving councils full opportunity to address issues.

I will also clarify how early review may be used as a way of ensuring that a Local Plan is not unnecessarily delayed by seeking to resolve matters which are not critical to the plan's soundness or legal compliance as a whole. In this context I would highlight a recent note published by the Planning Advisory Service which highlights where a commitment to early review has featured in recently adopted Local Plans (http://www.pas.gov.uk/web/pas1/local-planning/-/journal_content/56/332612/7399006/ARTICLE.)

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

THE RT HON GREG CLARK MP



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

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Sarah Richards
Chief Executive
Planning Inspectorate

18 June 2019

Dear Sarah,

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

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

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

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

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

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


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

These changes are:

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

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

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

Yours sincerely,


RT HON JAMES BROKESHIRE MP

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