

4 May 2020

Letter sent by email

Dear Parish Councillors

PROGRESS ON LOCAL PLAN PART II

Thank you for your letter dated 14th April addressed to the Deputy Chief Executive Officer on behalf of the Parish Councils of Norton St Phillip, Rode and Beckington and made in response to the Inspector's note ED27.

The Council notes your concerns raised in response to the decision of the Local Plan Inspector to hold additional hearings and that this inevitably delays the examination process. It is also suggested in your letter that the Council might reconsider its position on the 505 dwellings requested by the Inspector in main modifications. Your letter indicates that you believe a more 'pragmatic' approach could be supported with the housing need addressed in the forthcoming local plan review. Such an approach, you consider, would be a means to avoid the uncertainty for communities around the timing of future hearings and concerns around speculative development.

It is noted that your letter refers to an opportunity for the Council to make an additional response to the Inspector. However, the Parish Councils may have mis-read what the Inspector has asked for in Paragraph 3 of his letter. The Inspector has requested the Council's views on three quite specific and narrow points and not the Council's views on the wider planning matters at this time. The Inspector is not offering an opportunity for the Council to question his decision to hold future hearings. This also would not sit comfortably with other parties submitting representations who were critical about the fairness of the modifications process.

The Council shares your concern about the need to progress Local Plan Part II and the extension of the examination process. However, there are reservations with regard to the approach to defer the 505 dwellings being advocated to the Council. While we are in unprecedented circumstances, it is not appropriate for the Council to respond to the LP2 Inspector and now suggest he should take an 'expedient' approach, effectively seeking to reverse what was presumably a considered decision to hold further hearings.

Planning Inspectorate

PINS have not changed their approach in how local plan examinations are conducted due to the current health crisis. There is no indication that matters identified as significant to soundness of a plan or a decision should now be considered differently by appointed Inspectors. Published advice from the Planning Inspectorate appears very clear that Local Plan examination hearings cannot proceed at this time and they are not exploring whether they can be undertaken virtually without public participation. The Inspectorate remain particularly conscious about the constraints on fairness and public engagement this presents to the examination process. Officers will however, keep a watching brief on PINS advice will discuss the timing of hearings via the Programme Officer if this changes.

Guidance on ‘Pragmatism’

Your letter refers to ministerial statements issued to Planning Inspectorate about taking a ‘pragmatic approach’. The Council consider that some caution is necessary in placing a reliance on what these statements mean in practice. The initial 2015 letter was written in response to a number of local plan examinations where planning authorities were being asked to withdraw their plan from examination and where main modifications to make the plan sound and adoptable was not an option. In other cases, early review of the plan was supported as the LPA needed to address matters that affected the latter part of a plan period. Mendip Local Plan Part II differs from these cases in that the Council is not being asked to withdraw its plan and modifications have been proposed and consulted on as the way forward. In addition, while Planning Practice guidance still retains a reference to allowing adoption of plans subject to early review, this may have less significance now given that all development plans must be reviewed within five years of adoption.

Early Review of the Plan

The Inspector may wish to consider whether his concerns about the soundness of the Local Plan Part II can be mitigated through the mechanism of an early plan review. These circumstances are described in the Planning Inspectorate Procedure Guide (Para 6.12) and a ‘review’ policy has already been included as a Main Modification. However, the Council consider the Inspector could not recommend this in advance of the hearings he considers as necessary. Even if an ‘early review’ policy which included in 505 dwellings is recommended, it might not in practice provide greater certainty to resist speculative development. In addition, the three Parish Councils have clearly articulated their objections both to the 505 dwellings and the site allocations identified in representations. Seeking deferral may appear to accept the need for this requirement in principle.

The Council has already expressed concerns on whether additional dwellings can be ‘bolted-on’ to a new plan review¹ when the housing requirements draw from a different methodology. There is also risk that it may be difficult to isolate the ‘505’ dwellings from future discussions under the duty to co-operate - which might see additional housing in Mendip included, above our local needs, to meet the need of neighbouring districts.

Next Steps

While the timing, hearing issues and days needed for hearings are still to be decided, the Council will not be delaying work on the Plan Review. Officers continue to work on a draft timetable, scope and pre-commencement and evidence base work. These will be considered at Cabinet in the summer.

The Inspector has indicated that he will provide a list of matters and issues he wants to cover at the hearings in due course but may wait until there is certainty over arranging hearing dates. There will be an opportunity for further statements to be submitted. The council will consider carefully its response to the matters and issues that are raised. This will take into account your letter and whether its position should be reviewed in the light of the representations made.

¹ See Para 22 of 505 Background Paper

I have noted your wish to be represented at the hearings. The Programme Officer will contact you directly once the matters and issues have been published so the Inspector can assemble the hearing programme.

Yours sincerely



Tracy Aarons

Deputy Chief Executive