

Mendip District Local Plan 2006 – 2029 Part 2 Sites and Policies – Proposed Main Modifications to the Pre-Submission Plan Consultation comments

1. Introduction

- 1.1. This paper sets out Bath and North East Somerset Council's response to the Mendip Local Plan Part 2 Proposed Main Modifications Consultation.
- 1.2. Following the Inspector's interim report (ED20), Bath and North East Somerset Council (B&NES Council) wrote to Mendip District Council (Mendip DC) setting out B&NES Council's position and seeking clarification from the Inspector regarding the 505 dwellings. This letter (28th November 2019) is now appended to the '505 Dwellings Background Paper' (January 2020) published by Mendip DC as part of the supporting documents for the Proposed Main Modifications. B&NES Council also sent some initial comments on the draft Sustainability Appraisals which is published alongside the Proposed Main Modifications (Consultation document 2b Second Addendum to SA Appendix 6).

2. Key Proposed Main Modifications to which B&NES Council object

MM Ref	Paragraph or Policy	MM Ref	Paragraph or Policy
MM04	Para 3.24	MM06	Para 3.45
MM08	Table 1 reference to three sites -Land at White Post -Land at Underhill Lane -Land west of the A367	MM09	Table 2 (NE Mendip sites)
MM10	Table 3 and accompanying text Paras 3.56 and 3.57	MM11	Table 4 reference to NE Mendip District
MM12	Table 4b reference to 'Sites adj Midsomer Norton	MM58	New section 10 P.69
MM59	New settlement map		MM60 New policy MN1: Land at White Post
MM61	New Policy MN2: Land at Underhill Lane	MM62	New Policy MN3: Land west of the A367

MM66	Section 11 reference to site allocations at N/NE of the District.	MM69	New Policy BK1 Land off Great Dunns Close, Beckington
MM114	New Policy NSP1: Land off Mackley Lane, Norton St Philip	MM123	New Policy RD1 Land off the Mead, Rode

3. Summary of key objections

- 3.1.** B&NES Council supported the submitted Local Plan Part 2 (LPP2) which allocated sufficient housing sites to meet more than the Part 1 strategic housing requirement and did not allocate any sites adjacent to the B&NES boundary. Introducing such a major change by allocating an additional 450 dwellings adjacent to the B&NES boundary on the edge of Midsomer Norton fails to allow sufficient time to assess the impact on the local communities and the services & facilities and infrastructure of the town. The sites are proposed to be added at this late stage in the plan process which means there is only one opportunity for the communities and other interested parties to consider the issues and respond to consultation.
- 3.2.** It is B&NES Council's view that the main modifications listed in section 2 above are not prepared in accordance with legal and procedural requirements and would fail the tests of soundness in preparing the Plan as set out in the comments in sections 4 - 6 below.
- 3.3.** B&NES council has been engaged in the preparation of the Mendip LPP2 prior to this Proposed Main Modifications stage. Introducing such major changes to the Plan affecting the B&NES communities at this stage of the Plan making process would be contrary to the Duty to cooperate as there has not been effective engagement and no Statement of Common Ground is prepared and agreed.

4. The 505 dwellings requirement

- 4.1.** In summary, the B&NES position is that the additional 505 dwellings:
- has already been addressed through the proposed allocations in the submitted draft LPP2 and the overall quantum that is therefore planned for in LPP2;
 - is to meet the needs of the wider Mendip District as set out in the LPP1;
 - is not specific to the north/north-east of the District as the published Proposed Modifications indicate; and
 - would be better met at more sustainable locations in accordance with the LPP1 Policy 1.
- 4.2.** The Inspector's Interim Note ED 20 sets out the need for additional allocations in the north and north east of the District. Para 17 of ED20 advises that the Part 2 Plan has not addressed a strategic expectation to consider allocations for housing development to provide '505 dwellings' as specified in Local Plan Part 1 (LPP1) Core Policy 2. The Inspector considers it is appropriate for this additional element of 505 dwellings to be apportioned to sustainable settlements in the north-east part of the District and added to the total housing provision of the Plan. ED20 also recommends to up-date Table 4 (Housing Requirements) to include additional rows to cover the new allocations in the north-east of the District (MM11).

Point 1: B&NES Council disagree with the interpretation of the 505 dwellings requirement.

- 4.3.** The Main Modifications relating to the additional '505 dwellings' and directing provision to the north/north east of Mendip are considered unsound because they are not justified. B&NES Council considers that they are founded on a misinterpretation of LPP1 and the subsequent

preparation of LPP2. Firstly, making provision for an additional '505 dwellings over and above the allocations already contained within the summited draft LPP2 is not necessary and secondly, the requirement for these dwellings does not specifically relate to the north/north east of the District.

- 4.4. Our understanding is that the '505 dwellings' requirement originally resulted from rolling forward the LPP1 plan period to 2029. The '505 dwellings' was therefore derived from a numerical district-wide shortfall and not through a shortfall in provision in the north-east part of the district. In seeking to plan for the '505 dwellings para 4.21 of the LPP1 states that *'allocations from this roll-forward are likely to focus on sustainable locations in accordance with the Plan's overall spatial strategy as set out in Core Policy 1 and may (emphasis added) include land in the north/north-east of the District primarily adjacent to the towns of Radstock and Midsomer Norton.'*
- 4.5. The overall housing allocations included in the submitted LPP2 was 11,253 dwellings which is 1,618 dwellings more than the LPP1 Policy CP2 minimum requirement of 9,635. It is our understanding that this includes the LPP1 Policy 2 requirement of the additional '505 dwellings' for the District. Therefore, an additional 505 dwellings over & above the 11,253 dwellings do not need to be planned for in LPP2.
- 4.6. In preparing the LPP2 Mendip DC was able to identify and allocate sites to deliver 11,253 dwellings (including the additional '505 dwellings') in more sustainable locations, within the context of the spatial strategy, to meet additional housing needs within Mendip. Therefore, sites in the north/north-east of Mendip were not allocated in the submitted draft LPP2 because Mendip DC could more sustainably meet its housing needs. **Mendip DC statement IQ3** sets out clearly that why it was not necessary to allocate the 505 dwellings to the north-north east of the District. In responding to the consultation on the pre-submission Draft LLP2 B&NES Council supported the approach taken by Mendip District Council.
- 4.7. **MG1-Clarification on Housing Trajectory** prepared and submitted in response to Further Information Requested in Note ED20 shows the Projected Housing Delivery 2019/20 - 2033/34. Total of 522 dwellings are expected to be delivered beyond the Plan period. Therefore, it indicates that the Planned Growth within the Plan period up to 2028/29 is 11,359 dwellings. This figure includes new site allocations of 536 dwellings in the north/north east of the District (455 dwellings adjacent to Midsomer Norton and 81 dwellings at Rode, Norton St Philip and Beckington). Without these new sites, the new Planned Growth within the Plan period is 10,823 dwellings. This is 1,188 dwellings more than the LPP1 CP2 requirement of 9,635 dwellings which indicates 11% uplift. Therefore, even taking into account the latest trajectory, additional sites in the north/north east of the District do not need to be allocated in LPP2. Furthermore, the policy framework is expected to facilitate delivery of more dwellings if windfall sites are taken into account which NPPF para 70 allows subject to evidence.
- 4.8. In ED20 the Inspector refers to 'the 505 dwellings' being required to specifically address the housing needs of the north-eastern part of the District' and concludes that it is appropriate for this to be apportioned to sustainable settlements in the north-east part of the District. The reasoning behind this conclusion is unclear, but appears to be based on the Inspector's reading of the LPP1 Inspector's Report and LPP1 itself, and from the discussion at the Hearing sessions (which B&NES Council were not party to as we did not object to the submitted Plan). B&NES Council considers this to be a misinterpretation of LPP1. As set out above our understanding of the LPP1 Inspector's Report and LPP1 itself is that this 505 dwellings contributed to the needs for the wider District as a shortfall at the time of the LPP1 housing numbers review and rolling forward of the plan period, which was not specific to the north-eastern part of the District. Interpreting this district wide requirement to be specific to the north / north east of the District and therefore to require sites to be allocated adjoining Midsomer Norton goes beyond the remit set out in LPP1.

Point 2: B&NES objects to the proposed allocation of land adjacent to Midsomer Norton

- 4.9.** B&NES Council understand that Mendip DC did not include sites adjacent to Midsomer Norton in preparing the submission draft LPP2 as they could identify more sustainable places to fulfil the District's housing needs in accordance with Policy 1 of the spatial strategy. B&NES Council agree with this approach. The sites/land adjacent to Midsomer Norton, Westfield and Radstock are clearly linked to and serve the communities in these places and not communities within Mendip District. The integration of new housing with existing local communities and associated opportunities and constraints or impacts on the environment and infrastructure, such as education, transport and community facilities, needs to be comprehensively assessed and addressed as para 4.7 of the LPP1 requires. Through the proposed allocation of sites via Main Modifications it is clear this has not been adequately undertaken.
- 4.10.** One of the key strategic issues being addressed by the B&NES Core Strategy and Placemaking Plan is an imbalance between jobs and homes in this area caused by recent incremental housing development and a decline in the manufacturing sector resulting in a high degree of out-commuting. Therefore, the Core Strategy/Placemaking Plan facilitates more employment including allocating the Somer Valley Enterprise Zone and only facilitates some additional housing primarily reflecting already committed sites (either permitted or allocated in the previous Local Plan).
- 4.11.** Allocating sites adjoining Midsomer Norton, Westfield or Radstock through the Mendip LPP2 is contrary to the adopted B&NES Development Plan (B&NES Core Strategy and Placemaking Plan and Westfield Neighbourhood Plan) and would worsen the imbalance between jobs and homes and would add cumulative impacts on key infrastructure. The additional 450 homes proposed will add to out-commuting flows, primarily to Bristol and Bath, resulting in unsustainable travel patterns contrary to the Council's climate emergency declaration.
- 4.12.** The Main Modifications in relation to new sites allocations adjacent to Midsomer Norton are considered unsound because they are not positively prepared or justified by the necessary assessments referenced in para 4.10 above.

Point 3: Proposed Modifications are not informed by a Sustainability Appraisal that meets the relevant legal requirements.

- 4.13.** B&NES Council's initial comments on the Sustainability Appraisal (SA) are published as part of the SA report (Appendix 6). As these comments state it is not possible to assess properly and provide comprehensive feedback on the SA conclusions at this stage, because the effects on social and transport infrastructure from the potential development of these sites, particularly criteria SAO09 (encourage more sustainable travel patterns) and SAO13 (improve access to facilities and services,) are not certain until they have been assessed comprehensively as para 4.7 of the LPP1 requires and would be necessary to meet the soundness tests.
- 4.14.** For example, there is no evidence of detailed traffic modelling to test the impact of these sites on the existing roads which are already heavily trafficked and affected by frequent traffic congestion. The comprehensive assessment required by LPP1 needs to be undertaken. The cumulative effects need to be identified (including in combination with other plans) and addressed prior to allocating any of these sites. For your information, also attached are B&NES's responses to the planning applications submitted for NRAD005 and NRAD001M as they are still relevant.

- 4.15.** In Appendix 6 of the SA, Mendip DC's response states that *'the need for traffic modelling should be addressed in proposed policies'* i.e. through the Proposed Modifications with new site allocation policies including such requirements. However, this key evidence should be prepared and tested before the allocations are made. Significant concerns are identified through the site assessments particularly assessing the in-combination effects. As an example Question 50 of the site assessment for Land at White Post (NRAD001M) states that *'There have been significant concerns highlighted in planning applications relating to this site and NRAD005 from B&NES Highways regarding the impact upon development in this area on the road network. Cumulative impact from this site, NRAD005 and the newly developed Barratt site to the north would need to be assessed'* However, no such assessments have been undertaken. It would be too late to address any issues identified once the principle of development is established through site allocations.
- 4.16.** Whilst theoretically some sites could contribute towards meeting the Mendip Local Plan housing targets (as assessed against criterion SAO11), it remains B&NES Council's view that the additional '505 dwellings' included in the LPP1 is to meet the needs of the wider Mendip District and is not specific to the north/north-east of the district. Therefore, it is not considered these sites are in the most sustainable location to meet the needs of the wider district, especially as other alternative sites are already identified and allocated through the draft LPP2. This needs to be reflected in the Sustainability Appraisal.

Cumulative effects with B&NES Development Plans

- 4.17.** The SEA Regulations require an assessment of cumulative effects with other plans. One of the key strategic issues the adopted B&NES Development Plan is addressing is an imbalance between jobs and homes caused by recent incremental housing development and a decline in the manufacturing sector and resulting in a high degree of out-commuting. The development of the sites considered here would exacerbate the recent trend of incremental housing development which the B&NES Development Plan, incorporating not only B&NES Core Strategy and Placemaking Plan, but also Westfield Neighbourhood Plan, seeks to prevent. Allocating sites adjoining Midsomer Norton, Westfield or Radstock through the Mendip LPP2 would worsen the imbalance between jobs and homes, resulting in additional unsustainable commuting patterns, and would add cumulative impacts on key infrastructure within Midsomer Norton, Radstock and Westfield. Therefore, development of these would result in significant negative cumulative impacts when considered with the adopted B&NES Development Plan. The Mendip Sustainability Appraisal addendum failed to properly assess these cumulative effects with B&NES Development Plans.

5. Process issues

Point 4: B&NES Council request further hearings to discuss the matters raised above prior to the Proposed Modifications being agreed and the Plan adopted

- 5.1.** It is clear from the LPP1 Inspectors report that the Council should consider land in the vicinity of these towns. However, neither the Local Plan Part 1 Inspector nor the advice contained in the adopted LPP1 at Para 4.7 and 4.21 refer to development to meet specific needs in the north/north east of the District. It should be noted that the modifications in LPP1 were simply made to address the lack of consideration of sites around Midsomer Norton/Radstock and not based on specific evidence of housing need in this particular location at the time.
- 5.2.** The reasons are not clear as to why the LPP1 is now being interpreted as warranting or requiring allocations on the edge of the B&NES Somer Valley towns. As the sites adjoining

these places were not proposed for allocation in the submitted LPP2, B&NES Council and the communities within B&NES have not had sufficient opportunity to properly participate in or respond to the consideration of these sites.

- 5.3.** B&NES Council request further hearings to discuss these matters raised if the Inspector is minded to agree that the Proposed Main Modifications relating to the allocations in the north/north east of the District should be incorporated into LPP2 prior to its adoption. B&NES Council wishes to participate in such hearings.

6. Conclusion

- 6.1.** It is B&NES Council's view that the main modifications listed in section 2 above are not prepared in accordance with legal and procedural requirements and would fail the tests of soundness in preparing the Plan.

- 6.2.** In summary three key points:

- (1) the reasons for the change in the figure and its allocation in this location are not justified and it's not clear how this options has been assessed and informed by the SA in light of the reasonable alternatives. The LPP1 refers to the 505 dwellings requirement for the District, not specific to the north/north east of the District. Therefore, reasonable alternatives sites should be a district wide.
- (2) the allocation of this quantum of development in the Somer Valley is contrary to the spatial strategy of the B&NES Core Strategy which was endorsed by the Core Strategy examination inspector. The impacts on the towns in terms of the transport network, services/facilities, employment opportunities and environmentally are considered and assessed through the B&NES Core Strategy and Placemaking Plan, informed by the SA. Introducing such allocations in the Mendip LPP2 without properly assessing the impact of the allocations is neither justified nor effective.
- (3) very limited opportunities for those who previously supported the plan, but now have significant concerns as a result of the modifications, to engage in the process.

- 6.3.** B&NES council has been engaged in the preparation of the Mendip LPP2 prior to this Proposed Main Modifications stage. Introducing such major changes to the Plan affecting the B&NES communities at this stage of the Plan making process would be contrary to the Duty to Cooperate as there has not been effective engagement and no Statement of Common Ground is prepared and agreed.