

Mendip District Council Local Plan Part 1 Examination

Ref:

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19 May 2014

Dear Mr Bowen

Examination into the Mendip District Local Plan Part 1: Strategy and Policies (the Plan) – Initial Recommendations

Following the completion of the hearing sessions held in Shepton Mallet between 31 March and 14 April 2014 the Council has produced a schedule of main modifications which, as a result of the hearings, it wishes to propose to the Plan¹. I am content for the main modifications in this schedule, and those in the earlier schedule of main modifications proposed by the Council in the run up to the hearings², to be published for consultation and, where appropriate, Sustainability Appraisal.

However, for the reasons set out in brief in the annex to this letter, I recommend that in addition to these the Council should consult on and, where appropriate, carry out a Sustainability Appraisal of three further main modifications. These are, firstly, that it should be specified that the housing figures referred to in Policy CP1 and elsewhere are to be treated as minima. Secondly, that the reference to the Future Growth Area in Wells being released through the Site Allocations process 'unless deliverable alternative sites emerge' be deleted and, thirdly, that the safeguarded section of the proposed multi use path between Kilver Street and Charlton Road be deleted.

It may be of course that the various main modifications referred to above will prompt further representations. It is possible that these could be dealt with by written representations but if they could not then the hearings would need to be resumed. Any resumed hearing sessions would deal solely with matters raised in the further representations.

My agreement that the main modifications proposed by the Council be published and my recommendation that three further main modifications be published is, of course, without prejudice to any final report I may prepare.

Yours sincerely,

Robert Yuille

Inspector

¹ These can be found on the Examination web page under the reference ED/74

² These can be found on the Examination web page under the reference ED/4.

Summary of Reasons for Recommendation of Initial Main Modifications

Housing Figures as Minima

1. Population and household projections are not an exact science and it is noteworthy that the Review of Housing Requirements on which the Council bases its housing requirements is careful to qualify any such figures by the use of the term 'in the region of' or the word 'around'³. It is also the case that the aim of government policy is to seek to boost significantly the supply of housing. Moreover, there has been no substantial evidence put forward to suggest that constraints in Mendip are such that it could deliver no more than a maximum of 420 dwellings per annum.
2. With these points in mind I consider that the Plan is unjustified and hence unsound in referring to precise housing figures. Such unsoundness would be remedied by referring to housing figures in the Plan as minima.

The Future Growth Area in Wells

3. The gist of the relevant part of Policy CP10 is that the Future Growth Area proposed on the southern portion of the land to the west of Wells will be released for development during the Site Allocation process - unless deliverable alternative sites emerge, in which case it would be retained for a subsequent review. In other words the Plan, on the one hand, identifies this land as a Future Growth Area with the prospect of development taking place in the foreseeable future while on the other hand it leaves open the prospect that the development of this land will be deferred. Such an element of ambiguity sits uneasily alongside the Plan's purpose of providing a degree of certainty as to where and when development will take place.
4. The Council points out that there have been a large number of objections to this Future Growth Area but the same is true for the adjoining Strategic Site where it has resolved to grant planning permission. Moreover, while there are a number of issues that have yet to be resolved in relation to this Future Growth Area, the Council made clear at the hearings that it regards this site as being developable in the sense that it is in a suitable location for housing; it is controlled by national house builders and there is thus a reasonable prospect of it being available; and that it could be viably developed.
5. While it is true that Wells has a healthy housing land supply position at present the fact remains that more housing land needs to be identified and the Council has confirmed that no other green field Strategic Sites have been promoted through the Plan and that, as matters stand at present, it does not consider that it can rely on brownfield sites to fill that need. That being so there are no obvious candidates to replace the FGA.
6. It is true that a number of developable brownfield sites, and indeed green field sites, may come forward in time but the same is true for other towns in the District which have Future Growth Areas and these are not subject to the same 'wait and see' caveat as is the Future Growth Area in Wells.
7. I consider, therefore that the words '*...unless deliverable alternative sites emerge. If so, the area will be retained until a subsequent review.*' are unjustified. In this respect the Plan is unsound. This element of unsoundness would be remedied by the deletion of these words.

Safeguarded Section of Multi Use Path – Shepton Mallet

8. Policy DP18 proposes, amongst other things, that the sections of railway embankment and the Grade II Listed viaduct to the west of Kilver Street and north of Charlton Road, Shepton Mallet should be safeguarded from development that would prejudice the construction of a multi use path. This would form one end of a longer multi use path following the line of a disused railway running north out of Shepton Mallet. Such a proposal is consistent with the aim of protecting and exploiting opportunities for the use of sustainable transport⁴.

³ SD/92. Review of Housing Requirements. Paragraphs 16 and 4.11 for example.

⁴ National Planning Policy Framework. Paragraph 35.

9. However, in this instance the safeguarded land forms part of Kilver Court, a retail outlet and conference venue that makes a significant contribution to the local economy. It was confirmed at the hearings that a scheme is under discussion to increase the number of retail units on the site and that this would involve the use of the embankments and viaduct for parking and access – something that would preclude a multi-use path.
10. At the hearings no suggestion was made by the Council that such a proposal would be out of step with the strategy for Shepton Mallet as set out in Core Policy 9 or that there was no reasonable prospect of this scheme coming forward. It was, however, pointed out that Policy DP18 would not preclude such a development, providing an satisfactory alternative provision were made. However it was it was not made clear what that satisfactory alternative provision would be or, more significantly, what purpose it would serve if it were provided. As has already been established the section between Kilver Street and Charlton Road would form one end of a longer route running north out of Shepton Mallet and that footpath would function just as effectively if it were to start at Kilver Street as it would if it were to start at Charlton Road.
11. I consider, therefore, that the safeguarding of the section of the proposed multi use path between Kilver Street and Charlton Road is unjustified. In this respect the Plan is unsound. This element of unsoundness would be remedied by deleting this section of safeguarded land from the Policies Map.