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# **Report to Mendip District Council**

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**by Robert Yuille MSc Dip TP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

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**Date: 2<sup>nd</sup> October 2014**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO MENDIP DISTRICT**

**LOCAL PLAN PART I: STRATEGY AND POLICIES**

Document submitted for examination on 9 December 2013

Examination hearings held between 31 March and 14 April 2014

File Ref: PINS/Q3305/429/1

## Non-Technical Summary

This report concludes that the Mendip District Local Plan Part I: Strategy and Policies (the Plan) provides an appropriate basis for the planning of the District providing a number of main modifications are made to it. Mendip District Council has specifically requested me to recommend any main modifications necessary to enable the Plan to be adopted.

The majority of the main modifications to address this were proposed by the Council but where necessary I have amended detailed wording and I have recommended their inclusion having considered the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Revise the housing figures in the Plan to reflect an objective assessment of need, to express these figures as minima and to extend the end date of the Plan to 2029 (**MM24 & MM39**);
- Acknowledge the possibility that sites in Midsomer Norton and Radstock could be considered for allocation to meet Mendip's need for housing (**MM14, MM16, MM23 & MM26**);
- Re-classify villages where they have gained or lost services since the submission of the Plan (**MM17**);
- Make clear that Policy CP1 refers to the re-use of appropriate previously developed sites (**MM18**);
- Make clear that some greenfield sites may need to be allocated at Glastonbury in the future (**MM50**);
- Remove the Green Gap designation at Shepton Mallet and extend the boundaries of the Strategic Site and Future Growth Area (**MM63, MM64, MM65 & MM66**);
- Clarify the terms of the 'trigger clause' in Policy CP2. Make clear that the 'trigger clause' applies to the Future Growth Area in Wells (**MM29, MM31 & MM41**);
- Make clear that the phasing policy in Policy CP10 does not apply to the Future Growth Area in Wells (**MM71**);
- Make reference to the provision of self-build housing (**MM91**) and specialist housing (**MM92**);
- Make clear that a local occupancy requirement does not apply to all sites in the rural area but only to rural exception sites (**MM85 & MM90**);
- Delete the reference to 'about 1500sqm' in policy CP6 (**MM48**);
- Make clear that a larger proportion of Clarks Village's floorspace will be permitted to become food and drinks uses (**MM56 & MM59**);
- Delete reference to the proposals map in Policy DP8 (**MM77**);
- Include a policy relating to managing flood risk in the Plan (**MM98 to MM103**); and
- Make clear that land to the west of Kilver Street and to the north of Charlton Road is not safeguarded under the terms of policy DP18.

## Introduction

1. This report contains my assessment of the Mendip District Local Plan Part 1: Strategy and Policies (the Plan) 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, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan which is the same as the document published for consultation between 29 November 2012 and 24 January 2013.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound and thus incapable of being adopted. These main modifications are set out in the Appendix.
4. The main modifications that are necessary for soundness relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and carried out sustainability appraisal and this schedule has been subject to public consultation. I have taken account of the consultation responses 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. None of these amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.

## Assessment of Duty to Co-operate

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council has complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. The Council has set out the steps it has taken to comply with this duty in its Duty to Co-

operate Statement<sup>1</sup>. Much of the discussion at the hearings concentrated on whether the Council had discharged this duty when considering the need for housing.

*Assessment of Housing Needs.*

6. In assessing its full housing needs the Council is required to prepare a Strategic Housing Market Assessment working with neighbouring authorities where housing market areas cross administrative boundaries<sup>2</sup>. It was common ground at the hearings that commuting and migration patterns show that there are links between Mendip and neighbouring areas, particularly between the north eastern part of the district and parts of Bath and North East Somerset (B&NES) and Wiltshire. Arguably, therefore, Mendip could be regarded as being part of more than one housing market area and that these housing market areas cross administrative boundaries.
7. The question was raised as to whether the Council was correct to take the view that Mendip itself was tantamount to being a housing market area (a so called 'district only' housing market area) and to prepare its objective assessment of housing need on that basis, or whether it should have based its assessment of such needs on a wider area that crossed administrative boundaries – something that would have involved co-operation with neighbouring authorities.
8. However, it is significant that no neighbouring authorities are seeking such co-operation with Mendip. In particular, both B&NES and Wiltshire are preparing plans at present and, while the B&NES plan was not subject to the Duty to Cooperate, neither of the Inspectors examining these plans is pressing for the assessment of housing needs to be done jointly with Mendip - indeed the Inspector at the B&NES examination has accepted that it is reasonable for that Council to have undertaken a 'district only' Strategic Housing Market Assessment<sup>3</sup>.
9. Moreover, I take the view that the evidence on commuting patterns, on household movements and on journey to work indicates that while Mendip has links to surrounding areas it is, when taken as a whole, a fairly self-contained housing market area and as such forms an adequate basis for the preparation of a Strategic Housing Market Assessment<sup>4</sup>. It is reasonable, therefore, for the Council to take a pragmatic approach in regarding its administrative area as being tantamount to a housing market area and thus to rely on a 'district only'

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<sup>1</sup> SD55. Statement on the Duty to Co-operate. October 2013.

<sup>2</sup> National Planning Policy Framework. Paragraph 159.

<sup>3</sup> ED23 Inspector's conclusions on the geographic scope of the Strategic Housing Market Assessment. Paragraph 12.

<sup>4</sup> SD92 Review of Housing Requirements. Paragraphs 1.15 – 1.27.

Strategic Housing Market Assessment for the purposes of determining housing need.

10. The alternative would be to require the Council to await the preparation of a joint Strategic Housing Market Assessment or to prepare such a document itself. Either approach would result in lengthy delays to the Plan. Such delay would run counter to the Government's principle that planning should be genuinely plan-led<sup>5</sup>. Such a delay would, therefore, require clear evidence that the cross boundary aspects of housing provision were being ignored or sidelined. This could, for example, take the form of evidence that the Council was ignoring requests to help meet the housing needs of its neighbours or disregarding suggestions that it was under providing for houses and hence requiring neighbouring Councils to make up the deficit.
11. In this instance such evidence does not exist. The Council has co-operated constructively, actively and on an ongoing basis with neighbouring authorities and has established that, at this time, none of these are seeking to meet any part of their housing needs in Mendip, that Mendip is not relying on neighbouring authorities to meet any part of its housing needs and that neighbouring authorities have no objection to the scale or location of housing growth proposed in the Plan<sup>6</sup>.
12. It is also important to note that the Council is not saying that it will continue to regard itself as a 'district only' housing market area in the future regardless of any evidence that may emerge. The Council is taking part in work on the emerging West of England Strategic Housing Market Assessment and if the latest migration and travel to work data indicate that it should continue to take part in this project it will do so. Similarly it is working with other authorities in Somerset in considering whether it would be possible or appropriate to update Strategic Housing Market Assessments individually or jointly<sup>7</sup>.
13. With all of these points in mind I am satisfied that the Council has discharged its duty to co-operate with neighbouring authorities in assessing its housing needs.

#### *Hinkley Point Power Station*

14. It was suggested that the possible effect of the Hinkley Point Power Station on housing and employment in Mendip was a cross boundary issue on which the Council should have co-operated more fully with neighbouring authorities. I do not agree. Although there is some

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<sup>5</sup> National Planning Policy Framework. First bullet point of paragraph 17.

<sup>6</sup> SD55. Statement of Duty to Co-operate. Paragraphs 16, 22, 23 & 30.

<sup>7</sup> ED30. Summary of Mendip District Council's co-operation regarding future Strategic Housing Market Assessments.

evidence that this development has the potential to create opportunities for the south west in general<sup>8</sup> and for Mendip in particular<sup>9</sup> the actual extent of these opportunities as far as Mendip is concerned is uncertain. Work carried out in connection with the Development Consent Order Application for Hinkley Point calls into question whether indeed this project would have a significant impact, particularly in terms of the number of workers living in Mendip<sup>10</sup>. The Council confirmed at the hearings, however, that this matter was not being forgotten and that it would continue to monitor the situation.

15. Given this assurance and given the current uncertainty as to the effect that Hinkley Point will have on Mendip in housing and employment terms, I do not consider that the Council could have done more to co-operate constructively or actively with neighbouring authorities .
16. For the reasons set out above I am satisfied that the Council has discharged its duty to co-operate

## **Assessment of Soundness**

### **Preamble**

17. The Plan is the first of two main parts of the overall Local Plan for Mendip. As its name implies the Plan itself deals with the overall spatial strategy for the district (including the identification of a number of Strategic Sites and Future Growth Areas) and with development policies. The Local Plan Part II: Allocations document will concentrate on allocating the additional sites necessary to meet development needs.

### **Main Issues**

18. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified ten main issues upon which the soundness of the Plan depends. These are dealt with below.

#### **Issue 1. Is the spatial strategy set out in the Plan sound?**

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<sup>8</sup> ED27. LEP – Summary – Strategic Economic Plan 2014-2030. Page 3 for example. ED42. Press Release. Initial Agreement on New Nuclear Power Station at Hinkley. ED43. Job Opportunities at Hinkley Point C. ED44. Local Supply Chain Perspective.

<sup>9</sup> ED68. Mendip Economic Development Strategy 2013 – 2016. Page 9, Section 3.3; and SD56. Housing Distribution Options. Paragraph 3.37; and SD71. Mendip Employment Land and Premises Study. Paragraph 4.5.4.

<sup>10</sup> ED 24. Hinkley Point C Local Impact Report. Housing and Market Supply. Paragraph 4.4.1.35 and Figures 4.1 and 4.2; and ED25 Hinkley Point C Economic Strategy. Paragraph 5.6.28.

19. Broadly speaking the spatial strategy in the Plan is to direct development towards the principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells, while in the rural areas it will be focussed on Primary and Secondary Villages. Emphasis is also laid on maximising the use of previously developed land and other sites within existing settlement limits and then at the most sustainable locations at the edges of settlements.
20. Three main criticisms were levelled at the spatial strategy set out in the Plan; these are that no consideration had been given to the alternative of developing at Radstock and Midsomer Norton; that the strategy takes a 'brownfield first' approach to the identification of housing land; and, that the level of housing provision proposed in the rural area was incorrect.

*Radstock/Midsomer Norton.*

21. The settlements of Radstock and Midsomer Norton are located just outside the boundary of the district with parts of their built up areas abutting or extending into it. They are comparable in size with the main towns in Mendip, they have a similar range of services and they have close functional links with settlements in the northern part of the district. In preparing the Plan the Council has not appraised the alternative of allocating a strategic site or sites at these settlements. It was suggested that it should have done so as, regardless of any quirks of the boundary, this would have been a sustainable location for growth and hence a reasonable alternative to explore.
22. However, planning for these settlements is primarily the responsibility of the local authority in which they are located (B&NES) and there is nothing to suggest in the emerging plan for that district that these settlements are seen as particularly sustainable locations for growth. Certainly the Council has not been requested to consider allocating housing land there to meet the needs of the neighbouring District. In such a situation, and given that the Council had various alternative ways of meeting its needs within its own boundaries, I, like the Council, do not consider that a reasonable alternative would have been to seek large scale, strategic allocations at Radstock and Midsomer Norton when these would appear to run counter to the approach being taken by B&NES. It would, to use the Council's phrase, be a case of 'the tail wagging the dog'. Since the hearing sessions, the B&NES Core Strategy has been adopted and confirms that there are no unmet housing needs in these towns that need to be accommodated in Mendip. References to the possibility of meeting such needs are, therefore, unjustified and hence unsound and should be deleted as is proposed in **MM16**.
23. What the Plan does not deal with, however, is whether such sites should be considered through the Local Plan Part II Allocations document as a way of meeting Mendip's own development needs. 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 II Allocations document will need to find sites for an additional 500 or so sites 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. However, such

allocations would need to be considered in conjunction with B&NES and local communities and arrangements would need to be made to deal with any impact they might have on infrastructure in B&NES. The Plan is therefore, unjustified, and hence unsound in this respect. The Council proposes to remedy this element of unsoundness by making specific reference to the role that these towns 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. (**MM14, MM16, MM23 & MM26**).

24. No substantial evidence has been put forward which would justify going further than this and including a reference in Core Policy 1 which would commit the Council to directing some development towards Radstock and Midsomer Norton. Indeed, on a similar point, no substantial evidence has been put forward to support suggestions that the Council should specify in more detail where the additional 500 houses will go. On the basis of the information available I consider that the Council is correct to take the approach that it does in the Plan and simply state in general terms that these houses will be located in accordance with the Plan's spatial strategy as set out in Core Policy 1 and that this could include land adjacent to Radstock and Midsomer Norton.
25. I am satisfied, therefore, that there was no necessity for the Council to have fully appraised the alternative of allocating a strategic site or sites at Radstock or Midsomer Norton and that the Plan, as proposed to be modified, provides an adequate framework within which the possibility of allocating sites at these towns could be appraised in the future.

*Brownfield First Approach*

26. Core Policy 1(3) refers to maximising the appropriate re-use of previously developed sites and other land within existing settlement limits and then at the most sustainable locations on the edge of identified settlements. To my mind this clearly establishes that in allocating sites in the Local Plan Part II Allocations document preference will be given to sites, both brownfield and greenfield, within settlement limits. While, for monitoring purposes, the Plan seeks to achieve 60% of its housing supply on brownfield it remains the case that Core Policy 1 is not a policy that simply phases the release of brownfield sites ahead of greenfield sites.
27. Such an approach does not place an over reliance on small brownfield sites to deliver housing, rather it recognises that a number of such sites are being actively promoted through the Strategic Housing Land Availability Assessment. Nor would it necessarily lead to the loss of land needed for employment -a point discussed later in this report in relation to Glastonbury (paragraphs 146-148). The question of whether individual sites are suitable for development will be determined through the Local Plan Part II Allocations document which will look at these sites in detail and determine whether or not they are in sustainable locations. In this respect Core Policy 1(3) is misleading, and hence ineffective, in that it refers to the appropriate re-use of previously developed sites rather than the re-use of appropriate previously developed sites. The Council proposes to remedy this element of unsoundness by way of **MM18**.

28. It is important to bear in mind that, if it transpires that there are insufficient brownfield and greenfield sites within settlement limits to meet the remaining development needs of the District, then, through the Part II Local Plan Allocations document, the Council will allocate further sites on the edge of settlements.
29. In Glastonbury, for example, where this point was explored most fully, the town is heavily constrained and it is anticipated that completions, commitments and brownfield sites within settlement limits can deliver almost all the required housing. Consequently a Strategic Site at Glastonbury is not allocated in the Plan. However, the Council acknowledges that there are greenfield sites on the edge of Glastonbury which have development potential and it will consider allocating these in the Local Plan Part II Allocations document if insufficient sustainable sites can be found within the settlement.
30. This possibility is referred to in the Plan but it is stated that only a very small amount of greenfield land will be required. This statement is unjustified and hence unsound as it is not known at this time how much additional greenfield land will be needed. The Council proposes to remedy this by making clear that some greenfield land may need to be provided for at Glastonbury (**MM50**). With these points in mind I am satisfied, in general terms, that the Plan does not take a 'brownfield first' approach and that, in particular, there is no need to allocate a Strategic Housing Site in Glastonbury.

#### *Housing Provision in Rural Area*

31. As with any other area, the full projected need for housing in the rural area consists of locally arising need and the need arising from people wanting to move into the area. The Plan proposes the provision of 1780 houses in the rural area. This is less than the full projected need but more than the locally arising need. There were those who argued at the hearings that provision should be made in the rural area for its full projected needs – largely on the basis that it has historically been an important source of housing supply and there is a possibility that the 1780 figure will be met before the end of the plan period. Others interpret the historic rate of growth in the area differently. They point to the large number of planning permissions granted recently, many on appeal, which they consider have had a harmful effect on the character of the rural area. Consequently they consider that the proposed level of provision is too high.
32. The Council accepts that the rural area could take more growth but considers that the critical question is whether it should. In its view, while it is required to meet the objective assessment of need for the District as a whole – something it proposes to do – the question of how that figure is distributed is for local members and local people to determine having regard to the need to protect the intrinsic character of the rural area as well as the need to support and broaden the sustainability of rural settlements.
33. To my mind past growth rates in the rural area, which in recent years at least appear to have been influenced by the lack of an up to date plan and the lack of a five year supply of housing land, are, to an extent,

beside the point. The question to be addressed here is what is a suitable level of housing provision in the rural area over the plan period? I consider that in a rural area such as Mendip it is perfectly legitimate for the Council to adopt a strategy of concentrating development in the principal towns as these are the most sustainable locations for growth. This approach has not been seriously challenged through the examination.

34. Clearly, however, one implication of this strategy is that there will be less development in the rural area. In determining the level of growth in the rural area the Council has consulted extensively with local Parish Councils and while support for the chosen figure is not universal there is widespread public acceptance that the figure in the Plan strikes a reasonable balance between the need provide sufficient development to support rural settlements without causing unacceptable harm to their character. Insufficient evidence has been brought forward to warrant altering that figure.

## **Issue 2 – Should the housing numbers set out in the Plan be increased, decreased or remain the same?**

### *Demographic Projections*

35. The overall housing requirements set out in Core Policy 2 are based on demographic projections carried out by Dorset County Council<sup>11</sup>. Following the publication of the National Planning Policy Framework, which seeks to significantly boost the supply of housing land and requires an objective assessment of housing need, the Council commissioned a Review of Housing Requirement<sup>12</sup> (the Review) which arrived at a housing requirement of some 500 or so above the previous figure. This increase is largely accounted for by the fact that the end date of the Plan has been changed from 2028 to 2029 in order that it would run for 15 years from its likely date of adoption.
36. It was this latter document (the Review) that the Council relied on as the basis of the housing numbers which it now proposes to include in the Plan by way of a number of main modifications and it was the robustness of this latter document that was the focus of discussion at the hearings.
37. These discussions were helped by the fact that the Council and representors had, at my instigation, previously held a Housing Technical Meeting the purpose of which was to identify points of agreement and disagreement on housing numbers and housing supply. The minutes of

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<sup>11</sup> Documents SD63 to SD65.

<sup>12</sup> SD92. Review of Housing Requirements. November 2013.

this meeting<sup>13</sup> formed a useful basis for discussions at the hearings.

38. The Review takes as its starting point the latest available household projections produced by the Department for Communities and Local Government and takes account of a full range of demographic data, including census data. This a sensible approach which is consistent with government guidance and I see no strong reasons why it should either seek to update that information or use alternative sources such as the West Mendip Joint Needs Assessment - a document produced to inform decisions about public health. The Review produces what the Council regards as reasonable population and household projections which suggest a need for around 420 homes per annum between 2011 and 2029.
39. Such a projection inevitably involves a series of judgements and, given that the aim of government policy is to boost significantly the supply of housing, care has to be taken to ensure that these judgements do not, cumulatively, drive down the projected number of houses. In this instance I am satisfied that this is not the case and that the Council has credible reasons for the various judgements it has made.
40. For example, it was suggested that by projecting forward on the basis of the last five years migration data, rather than the last ten, the Council had ignored higher, pre-recession, trends. However, as the Council pointed out, using a five year period is fairly standard practice and using a 10 year period would not make a significant difference to the projection<sup>14</sup>.
41. Similarly, there was disagreement as to whether it was correct to assume, as is done in the Review, that a proportion of people over pensionable age (65 and over) should be included as economically active. To my mind this is a reasonable assumption as people do indeed work beyond retirement age and given improved health prospects and declining pension prospects it is fair to assume that this will continue. It is also relevant to note the point made by the Council that this factor does not have a direct effect on population or household projections, it only comes into play when an attempt is made to match jobs and housing – a point that will be returned to later.
42. The question of the appropriate assumptions to make about headship rates was also the subject of discussion. In the Review it is assumed that after 2021, headship rates will be somewhere between those in the 2011 DCLG Projections, which appear to project forward a trend of constraint, and the 2008 based figures which are largely unconstrained.

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<sup>13</sup> ED14. Housing Technical Meeting

<sup>14</sup> ED33. Past Trends and Population Change.

However, while it is true that alternative assumptions could have been made – for example the 2008 based figures could have been applied post 2021 - it was established at the hearings that this would not have a significant effect on the projected housing figure.

43. Then we come to the arcane area of what is termed 'Unattributable Population Change' or UPC. The advice of the Office for National Statistics is that this should be excluded from projections but this appears to be largely based on its inability to process such information at a national level. At a local level, if it is assumed that data on births and deaths is reliable, then, in Mendip, it is most likely that UPC is accounted for by over or under recording of migration. It may be that, as is assumed in the Review, this accounts for 100% of UPC, it may be, as was suggested at the hearings, that this accounts for 50% of UPC – but once again the evidence is that this would not make a significant difference to the outcome of the projection<sup>15</sup>.
44. Overall, therefore, I take the Council's point that its demographically based figure of around 420 dwellings per annum has not been significantly challenged<sup>16</sup>. However, that is not the end of the story. There are a number of additional factors that need to be taken into account as they could warrant adjusting this demographic projection. These factors are employment growth, market signals and affordable housing need.

### *Employment Growth*

45. If projected population growth and housing supply were to be out of step with projected job growth then there is a risk that unsustainable commuting patterns and a reduced resilience of local businesses could result. In preparing the Review use was made of the then most up to date Experian forecast of job growth. It was suggested that more up to date versions of that forecast, or indeed the Oxford Econometric forecast which the Council relied on in earlier work, should have been used. However, given that economic forecasts by their very nature are highly uncertain and can vary over time I do not consider that the Council can be criticised for taking a proportionate approach in making use of the then most recent evidence readily available to its consultants.
46. Moreover, in exploring the relationship between jobs and growth it is not possible to be precise; attempting to establish a perfect or direct link between jobs and homes is fraught with uncertainty, not least because changes in commuting patterns and economic activity rates can have a significant impact on the available workforce.

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<sup>15</sup> ED40. Addendum Note. 21 February 2014. Table 2.

<sup>16</sup> ED45 Mendip District Council. Matter 3. Closing Statement. Paragraph 3.

47. It was common ground at the hearings that Mendip is recovering relatively rapidly from the recession and the number of jobs in the area is growing. However, bearing in mind the points made above, I do not consider that there is sufficient evidence to indicate that the mismatch between the projected numbers of houses and jobs in Mendip is so marked as to justify an increase in the housing provision proposed in the Plan.

### *Market Signals*

48. Put briefly, representors at the hearings considered that increasing house prices and rents and worsening affordability (the ratio between price and income) were all market signals that point to increasing housing provision. Such market signals were not considered in the Review itself but were taken into account in the Housing Needs Assessment<sup>17</sup> and further information was produced at the hearings<sup>18</sup>. Like the Council I consider that this latter information indicates that, in terms of prices, rents and affordability, trends in Mendip have broadly followed those seen across the county, the region and nationally. Moreover, overcrowding in Mendip is low and not increasing significantly.
49. These findings would, of course, vary according to the period covered and it is true that the period they cover includes a time in which more than the projected 420 dwellings a year were being built. Nonetheless, given the volatility of the information involved, these findings indicate that trends in Mendip sit fairly comfortably alongside county, regional and national trends and do not, therefore, justify an upward adjustment of the housing numbers that came out of the housing projection.
50. The Council was criticised at the hearings for focussing on comparing trends in Mendip with trends in other areas rather than focussing on whether it has a problem of, for example, affordability, in absolute terms. However, the Council does not dispute the affordability of housing is a major issue in the District and that the situation is worsening but points out that the same is true for much of Southern England<sup>19</sup>. Given that this is the case it is sensible to look at the district in its wider context, indeed this is the burden of much of the advice on this matter in the relevant planning guidance<sup>20</sup>. While this guidance anticipates that there will be other ways of assessing market signals it does not specify what these are. The Council is, therefore, justified in focussing its attention on comparative trends.

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<sup>17</sup> SD98. Mendip Housing Needs Assessment March 2012.

<sup>18</sup> ED36. Note on Market Signals

<sup>19</sup> ED3. Mendip Local Plan. Paragraphs 2.25 and 4.37.

<sup>20</sup> Planning Practice Guidance. Housing and Economic Development Needs Assessments. Paragraphs 19 and 20.

51. Incidentally it was suggested that the planning guidance refers both to market signals and market indicators and that there is a distinction between the two. However there is no clear indication in the guidance as to what, if anything, that distinction is and I can see no great consequences that have flowed from the Council's pragmatic approach of treating the terms as if they were interchangeable.

### *Affordability*

52. It was common ground that there is a substantial need for affordable housing in Mendip, something in the order of 838 dwellings per annum over a five year period or 735 dwellings per annum over the period to 2029. It was also agreed that the 30% affordable housing requirement contained in the Plan would not meet that need in full<sup>21</sup>.
53. The affordability of housing in Mendip is clearly a serious problem – one that the Plan goes so far as to describe as overwhelming<sup>22</sup>. However, the quantified need for affordable housing does not simply translate into an equivalent need for new homes.
54. The evidence is that, in numerical terms, the dwelling stock available to households in Mendip is broadly sufficient to meet the needs of those households. In other words, the market is operating in Mendip in such a way that, in numerical terms, it can provide sufficient housing for those who are unable to afford it<sup>23</sup>. This is borne out by the fact that there is no evidence of significant levels of homelessness in the District or of people being 'exported' to other authorities in order to find housing.
55. It is true that in arriving at this judgement reliance is placed on the fact that people in need of affordable housing are currently living in private rented accommodation and this is not ideal. It was common ground at the hearings that the private rented sector does not represent affordable housing<sup>24</sup> and there are, moreover, questions about the suitability of such accommodation, what security of tenure it offers and indeed whether it will continue to be available in the future.
56. However, it must be recognised that the private rented sector does in practice make a significant contribution to meeting the need for affordable housing and the likelihood is that it will continue to do so to some degree in the foreseeable future<sup>25</sup>. Moreover, while concerns about the suitability or reliability of the private rented sector have rightly prompted the Council to seek to provide affordable housing in

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<sup>21</sup> ED14. Housing Technical Meeting. Paragraphs 33 & 34.

<sup>22</sup> ED3. Mendip Local Plan. Paragraph 6.97.

<sup>23</sup> SD92. Review of Housing Requirements. Paragraphs 2.66 and 2.67 and figure 2.22.

<sup>24</sup> ED14. Housing Technical Meeting. Paragraph 34.

<sup>25</sup> SD98 2011 Housing Needs Assessment. Paragraph 7.61

order to reduce reliance on that sector, such concerns are, to an extent, beside the point when it comes to looking at this matter in terms of the potential need to increase overall housing supply.

57. The reason for this is that many of the people in need of affordable housing are already in dwellings and if they were provided with affordable housing this would create vacant dwellings that could be occupied by somebody else. So providing affordable housing does not necessarily mean that there is a need for an overall increase in dwelling supply. In other words, in a District where the problem of affordability is not caused by a simple lack of housing, it does not follow that an increase in the total housing figure in the Plan is necessary to help deliver the required number of affordable homes.
58. I do not, therefore, consider that the problems of affordability in Mendip justify increasing the demographically derived figure for overall housing need.

### *Conclusions*

59. For the reasons set out above I am satisfied that the figure of around 420 dwellings per annum which emerged from the demographic projection carried out in the Review is soundly based for the purposes of paragraph 47 of the Framework and that none of the factors (employment growth, market signals and affordability) discussed at the hearings provide sufficiently strong evidence to warrant increasing or decreasing that figure.
60. However, the housing figures that have emerged from the Review differ from those in the submitted Plan and the end date of the plan has been extended from 2028 to 2029. The earlier figures are, therefore, unjustified and hence unsound. This unsoundness would be remedied by including the later figures and the revised end date in the Plan as is proposed in **MM39**.
61. That said, it remains the case that population and household projections are not an exact science and it is noteworthy that the Review itself is careful to qualify any predicted housing figures by the use of the term 'in the region of' or the word 'around'<sup>26</sup>. 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.
62. With all these points in mind I consider that the Plan is unjustified and hence unsound in referring to precise housing figures. Such

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<sup>26</sup> SD92. Review of Housing Requirements. Paragraphs 16 and 4.11 for example..

unsoundness would be remedied by referring to housing figures in the Plan as minima as proposed in **MM24**. This point is also covered by **MM39**.

### **Issue 3. Is the distribution of housing between various settlements in the District justified?**

#### *Background*

63. Core Policy 2 allocates specific numbers of houses to the principal settlements in the District and to the Primary and Secondary villages as a whole. Tables 8 and 9 contain housing numbers for individual villages in these categories. A number of queries were raised about the robustness of the evidence supporting the proposed distribution of development and the appropriateness of that distribution.
64. Before dealing with these queries it is necessary to make one general point. It has already been determined when discussing Issue 2 that the housing numbers proposed in the Plan are soundly based. Similarly, when dealing with Issue 1 it was determined that the correct amount of development has been allocated to the rural area as a whole. It follows, therefore, that arguments that the amount of housing allocated to particular settlements should be increased simply because the total number of houses proposed in the Plan needs to be increased, have fallen by the wayside as have arguments that the amount of development in the rural area should be altered.

#### *Rural Area*

65. The proposed distribution of housing between various villages has been criticised as not focussing enough development on the largest villages, particularly Chilcompton, Coleford and Evercreech. However, in determining its policy towards the distribution of housing in the rural area the Council has gathered information on the level of services provided in various villages and canvassed local opinion about the ability of villages to accommodate growth. The overall aim of this exercise was to ensure that development would be located in the villages with the best key services and the best available public transport and that the level of development in each village would be appropriate to their existing scale and have regard to environmental constraints.
66. Consultations with parish councils revealed that there was a preference for development to be dispersed across as many villages as possible rather than simply being focussed on the Primary Villages, ie those villages having key services (these being a shop meeting a range of daily needs, a primary school and a community meeting place) and a 'journey to work' bus service. For that reason Secondary Villages (those having two out of the three key services identified above and a journey to work public transport link) were identified as being capable of taking lesser amounts of development.
67. The Council's consultations also revealed that as well as not wanting villages to receive disproportionate amounts of development, local people wanted some account to be taken of the amount of development that had taken place in individual villages in the recent past. In other words in villages, such as the three referred to above, which had seen

significant amounts of recent development, it was felt that time was needed to assimilate that development and that this concern should be reflected in the amount of development allocated to them. Moreover, and this was confirmed by parish councils represented at the hearings, local people were concerned that having determined the overall amount of development to take place in the rural area there would then be a free for all in which large sites would come forward on a first come first served basis.

68. Consequently the Council has, in Tables 8 and 9, given an indication of the levels of growth that will be acceptable in various villages. This figure, or dwelling requirement, equates to 15% of the existing housing stock in an individual village up to an upper limit of 70 dwellings in Primary Villages and 40 dwellings in Secondary Villages. So, for example, if it were calculated that 15% of the housing stock of a Primary Village amounted to 45 dwellings then the dwelling requirement would be 45 but if that figure were 120 then the requirement would be 70 – that being the upper limit. The same approach is taken in Secondary villages only with 40 dwellings as the upper limit.
69. This approach has been described as being arbitrary, as resulting in smaller villages cumulatively providing for more development than larger villages and as prejudging the site selection process which will take place in the Local Plan Part II Allocations document.
70. Certainly the 15% figure and the upper limit figures for Primary and Secondary villages have not been arrived at on any scientific basis. They are a result of judgements made in an attempt to address concerns raised by local people. The fact that the largest villages will not receive the largest share of growth in the future is a direct response to the concern of local people that these villages need time to assimilate the growth that they have experienced. As to the point about prejudging the site selection process, the Council stressed at the hearings that it was not its intention to use the housing requirements set out in Tables 8 and 9 to micromanage development in villages. In allocating sites in the Local Plan Part II Allocations document it will take a flexible approach and if, for example, the effective planning of a site would enable somewhat higher levels of development then this would not be resisted or if a particular parish wanted more development this would not be opposed.
71. It was also suggested that the approach taken by the Council only had regard to the social dimension of sustainability and neglected economic and environmental aspects. That is not the case. Regard was clearly had to environmental aspects such as the AONB and to economic factors such as the 'public transport' journey to work when assessing the capacity of villages to accommodate development.
72. The approach taken by the Council clearly involves a measure of judgement on which there is scope for disagreement. So, for example, it was suggested that Ditchat should be classified as a Secondary rather than a Primary village because it does not have a shop able to meet the daily needs of the village or an acceptable 'journey to work' bus service. However, the fact remains that it has a shop which does

provide for a range of such needs and it has a bus service that would allow some people to commute to and from work depending on their working hours. It does, therefore, meet the definition of a Primary Village.

73. It was made clear by a number of parish councils represented at the hearings that, by and large, the approach taken by the Council to the distribution of development had public support and had assuaged concerns that the public would not have a voice in this matter. With this in mind I am satisfied that the Council has taken a reasonable approach to the distribution of development in villages and that it is not required to allocate the majority of development to the Primary Villages in general or to the three largest of those villages in particular. However, a number of changes in the availability of services are known to have occurred since the submission of the Plan. To overcome any unsoundness in this respect the affected villages require re-classification as proposed in **MM17**. Wookey Hole has not been deleted from the list of Secondary Villages because it became clear after the Hearings that a shop had recently opened there. Undoubtedly there will be further such changes over time as villages gain or lose facilities and it is right, therefore, that their status be kept under review as indicated in paragraph 4.13 of the Plan.

### *Wells*

74. Wells, with its cathedral, its historic town centre and its outstanding landscape setting, is a settlement of exceptional merit. However, it is a settlement in which housing is expensive and in which the numbers of jobs exceeds the number of people who can fill them. Consequently people move out of the City to lower cost housing areas while at the same time people (often the same people) are drawn into the City to fill jobs. As a result more people travel in to Wells to work than travel out.
75. In order to deal with these problems, and in particular to accommodate a greater share of the local workforce, it is proposed to build some 1,450 new homes in Wells over the plan period. While it is perfectly valid, in principle, to seek a better balance between homes and jobs such an approach does raise a number of questions which are dealt with below.

### *Are the Council's estimates of the number of jobs and workers in Wells robust?*

76. Doubt was cast by some representors on the accuracy of the Council's estimates of likely future numbers of jobs and workers (economically active people) in Wells. It was suggested that neither of these estimates could be relied on and that there is no need to provide houses for jobs that would not come. However, the job numbers in the Plan are derived from economic projections (SD61 and SD62) and from

population and household projections discussed earlier in this report. While the results of these projections have to be treated with a degree of caution and while they will only ever produce a range of estimates (with the 'safer' projection being something in the order of 1,500 jobs<sup>27</sup>), they are the best estimates available. A similar point can be made about the information on commuting which, while it is dated (it is based on 2001 Census information) is the best available.

77. A number of points were made by representors which in their view undermined the reliability of these estimates. It was pointed out, for example, that the latest census information indicates that a sizeable number of people in Wells commute out of the City to work <sup>28</sup>. However, the Council accepts that this is the case and will, in all likelihood, continue to be the case in the future. This does not detract from its concern that, on balance, the City experiences inward flows of commuters, in other words that more people live outside the City and commute in than live in the City and commute out.
78. Similarly, the Council accepts that household growth in Wells has historically been low and, if projected forward, these rates of growth would mean that it would provide only few new houses. However, that is not the approach the Council is taking. It is, as has already been established, seeking to achieve a better balance between housing and jobs and this involves increasing the number of houses proposed. It was also stated in evidence that there are more workers than jobs in Wells but no substantial evidence was brought forward to substantiate this claim. To my mind none of these points undermine the Council's position to any significant degree.
79. It became apparent at the hearings that there were a number of misconceptions about the approach proposed by the Council in seeking a better balance between housing and jobs. It is not the case, for example, that the Council is simply relying on the allocated employment sites in the Plan to provide all of the predicted jobs. Wells has a thriving local economy which, it is estimated, will generate more jobs. Similarly, it is not the case that recent job losses in Wells have been ignored by the Council<sup>29</sup>.
80. Nor is it the case that, when comparing the number of jobs with the number of workers in Wells, the Council has failed to compare like with like. It was suggested that the latter figure deals only with Wells while the former drew in additional jobs from the surrounding parish. This is not entirely true. Account has only been taken of those jobs in the

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<sup>27</sup> SD61. Economic Projections Technical Paper Update. Paragraph 5.25

<sup>28</sup> ED55. Distance Travelled to Work Data – Wells.

<sup>29</sup> SD61. Economic Projections Technical Paper Update. Paragraph 5.25

surrounding parish which adjoin Wells - other jobs in that parish have been excluded from the final estimate<sup>30</sup>. I see no reason why taking account of jobs which adjoin Wells should produce a significantly inaccurate or distorted result.

81. Taking into account the points discussed above I do not consider that any fundamental flaws have been identified in the approach taken by the Council in estimating the numbers of jobs and workers in Wells and I consider that the estimates they rely on provide a more robust basis for the planning of the City than any alternative figures put forward.

*Would the number of houses proposed in Wells secure a suitable balance between the number of jobs and the number of workers in the city?*

82. There were those at the hearings who considered that less houses would be needed in Wells to provide a suitable balance between jobs and workers largely on the grounds that the Council's information on jobs and workers was not reliable. They considered that the number of houses to be provided in Wells should be reduced to 1,000. I have set out above the reasons why I consider the Council's information on these matters to be reasonably robust. It follows, therefore, that I do not consider that the number of houses proposed in the Plan for Wells need be reduced.
83. Others at the hearings argued that, in order to balance jobs and workers in Wells, more houses would be needed. However, while the Council is seeking to improve the balance between these factors it has to do so in the context that development in Wells is constrained by, amongst other things, the presence of the AONB, of a Listed Historic Park and Garden and of a sewage odour zone which, taken together, effectively rule out the development of large parts of the city's periphery. It is also significant that no alternative strategic sites have been promoted by others through the Local Plan. Given these factors I am satisfied that the number of houses proposed in Wells need not be increased.
84. I consider, therefore, that the number of houses proposed in Wells would, given the constrained nature of the city, secure a suitable balance between the number of houses and the number of jobs.

*In allocating housing land in Wells has sufficient account been taken of brownfield sites?*

85. The Council has taken account of brownfield sites where these are either deliverable or developable<sup>31</sup>, indeed such sites make up a significant

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<sup>30</sup> SD56. Technical Paper update –Housing Distribution Options. Table 6, page 41.

<sup>31</sup> The terms 'deliverable' and 'developable' are defined in the footnotes to paragraph 47 of the National Planning Policy Framework.

proportion of the existing supply of houses in Wells. However, there are a number of brownfield sites in the city that at present fall into neither category. For example land at St Cuthbert's Mill will be a challenging site to develop, at the time of the hearings there was no clear timetable as to when it would be developed or any firm estimate of the number of houses it could yield. Other sites, such as the Tincknells site, have not been promoted for housing by their owners.

86. Because of the uncertainties associated with such sites I consider that the Council is right not to rely on them as part of the housing supply for Wells. This is not to say that, in time, these will not be developed for housing as windfall sites, but they cannot be relied on at present. I agree with the Council, therefore, that the housing needs of Wells cannot be met solely on brownfield sites but consider that such sites have been taken into account where appropriate.

*Is the proposed allocation of a Strategic Site and a Future Growth Area to the west of Wells soundly based?*

87. The land to the west of Wells proposed for allocation in the Plan is divided into two parts, a northern development area which is allocated as a Strategic Site and a southern development area which is allocated as a Future Growth Area. The Council has already resolved to grant planning permission for housing on the northern development area subject to the signing of a section 106 agreement. To all intents and purposes, therefore, the principle of developing this land has been established. It is also the case, as has already been referred to, that the development of many sites on the edge of Wells is ruled out by existing constraints, particularly landscape constraints.
88. In landscape terms I share the Council's view that, taken as a whole, the land to the west of Wells has the greatest potential for development<sup>32</sup>. The land is relatively low lying and contained by higher land to the north and south and by a pattern of thick hedgerows and trees. That said the development of this area will have some adverse effect on the landscape when seen, for example, from higher ground to the north<sup>33</sup> but the site relates well to the existing urban edge and with the substantial area of green space proposed on its western and southern sides, it would not compromise the appearance of any approaches to the City. This together with the fact that there is no noticeable visual connection between this land and the historic core of the city means that its development need not compromise the tourist potential of Wells.
89. Part of the southern development area is in Flood Zone 3 but there is nothing to suggest that this would rule out the development of the site

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<sup>32</sup> SD83. Strategic Landscape Appraisal of the Main Towns. Paragraph 2.14.

<sup>33</sup> ED53. Photomontage.

as a whole. Given the amount of green space proposed, including the retention of hedgerows, the ecological value of the site, particularly as a foraging area for horseshoe bats, could be safeguarded. The most recent information available<sup>34</sup> indicates that there are no objection in principle to this site on highway grounds and while the gradient, the distance and the presence of an inconveniently designed gate may deter some wishing to walk or cycle between the site and the town centre the fact remains that the opportunity to do so exists. Moreover, buses stop close to the site and while they may not offer a frequent service they would offer another form of sustainable transport for any future occupants of this land.

90. There is no substantial evidence to suggest that the development of this land would have an unacceptably harmful effect on Secondary School provision, on parking or on the Health Centre in Wells or that it would involve the loss of best and most versatile agricultural land.
91. Clearly in Wells difficult decisions have to be made not only in response to Council's aim of balancing jobs and workers in the city but also in response to the national policy of boosting significantly the supply of housing land. Having considered the evidence set out above I am satisfied that the decision to allocate a Strategic Site and a Future Growth Area on land to the west of Wells is soundly based.

#### *Radstock/Midsomer Norton*

92. For the reasons set out earlier in this report (paragraphs 21 to 25) I conclude that sufficient consideration has been given to allocating land in the north east of the district in the vicinity of Radstock and Midsomer Norton.

#### *Street*

93. It was suggested that the amount of housing proposed at Street should be increased because the figure put forward was not the result of an objective assessment of housing need and did not take proper account of factors such as the poor affordability of houses in the town, the need for affordable housing, the imbalance between housing and jobs, the potential influence of Hinkley Point and the high quality of existing shopping and other facilities. However, the term objective assessment of need applies to the question of how much housing should be allocated across the district as a whole and not to how that figure should be divided up between individual settlements.
94. Moreover, for reasons discussed above, the need for affordable housing does not necessarily translate into a need for houses on the ground (paragraph 57). Also set out above (paragraph 14) are the reasons why

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<sup>34</sup> ED49. Somerset CC Highways Comments on Strategic Sites.

I consider the potential effect of Hinkley Point has been taken into account as far as it is practicable to do so. As to the balance between housing and jobs, the amount of housing proposed does seek to improve this balance. While it is true that the town is relatively well provided with shopping and other facilities there is nothing to suggest that the proposed level of housing provision is significantly out of step with this. Street has something like 10% of the existing houses in the District and would accommodate approximately 14% of the proposed new houses. There is, therefore, insufficient evidence to warrant increasing the amount of housing proposed at Street, particularly when it is borne in mind that this is a minimum figure.

95. Alternatively it was suggested that the amount of housing in Street should be reduced. The argument in favour of this was that the Plan seeks to coordinate development in Street and Glastonbury – the reason being that opportunities for development in Glastonbury are seen by the Council as being constrained. In effect, it is argued, the housing figure for Street has been boosted to take account of the needs of Glastonbury. Representors consider that there are opportunities for sustainable development at Glastonbury so the figure for Street could be reduced.
96. However, the housing numbers set out in the Plan are minimum figures. When it prepares the subsequent Part II Local Plan Allocations document the Council will be exploring opportunities to deliver housing numbers above that minimum figure. In other words if it is determined that there are sustainable sites at Glastonbury they could be allocated in that plan without the need to reduce the housing figures for Street. A similar point is dealt with subsequently in this report (paragraph 99).

#### *Shepton Mallet*

97. It was suggested that with the proposed housing allocations at Shepton Mallet the town would have a greater proportion of development on greenfield sites and less on brownfield sites than any other town in Mendip. However, as was made clear at the hearings, it is not the Council's intention to achieve a particular balance between greenfield and brownfield sites in individual settlements. Housing sites have been allocated on the basis of their availability and suitability. To this extent, therefore, the proportion of development on greenfield and brownfield land in particular settlements is of little significance.
98. It was also suggested that as Shepton Mallet's housing provision is related to the number of jobs to be created at the Bath and West Showground site, then housing provided at Evercreech and Prestleigh, villages which are somewhat closer to the showground site than is Shepton Mallet and which could also provide houses for workers at the showground site, should count towards the total number of houses provided in the town. However, such an approach would ignore the fact that Shepton Mallet, with its level of shops, services and public transport, is the most sustainable location for growth in the locality and consequently it is towards the town that the majority of housing should be directed. The fact that Evercreech and Priestleigh have in the past had a number of planning permissions granted in them, for whatever reason, does not justify reducing the housing allocation in the town.

### *Glastonbury*

99. The question of whether a Strategic Site should be allocated at Glastonbury has been touched on earlier in this report (paragraphs 29-30). For the reasons set out there the Council has chosen not to do this. The Council does not dispute, however, that there are greenfield sites on the edge of Glastonbury that have the potential for development. An example of this is the site at Common Moor, the development potential of which is recognised both in the most up to date landscape appraisal and in the Strategic Housing Land Availability Assessment<sup>35</sup>.
100. This site, and others, will be considered for allocation in the Part II Local Plan Allocations document. This appears to me to be a reasonable approach. The strategy in the Plan is to look first at sites within the settlement limits of Glastonbury and if these do not provide the required number of houses to allocate additional sites - of which the site at Common Moor could be one. I have already concluded (paragraph 29) that such an approach does not place an undue reliance on brownfield sites. I see no compelling evidence to indicate that it would imperil the viability of any schools in the town and for reasons set out subsequently in this report (paragraphs 146 - 148) I do not consider it need necessarily lead to an imbalance between housing and employment.

### *The additional 500 houses.*

101. The point is made earlier in this report (paragraphs 23 and 24) that the decision to extend the end date of the Plan means that the Part II Local Plan Allocations document will need to find sites for an additional 500 or so houses. Various proposals as to how these houses could be distributed have been put forward by representors. However there is no substantial evidence at this time to indicate that these houses should be directed towards one or another location. The approach taken in the Plan, which is to indicate that these houses will be distributed in accordance with the Plan's spatial strategy, is, therefore, sound.

## **Issue 4. Are the Strategic Housing Sites and Future Growth Areas in the Plan soundly based?**

### *General*

102. The Plan gives a clear indication of what and how much development is expected to take place on the various Strategic Housing Sites, the latter information having been derived from the Strategic Housing Land Availability Assessment. The Policies Map indicates precisely where these sites are. As part of the identification of these sites the question

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<sup>35</sup> SD83. Strategic Landscape Appraisal of the Main Towns. Paragraphs 2.17 and 2.18. Site GLAS010 as appraised in the Strategic Housing Land Availability Assessment.

of what infrastructure they would require has been examined<sup>36</sup>, no infrastructure provider has identified any major problems or required additional viability studies. I consider, therefore, that there is a reasonable prospect that the infrastructure necessary for these sites will be delivered. None of these sites are the subject of phasing restrictions, resolutions have been passed to grant planning permission on a number of them with master planning work due to commence on others<sup>37</sup>. The Plan does, therefore, provide a framework within which planning applications relating to these sites could be determined with a high degree of predictability and efficiency.

### *North East*

103. For the reasons set out earlier in this report (paragraphs 21 to 25) I conclude that sufficient consideration has been given to allocating land in the north east of the district in the vicinity of Radstock and Midsomer Norton.

### *Shepton Mallet*

104. Land to the south of Shepton Mallet at Cannards Grave Road is allocated in the Plan as a Strategic Site and Future Growth Area. There is evidence that a spring on the site has caused flooding on occasions in the past. However, the site's owners confirmed at the hearings that, as part of the Master Planning exercise, a comprehensive flood risk analysis would be carried out the aim of which would be to reduce the existing 'greenfield' surface water run-off rate. Moreover the Environment Agency has identified no insurmountable problems which would prevent the development of the site on these grounds.

105. The site contains productive farmland but this is not classified as being best and most versatile agricultural land and is not debarred from development for this reason. The highway authority has confirmed that, while obtaining access to the site is not without its difficulties, there are potentially acceptable solutions to this problem<sup>38</sup>. The site has an attractive rural appearance but Shepton Mallet has been identified as the least constrained town in the District in landscape terms. Moreover, the site at Cannards Grave Road is identified as being suitable for development as long as it respects the ridge that runs along Ridge Lane and a strong strategic framework of planting is provided to create a well-defined southern limit to the town<sup>39</sup>. Having visited the site and looked at and across it from surrounding roads I share these judgements.

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<sup>36</sup> SD102. Infrastructure and Development Plan.

<sup>37</sup> ED34. Update to Housing Supply Paper SD93. Appendix 2.

<sup>38</sup> ED49. Highway Authority's comments on Strategic Development Sites.

<sup>39</sup> SD83. Strategic Landscape Appraisal of the Main Towns. Paragraphs 2.29, 2.31 & 2.33.

106. Clearly the Master Planning exercise will be critical in ensuring that strategic landscape planting is provided along with substantial areas of open space as well as resolving problems of drainage and access. However, this exercise is at an early stage and it is too early to say, for example, exactly where the open space should be located and which part of the site will accommodate the Mid Somerset Show. In the Plan, however, the northern part of the site known as the Showground Field is shown as a Green Gap. The Council now acknowledges that, while the intention is that this area should remain broadly open in nature, it does not have the information to say that it should be a Green Gap and that to do so would have the effect of pre-judging the design and layout of the scheme on the basis of inadequate information. This element of the plan is, therefore, unjustified and hence unsound. This element of unsoundness would be remedied by deleting reference to the Green Gap designation as proposed in **MM63, MM64, MM65 and MM66**.
107. As shown in the Plan the boundaries of the Strategic Allocation do not extend as far as Ridge Lane to the south or Compton Road to the west. At the hearings the Council accepted that it would be more logical if the site was defined by these clear physical boundaries, particularly if this assisted in ensuring that the proposed uses on the site were accommodated in a comprehensive and well designed manner. It stressed that this enlargement of the site would not necessarily lead to an increase in the scale of development envisaged. The boundaries of the site shown in the Plan are not, therefore, justified and this aspect of the Plan is therefore unsound. This unsoundness would be remedied by altering the boundaries of the site as proposed in **MM66 and MM121**.

### *Street*

108. Land to the south of the A39 is allocated in the Plan as a Strategic Site and a Future Growth Area. This area is close to existing facilities in Street and in landscape terms it has been assessed as being the location most suitable for development as it relates closely to the settlement edge and benefits from the containment of local topography.<sup>40</sup>
109. Clearly it is important to avoid closing the narrow gap between the village of Walton and Street and it is for that reason that the Plan proposes the retention of a Green Gap on land immediately to the south of the A39. It is suggested by the owner of part of this Green Gap that this designation should be deleted and the land included within a single comprehensive development area. Having visited the site I consider this proposal would be undesirable as it would run the risk of compromising the setting of both Walton and Street by eroding what remains of the gap between them.

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<sup>40</sup> SD83. Strategic Landscape Appraisal of the Main Towns. Paragraph 2.27.

110. One benefit that the Council sees in allocating this overall area for housing is that it is large enough to support the provision of necessary infrastructure such as sewer improvements, open space provision, a spine road and a new primary school. However, the provision of this infrastructure is in a very early stage of planning and nothing has been confirmed at this stage – in this sense it has a high delivery risk attached to it.<sup>41</sup> However, this is not to say that such infrastructure cannot be delivered, merely that detailed work needs to be done.
111. The Council confirmed at the hearings that, while the Strategic Site and the Future Growth Area are not in the control of a builder or developer they are in the control of a single landowning family which has promoted them through the Strategic Housing Land Availability Assessment and who supports the general principles of the proposed development.<sup>42</sup>
112. The highway authority has confirmed that this land could be accessed from more than one point although it clearly favours at least one access being direct onto the A39.<sup>43</sup> Such an access would run through the proposed Green Gap, at least part of which is not controlled by the owner of the Strategic Site and Future Growth Area. However, the only representation received from a landowner within the Green Gap supports the general principle of expanding Street in this area.<sup>44</sup>
113. Consultations with the Education Authority have not revealed major concerns about the ability of existing and proposed schools to cope with the proposed increase in population and there is no firm evidence to indicate that the decision not to proceed with the relocation of Crispin School and the expansion of Strode College has altered this position.
114. There is, in other words, no substantial evidence to indicate that the Council's discussions with infrastructure and service providers have revealed any insurmountable problems which would seriously undermine the viability of developing the Strategic Site or the Future Growth Area. There is insufficient justification at this stage, therefore, to warrant designating another site in Street as a contingency measure should, for whatever reason, the allocated land not come forward. Nonetheless, much remains to be done in sorting out the detail of how this land will be developed and rapid progress will need to be made as the Plan is largely reliant on the Strategic Site coming forward in the near future if houses are to be provided in Street from 2018 onwards at the

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<sup>41</sup> SD102. Infrastructure and Delivery Plan. Page 30.

<sup>42</sup> WR/06 Written Representation from Mr Richard Clark.

<sup>43</sup> ED49. Highway Authority's comments on Strategic Development Sites.

<sup>44</sup> 12/1600. Representation by Mrs S J Wilton and Miss S Ball.

anticipated rate.<sup>45</sup> This is something the Council will of course monitor and, if the land does not come forward at the anticipated rate, will need to respond to in the Part II Local Plan Allocations document.

### *Frome*

115. It was suggested that the Future Growth Area proposed at the Mount, should be allocated as a Strategic Site in order to guarantee housing supply over the plan period. However, such an approach would underestimate the importance of two factors. Firstly, Policy CP2 of the Plan contains a 'trigger' clause which would allow for the release of the Future Growth Area either through the Part II Local Plan Allocations document; or where the Council determines that the rate or volume of housing provision in the town should be increased; or where the release of land is needed to contribute to a better pattern of development.

116. Secondly, the Strategic Housing Land Availability Assessment indicates that there is a significant supply of deliverable or developable housing sites outside the development limits of Frome<sup>46</sup> and the likelihood is that at least some of these will be allocated in the Part II Local Plan Allocations document. In other words there is considerable flexibility built into the process. With these points in mind I do not consider that there is sufficient evidence to indicate that the Council is, in effect, planning for a shortfall in housing provision in Frome and that the Future Growth Area there should be allocated as a Strategic Site.

### *Wells*

117. The background to and suitability of the allocated housing sites in Wells is discussed earlier in this report (paragraphs 74 to 91) where it is concluded, amongst other things, that the proposal to allocate a Strategic Site and Future Growth Area to the west of the City is soundly based. The question of whether the Future Growth Area at Wells should be subject to a phasing policy is dealt with subsequently in the report and for the reasons set out there (paragraphs 128 - 132) it is concluded that it should not.

118. This leaves the question of whether this Future Growth Area should be allocated as a Strategic Site. As with the similar suggestion in Frome, (paragraphs 115 - 116) this underestimates the flexibility built into the Plan - particularly, in this instance, by the 'trigger' clause in Policy CP2 described above. In the submitted version of the Plan this clause did not apply to the Future Growth Area in Wells but the Council has accepted that this is unjustified and proposes to remedy this by making clear that the 'trigger clause' does apply to this site (**MM29, MM31 & MM41**). Concern was expressed that the trigger clause contains too

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<sup>45</sup> ED58. Ninesquare Trust -Statement Addendum Matter 6.

<sup>46</sup> SD97. Strategic Housing Land Availability Assessment. Page 12

many caveats in that it states that Future Growth Areas will be released 'where necessary' and elsewhere in the Plan it is stated that they 'may' be released. However, such caveats are not unreasonable. The intention of the trigger clause is to give flexibility not to prejudge future decisions. Although the release of some FGAs is highly likely, and the evidence indicates that the Wells Future Growth Area falls into that category, it may be that the release of the Future Growth Areas as a whole in their entirety will not be needed in the plan period. In the interests of consistency these caveats should apply to all Future Growth Areas. With this in mind I do not consider that there is sufficient evidence to indicate that it is necessary for the Future Growth Area at Wells to be allocated as a Strategic Site.

### **Issue 5 – Does the Plan make provision for an adequate supply of housing land?**

119. The Council confirmed at the hearings that it was not, at that time, able to demonstrate a 5 year supply of housing land (it had a 4.5 year supply) but it anticipated that it would shortly be in a position to do so – principally because it was confident that it would be able to take into account a number of sites where it had resolved to grant planning permission subject to the signing of a section 106 agreement. This gave rise to a number of questions about how the Council had calculated its 5 year supply of housing land. These will be dealt with below.

#### *Past Housing Supply*

120. In considering whether there has been an over or under supply of housing in Mendip in the past it is necessary to establish the relevant target against which this should be judged. The Council uses the figure of 415 dwellings per annum derived from the Draft Regional Spatial Strategy – a figure that is very similar to the equivalent figure of 420 dwellings per annum derived from the Council's objective assessment of housing need. While I acknowledge that the figure of 415 dwellings per annum does not itself derive from an objective assessment of housing need, it was at the time the most recent figure for housing requirements that had been tested at examination. With these points in mind I consider that it is reasonable for the Council to judge its past performance in delivering housing against the then current target. Judged against this target there has been a modest over-supply of housing (411 dwellings) in the period 2006-2011.

121. It was suggested that as the Council's objective assessment of housing need is based on projections with a base date of 2011 they take account of this earlier over-supply which should not, therefore, be carried over into the post 2011 period as this would result in an under-provision of

houses over the life of the Plan<sup>47</sup>. However, any arithmetic under-provision that may result would be relatively small when spread over the remaining years of the Plan and would be counterbalanced by the fact that the housing trajectory does not include any allowance for windfalls<sup>48</sup>. I do not, therefore, consider that the Council's approach to the past over-provision is unreasonable.

### *The Buffer*

122. The Council has calculated its housing supply figures on the basis that it needs to provide a 5 year supply of deliverable sites plus a 5% buffer. It was suggested that this buffer should be increased to 20% on the basis that the Council had consistently underprovided for affordable housing. However, this was not supported by reference to any national statement of policy or guidance which would suggest that the overall housing delivery figure should be split between affordable housing and other housing. The general tenor of that policy and guidance relates to the overall delivery of housing and in those terms the Council has, as has already been established, a record of modest over-supply and not under-delivery. It follows, therefore, that the Council is justified in using the 5% buffer in making its housing land supply calculations.

### *Strategic Housing Land Availability Assessment*

123. The Strategic Housing Land Availability Assessment is an important piece of evidence in the calculation of housing land supply. While the methodology on which the Council's Strategic Housing Land Availability Assessment<sup>49</sup> is based was not challenged at the hearings the question was raised as to why full details relating to it were not made available earlier. This is not a matter for me to deal with. On the evidence available to me I am satisfied that the Strategic Housing Land Availability assessment is a reliable piece of evidence.

### *Housing Trajectory*

124. The housing trajectory<sup>50</sup> shows the estimated supply of market and affordable housing from 2013 onwards on a year by year basis for various settlements and categories of village as well as for the District as a whole. This shows a cumulative shortfall in housing provision since 2006 on a district wide basis (8765 dwellings as compared with a target of 9635); it shows a shortfall in certain settlements (for example it is anticipated that in Wells 832 dwellings will be provided from 2013 onwards which when added to the 206 completions over the period 2006-2013 gives a total of 1038 dwellings, which is 412 dwellings short of the target for Wells of 1450); and it illustrates how heavily dependent

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<sup>47</sup> ED57. Clarification on Market and Affordable Housing.

<sup>48</sup> ED73. MDC Response to ED57.

<sup>49</sup> SD97. Strategic Housing Land Availability Assessment Roll Forward March 2013.

<sup>50</sup> ED34. Housing Technical Meeting. Update to Housing Land Supply Paper. Appendix 1.

other settlements are on the Strategic Sites allocated in the Plan coming forward quickly if they are to meet their targets.

125. These factors prompted some representors to argue that Future Growth Areas in settlements such as Wells and Frome should be allocated as Strategic Sites and that additional Strategic Sites should be allocated in settlements such as Street and Glastonbury. However, to allude to a point made earlier in this report (paragraph 115), the Plan contains a 'trigger' clause in Policy CP2 which would allow for the early release of Future Growth Areas where this is warranted. Secondly the Strategic Housing Land Availability Assessment indicates that there is a supply of deliverable or developable sites across the district which have the prospect of being allocated in the Part II Local Plan Allocations document.

126. According to the Local Development Scheme it is the Council's intention to adopt the Part II Local Plan Allocations in mid-2016. Given that the shortfalls referred to above will manifest themselves towards the end of the plan period such a timetable would allow ample time for additional sites to be brought forward. It is of course the case that timetables are not always met. However, if slippage occurred it would still be open to the Council to use the 'trigger' clause insofar as the Future Growth areas are concerned. With these points in mind I am satisfied that it is appropriate for the shortfall in provision identified in the housing trajectory to be dealt with through the Part II Local Plan Allocations document, or, if necessary, through the operation of the 'trigger' clause.

### *Section 106 Sites*

127. At the hearings the Council provided details of a number of sites on which it has resolved to grant planning permission subject to the signing of a section 106 agreement<sup>51</sup>. None of these sites were included in its then current 5 year housing supply figures but it was confident that some of them would be in the future and if this happened it would be taken account of through the annual update of the housing supply figures. This position was not disputed at the hearings. On that basis I am satisfied that there is a reasonable prospect of the Council being able to demonstrate a 5 year supply of housing land in the future.

### *Phasing at Wells*

128. Policy CP10 contains what has been described as a phasing policy for Wells. The gist of this is that the Future Growth Area proposed on the southern portion of the land to the west of Wells will be released for development in the Part II Local Plan Allocations document - 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,

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<sup>51</sup> ED34. Housing Technical Meeting. Update to Housing Land Supply Paper. Appendix 2.

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.

129. 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.
130. 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 this Future Growth Area.
131. 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.
132. I consider, therefore, that the phasing policy for Wells is unjustified. In this respect the Plan is unsound. This element of unsoundness would be remedied by the deletion of the relevant part of Policy CP10 as is proposed in **MM71**.

## **Issue 6 - Affordable Housing**

### *Tenure*

133. There are three recognised tenure types of affordable housing, these being Social Rent, Affordable Rent and Intermediate housing. However, the Council's evidence indicates that while the Affordable Rented product (if it is assumed that this were priced at 80% of market rent) could be suitable for some, it is not a realistic option for most households in housing need in the district<sup>52</sup>. That being so it is

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<sup>52</sup> SD98. Housing Needs Assessment. Paragraphs 7.82 and 7.83.

reasonable for Policy DP11 to, in effect, express a preference for Social Rented housing by stating that the initial basis for negotiations will be that 80% Social Rent and 20% Intermediate housing will be provided. I consider that such an approach takes adequate account of the possibility that the Affordable Rent product could act as a proxy for Social Rented housing.

### *Delivery of Affordable Housing*

134. Historically there has been an under provision of affordable housing in the district<sup>53</sup>. This raised the question as to whether this amounts to a persistent under delivery of housing that would warrant including a 20% buffer in the calculation of the 5 year supply of housing land. For the reasons set out earlier in this report (paragraph 122) I am satisfied that the concept of under delivery relates to housing provision as a whole and the Council has a record of modest overprovision in this respect. There is no justification for breaking this down into the provision of market and affordable housing. The historical under provision of affordable housing has no bearing, therefore, on the size of the buffer to be included in the 5 year supply calculation.

### *Self Build Housing*

135. The Council acknowledged that the Government wants to enable more people to build their own homes and, while it has yet to carry out any surveys of demand or compile a register, this is something that should be dealt with specifically in the Plan. At present the Plan does not do this and is thus ineffective and unsound. This unsoundness would be remedied by including a reference in the text of the Plan to self-build housing and to keeping under review ways of supporting such development as is proposed in **MM91**.

### *Specialist Housing*

136. The Council accepted at the hearings that the Plan does not give sufficient recognition to the need for specialist housing for the elderly. In this respect the Plan is ineffective and hence unsound. This unsoundness would be remedied by including reference to the circumstances under which such housing would be acceptable as is proposed in **MM92**.

### *Local Occupancy*

137. The supporting text to the Affordable Housing Policy in the Plan (Policy DP11) seeks to apply a local occupancy requirement to affordable housing in the rural area. In other words it seeks to give preference to people with a local connection when providing such housing in the rural area as a whole. However, it is the Council's duty to provide for people in the greatest need for housing regardless of where they come from.

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<sup>53</sup> ED57. Clarification on Market and Affordable Housing. Affordable Housing Backlog.

Such a local occupancy condition cannot, therefore, be legitimately applied as normal policy across the rural area as a whole. The Plan is, in this respect, unjustified and hence unsound.

138. Such a local occupancy condition can, however, be applied to rural exception sites (Policy DP12) the very purpose of which – as an exception to normal policy – is to provide affordable housing for local people in locations adjoining rural settlements where development would not otherwise be permitted. This unsoundness would be remedied by deleting the relevant portion of the supporting text to policy DP11 and inserting it in the supporting text to DP12 as is proposed in **MM85** and **MM90**.

## **Issue 7 – Gypsies & Travellers**

139. The Plan identifies an undisputed and substantial need for Gypsy and Traveller accommodation but does not allocate any individual sites. That task is delegated to the Gypsy and Traveller – Site Allocations plan the preparation of which will proceed alongside the preparation of the Local Plan Part II Allocations document. This is a pragmatic approach. The Council will of course be required to discharge its duty to cooperate in the preparation of the Gypsy and Traveller - Site Allocations plan and in doing so will be able to establish whether there are any cross boundary implications to the provision of such sites.
140. Reservations were expressed at the hearings on behalf of the Gypsy and Traveller community about the Council's track record in actually delivering such sites. The preparation and implementation of the Gypsy and Traveller - Site Allocations Plan will demonstrate whether or not these reservations are well founded. In preparing this future plan the Council will also be able to determine whether or not it would be necessary or appropriate to make provision for transitory pitches as opposed to transit pitches (the latter would accommodate a caravan, the former a caravan plus grazing land).
141. The Council acknowledged at the hearings that the statement in Policy DP15 that sites should be compatible with surrounding land uses is ambiguous. It proposes to delete this statement by way of a minor modification.

## **Issue 8 – Business Development**

### *Frome*

142. It was common ground at the hearings that while there is no evidence of an overriding quantitative need for additional food retail floorspace in Frome, there is qualitative evidence that more such floorspace is needed in order to increase variety and choice of food stores in the town centre and reverse the current outflow of trade. To this end, Policy CP6 makes provision for, amongst other things, a medium scale foodstore of about 1500sqm (net) including only an ancillary element of non-food goods. However, in the run up to the hearings, the Council accepted that it had no evidence to support the figure of about 1500sqm and

proposed its deletion – the policy would, therefore, simply refer to a medium scale foodstore including only an ancillary element of non-food goods.

143. This was opposed by the Town Council and local community groups who, while acknowledging the dilemma the Council was in, considered that the term 'medium' was imprecise and gave no effective guidance as to what scale of foodstore might be permissible - the concern being that if such a store were too large and contained too much non-food retail it could displace other town centre uses.

144. However, while there is undoubtedly considerable force in these arguments, it would be quite clear what purpose the modified policy was intended to serve, namely to provide for more choice in food shopping while not allowing for more than ancillary amounts of non-food shopping. While such a policy would require a degree of interpretation, it would be capable of being effective. Moreover, no substantial evidence was put forward to gainsay the Council's position and provide firm support for the figure of about 1500sqm. It follows, therefore, that this element of the policy is unjustified and therefore unsound. This unsoundness would be remedied by the deleting the reference to about 1,500sqm as proposed in **MM48**.

#### *Street.*

145. Clarks Village is an early example of a Factory Outlet, a type of shopping provision that emerged in the 1990's. Policy CP8 deals, amongst other things, with Clarks Village. However, the Council acknowledges that patterns of shopping behaviour have changed and that there is now a need to allow for a larger proportion of floorspace to be devoted to the sale of various forms of food and drink. In these respects Policy CP8 is ineffective and hence unsound. This unsoundness would be remedied by permitting a larger proportion of floorspace in Clarks Village to become A3, A4 and A5 food and drink uses as is proposed in **MM56** and **MM59**.

#### *Glastonbury*

146. It was common ground at the hearings that, unlike other parts of the District, there is a demand for B2 units in Glastonbury - something that is acknowledged in the Council's economic projections<sup>54</sup>. There was, however, disagreement as to whether there was any B2 land immediately available in Glastonbury.

147. However, even if the representors are right that there is not, this would not warrant rewording Policy DP20 to state, in effect, that existing B2 sites in Glastonbury could only be redeveloped for B2 uses. While Policy

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<sup>54</sup> SD61 Economic Projections. August 2012 update. Paragraph 4.20.

DP20 in its current form does support the reuse of B2 sites, it only does so where, amongst other things, this would not prejudice the Council's wider employment land strategy which, as Policy CP3 makes clear, includes encouraging a diverse, robust, thriving and resilient local economy. So, if a case were to be made that a particular proposal for the reuse of a B2 site would conflict with this strategy then it could be resisted under the terms of Policy DP20.

148. In coming to this view I am aware that this matter relates to the points made earlier in this report about the loss of land needed for employment in Glastonbury (paragraph 27) and a possible imbalance between housing and employment land in the town (paragraph 100). These in turn relate to the overarching question as to whether a Strategic Site at Glastonbury should be allocated in the Plan (paragraphs 29 - 30). In a nutshell the concern is that that the Plan does not make clear how it will meet housing requirements while protecting B2 uses. I do not share that concern. While it is true that it is assumed in the Plan that much of Glastonbury's housing requirement will be met on sites within the town and that some of these sites may be B2 sites, policy DP20 is robust enough to prevent the reuse of these sites if that is warranted. Moreover, if it transpires that further sites will need to be found on green field land on the edge of Glastonbury then this will be done through the Part II Local Plan Allocations document. I see no reason why such an approach would necessarily lead to a loss of land needed for employment or an imbalance between employment land and housing land.

### **Issue 9 – Local Development Policies.**

149. The Plan contains a number of Local Development Policies. In considering these it is necessary to bear in mind that it is not the function of the Examination to 'improve' these policies but rather to establish whether or not they are sound. It follows, therefore, that minor wording changes that do not affect the soundness of the policies go beyond the scope of the report.

#### *AONB*

150. The extent of the AONB in Mendip is clearly shown in the Plan. Policy DP4 specifies that the conservation and enhancement of natural beauty, conservation and wildlife heritage will be the primary considerations in determining development proposals in the AONB. The supporting text to this policy stresses the national importance of this designation. That being so I do not consider that the Plan needs to be modified to make additional reference to the AONB.

#### *Traditional Orchards*

151. Traditional orchards are a locally designated natural habitat and as such are covered by the terms of Policy DP5 which seeks to ensure the protection of such features. That being so there is no need to make specific reference to traditional orchards in this policy.

#### *Sewage Treatment Works Consultation Zones*

152. Policy DP8 includes the statement that development will not be permitted within Sewage Treatment Works Consultation Zones as

defined on the Proposals Map. However, the extent of such zones is defined by the Water Companies and is subject to change. I do not consider that the policy is strengthened in any meaningful way by the inclusion of the reference to the Proposals Map. Without that reference the policy would still alert developers to the existence of these zones and the need to obtain further advice about them. The inclusion of a reference to a possibly outdated boundary would potentially be misleading. This element of Policy DP8 would, therefore, be ineffective and unsound. While it is not the Inspector's role to examine the Policies Map this element of unsoundness would be remedied by deleting reference in the policy to the proposals map, or Policies Map as it is now called, as proposed in **MM77**.

### *Managing Flood Risk*

153. Managing flood risk is an important matter when considering development proposals in the district. The submitted version of the Plan does not contain a policy dealing with this matter. In this respect the plan is, therefore, ineffective and hence unsound. This unsoundness would be remedied by including a policy and supporting text dealing with this matter as is proposed in **MM98 – MM103**.

### *Road Improvements/ promoting tourist facilities in Glastonbury*

154. Policy CP7 includes a reference to the Council working with partners, landowners and other interests to re-route traffic currently using Chilkwell Street and to promoting improved tourist facilities. These proposals are supported by Glastonbury Town Council but it is concerned that there is a history of uncompleted schemes in the town and there is no guarantee that these particular proposals will actually be implemented. However, while it is difficult not to sympathise with the palpable sense of frustration felt by the Town Council, the fact remains that, with present levels of funding, the Council is simply not in a position to say that such schemes will definitely take place or to set out a timetable for their implementation.

### *Design Review Panel*

155. The Framework states that local planning authorities should have local design review arrangements in place<sup>55</sup>. The Council is considering how to take this forward. If the Council had decided how to implement this then it would have been sensible to have referred to it in the Plan. However, it has not and there is nothing in the Framework that says such arrangements must be included in policy.

### *Landscape Setting of Wells*

156. Insufficient evidence was put forward at the hearings to indicate that the Plan paid inadequate attention to protecting the gateways and

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<sup>55</sup> National Planning Policy Framework. Paragraph 62.

fringes of the City, particularly its southern landscape setting.

### *Kilver Court Viaduct*

157. 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 to Chilcompton and beyond. Such a proposal is consistent with the aim of protecting and exploiting opportunities for the use of sustainable transport<sup>56</sup>.

158. 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 this would involve the use of the embankments and viaduct for parking and as part of a one way access to the site – something that would preclude a multi-use path.

159. 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 Policy CP9 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 satisfactory alternative provision were made but 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.

160. 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 making clear that the land in question is not safeguarded for the purposes of Policy DP18. The Council proposes to do this by way of a modification to the policy map.

### **Issue 10 - Other Matters**

161. A range of other matters were raised by representors.

### *Provision of facilities*

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<sup>56</sup> National Planning Policy Framework. Paragraph 35.

162. It was suggested that more considerations should be given in the Plan to provision for healthcare facilities, leisure, open space, playing fields, education, traffic and transport both generally across the District and in Frome in particular. However, while all of these concerns are relevant and genuine, they are already dealt with in policies such as CP6 which refers to education and green infrastructure proposals in Frome, DP9 which deals with the transport impact of new development, DP16 which deals with open space and green infrastructure, DP17 which deals with safeguarding community facilities and DP19 which deals with development contributions. It is unclear what would be added by making further reference to such matters.

#### *Employment provision*

163. It was suggested that the proposal to allocate the Bath & West Showground site at Shepton Mallet but not to make similar allocations at other towns such as Frome puts those other towns at a disadvantage. While this may be the case in the short term a remedy is at hand as it will be possible to allocate a further employment site or sites through the preparation of the Part II Local Plan Allocations document. Alternatively, such a site or sites could be identified through the preparation of the Neighbourhood Plan for Frome. Any disadvantage Frome or other towns may suffer in the meantime would not warrant deleting the Bath and West Showground site, a site that the Council regards as being of strategic significance, or delaying the preparation of this plan so that similar allocations could be made in other towns.

#### *Roads in Ditchat*

164. The highways authority has raised no objection in principle to the proposed level of development in the village on the grounds that the roads there could not cope with the additional traffic. There is insufficient evidence on highway grounds, therefore, to warrant scaling down the amount of development proposed in the village.

#### *Parking in Wells*

165. In a closely argued and meticulously researched representation it was suggested that the Plan fails to make provision for long stay parking within walking distance of the centre of Wells, in particular it does not safeguard a site at Palace Farm which, it was argued, was the last remaining opportunity for such a car park and which could have been developed by the time the Part II Local Plan Allocations document is prepared.

166. However, the Palace Farm site has been reserved for parking for a number of years in the outgoing Local Plan without a viable scheme for that use coming forward. Moreover, even if it were accepted that this site is indeed the last remaining opportunity to provide the necessary parking in Wells, insufficient evidence has been put forward to demonstrate that there is a firm prospect of this site being developed in its entirety in the near future for a use other than parking. Parking in Wells is not, therefore, a problem which has a short term solution readily to hand. It is appropriate, therefore, to investigate this matter further through the Part II Local Plan Allocations document.

## Assessment of Legal Compliance

167. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Mendip Local Plan Part I: Strategy and Policies (the Plan) is identified within the approved LDS dated 18 November 2013 which sets out an expected adoption date of June 2014. The Plan's content and timing are broadly consistent with this compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in November 2013 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	Three Habitats Regulations AA Screening Reports have been prepared (two dated January 2011 and one dated November 2012) and these set out why AA is not necessary.
National Policy	The Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

168. The Plan has a number of deficiencies in relation to 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 Act. These deficiencies have been explored in the main issues set out above.

169. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. These are included in the Appendix to this report.

170. Not all of the main modifications in the appendix are referred to specifically in this report. This is because many of them derive from a relatively small number of key main modifications, which are dealt with in the report, or they were simply not contentious. They do not, therefore, warrant separate mention. A number of the main modifications require changes to the policy map. I conclude that with the recommended main modifications set out in the Appendix to this

report the Mendip District Local Plan Part I; Strategy 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.

*R J Yuille*

**R J Yuille**

This report is accompanied by the Appendix containing the Main Modifications