Consultation Response Form

Please use this form to respond or make representations on Local Plan Part II and associated consultation documents. For information or advice, please contact the Planning Policy Team by email at planningpolicy@mendip.gov.uk or phone (0300) 303 8588.

Contact Details
If you have appointed somebody to act as your agent, please give their contact details. All correspondence will be sent to the agent.

Name: 
Agent Name: 
Mr Tristan Dewhurst 
Organisation (if applicable): 
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Date completed 09/02/2018 
Date completed 09/02/2018 

Do you wish to be notified of future stages of Local Plan Part II (tick box) X
We will contact you by e-mail only unless you confirm here (tick box) 

Data protection – please read - The information collected as part this consultation will be processed by the Council in accordance with the Data Protection Act 1998. The purposes for collecting this data are: to assist in plan making; and to contact you, if necessary, regarding the planning consultation process. Please note that representations must be attributable to named individuals or organisations at a postal address. Representations and contact names will be published on the Mendip website but no other personal information.

Copies of this form are available from Council Offices and Access Points or can be downloaded from www.mendip.gov.uk/localplanpart2 . If you require this document in another format such as Braille, large print or another language then please contact us.

Please use a separate form for each site or main issue you wish to make. You can also attach one contact form to a group of representations. Please make sure any separate documents include your name –so they can be clearly identified.

Please return your response by 5pm Monday 12th February 2018.
By post to: Planning Policy, Mendip District Council, Cannards Grave Road, Shepton Mallet, Somerset, BA4 5BT
By email to: planningpolicy@mendip.gov.uk
By hand to: The Council offices in Shepton Mallet (address above).
Details of Objection/Comment/Representation

Name/Organisation: Landray Land Representatives

Please indicate the document to which your representation relates (e.g. policy, paragraph number, HELAA site reference)

Paragraph 1.16-1.19

Do you consider the Local Plan is Legally Compliant? Yes X No

Do you consider the Local Plan is Sound? Yes X No

Do you consider it necessary to participate at examination hearings? (eg present oral evidence)

Yes

Please provide details below of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance and soundness of the plan, please also use this box to set out your comments.

Duty to Cooperate with B&NES

Our previous representations to the Issues and Options Consultation stressed the importance of giving consideration to Midsomer Norton as a sustainable and credible location for accommodating Mendip District’s housing requirement.

This is specifically enshrined within the Mendip Local Plan Part I. The independently appointed Inspector examining the Part 1 Plan acknowledged that there was no evidence to suggest that constraints in Mendip are such that it could deliver no more than a maximum of 420 dwellings per annum. This was thus reflected with revisions to Core Policy 2 stating housing figures as minima and the inclusion at paragraph 4.22 that the role of Part II of the Plan is to:

“explore opportunities to deliver above the policy minimum through the site allocations process in the Local Plan Part II” [our emphasis].

The LPPI Inspector also highlighted that the Council had not given proper consideration to the allocation of sites on the edge of Radstock & Midsomer Norton thereby making the Plan unjustified and unsound. It was therefore agreed that a main modification would be made to:

“… acknowledge the possibility that sites in Midsomer Norton and Radstock could be considered for allocation to meet Mendip’s need for housing”.

Our Client’s site formally falls within Mendip District Council’s jurisdiction. However, in discussions with Andre Sestini (Principal Policy Officer) at Mendip District Council we have been advised that the Council is of the view that as the Site essentially forms part of a B&NES settlement, and that its development would be dependent upon the services in Midsomer Norton.

Therefore, in the context of the specific requirement for the Council to consider sites at the edge of Midsomer Norton and Radstock, the Duty to Co-operate becomes a much more critical consideration.

1 See our Online Guidance note on what these terms mean
The sole reference to the Duty to Co-operate within the Plan is made briefly within Paragraphs 1.16-1.19. It confirms that, “the spatial strategy and level of development are considered to be strategic issues where the Duty to Co-operate has been addressed through the Local Plan Part 1”.

For emphasis, we note again that the deliberations over the Local Plan Part 1 resulted in the specific requirement for the Council to consider locations at the edge of Midsomer Norton and Radstock, in order for the Part 1 Plan to be found sound.

Paragraph 1.18 then states:

“There is an ongoing discussion with neighbouring authorities on their own development plans. There are no proposals in neighbouring districts which set out expectations for housing or employment growth in Mendip to meet the needs of neighbouring areas.”

The PPG emphasises that all settlements can play a role in delivering sustainable development in rural areas so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided. As a result, it is our view that a range of housing sites is required across the District to provide a balanced portfolio of sites in order to maximise housing delivery and ensure that the plan is positively prepared, justified and effective. Opportunities for additional housing at Midsomer Norton will form an essential component of this.

There are other pressing reasons why Midsomer Norton must be included within the Plan as a location for housing development. The Plan responds to the revised Strategic Housing Market Assessment (SHMA) (October 2016) which has indicated an uplift in the housing requirement (490 dpa). It should be noted that the need for housing across Mendip District will increase further with the introduction of the new standardised methodology for calculating housing need. This indicates a housing requirement of 588 dwellings per annum (dpa), which would be a significant increase on the 420 dpa accounted for in the Part 1 Plan.

B&NES have also recently consulted upon their Local Plan 2016-2036 Issues and Options Consultation, which includes the need to identify a minimum of 700 homes as part of their non-strategic growth requirement. With significant Green Belt, AONB and wider heritage constraints across B&NES, there is a clear logic for focusing development at Midsomer Norton, and it is highly likely that the town will be expected to accommodate a proportion of this growth. Despite these considerations, Paragraph 3.34 of the Plan states that Midsomer Norton has been discounted as a location for development. We do not consider that there is sufficient explanation or justification here about why this decision has been taken, particularly in view that it is acknowledged as a key strategic cross-boundary issue within the Local Plan Part 1 and in view of the emerging planning context in B&NES.

It is stated within the Plan that an update to the Duty to Co-operate Statement will be provided at submission stage. We maintain our objection on the basis that the published Plan is not positively prepared or justified in discounting Midsomer Norton as a location for accommodating new development, and is also inconsistent with national policy, specifically paragraphs 178 and 182 of the National Planning Policy Framework (NPPF).
Paragraph 3.34 of the Plan indicates the following:

“Outside the five main towns, Local Plan Part I indicates (in para 4.7) that land promoted on the edge of the district near Westfield, Midsomer Norton and Radstock could be identified to meet housing need in Mendip. No land is allocated in these locations as there are sufficient sites in Mendip settlements which are better places to fulfil the district’s housing and employment needs.”

Our Client objects to this statement as there is no clear reasoned justification for discounting these locations for accommodating new homes, nor any full assessment of alternatives via the Sustainability Appraisal.

Midsomer Norton is of a comparable size and economic buoyancy as the other main settlements in Mendip District, and is supported by a retail offer, employment opportunities and a range of local services. It is therefore a highly sustainable location for development.

Noting our comments in relation to the Duty to Co-operate, the fact that there are cross boundary considerations should not be regarded as prohibitive constraints or indeed disadvantages to allocating housing in these locations.

Whilst our site was included within the Housing and Economic Land Availability Assessment (HELAA) and would therefore have been included as a site within the ‘land available for development’ it has not been given due and proper consideration due to the decision to discount Midsomer Norton as a location for growth.

Paragraph 3.34 further states that:

“In addition, the adopted development Plans for Bath and NE Somerset and recently published West of England Joint Spatial Strategy do not consider this area as a sustainable location for

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2 See our Online Guidance note on what these terms mean
additional housing growth.”

We do not consider that this statement is an accurate reflection of the current policy context in B&NES.

The West of England Joint Spatial Strategy (JSP) deals with strategic level growth for Strategic Development Locations in excess of 500 units. It also identifies non-strategic growth in each of the four authorities, which includes 700 dwellings to be provided across B&NES. The precise location of this non-strategic growth is to be considered at a local level in B&NES. The recent Issues and Options Consultation on B&NES’ Local Plan 2016-2036 highlights Midsomer Norton and the wider Somer Valley as a potentially suitable location to accommodate some or all of this growth. The planning and environmental constraints which impact the majority of B&NES place further emphasis on the need to consider the scope for new housing in Midsomer Norton.

The JSP does not in any way conclude that Midsomer Norton is an unsustainable location for additional housing growth. This statement is even more incongruous when noting that the Somer Valley has been designated as an Enterprise Zone.

These statements are inaccurate and misleading and must be corrected. Furthermore, this underscores that the Plan is not justified in discounting Midsomer Norton as a location to accommodate new housing.
Details of Objection/Comment/Representation

Name/Organisation: Landray Land Representatives

Please indicate the document to which your representation relates (e.g. policy, paragraph number, HELAA site reference):

Paragraph 3.3-3.9

Do you consider the Local Plan is Legally Compliant? Yes X No

Do you consider the Local Plan is Sound? Yes X No

Do you consider it necessary to participate at examination hearings? (e.g. present oral evidence)

Yes

Please provide details below of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance and soundness of the plan, please also use this box to set out your comments.

Our Client notes that the published Strategic Housing Market Assessment (October 2016) indicates that housing need in Mendip District will increase from the stated requirement in the Local Plan Part 1, from the adopted figure of 420 dpa to 498 dpa.

We further note that the standardised methodology for assessing housing need published by the Government in 2017, which indicates a far greater increase to 588 dwellings per annum. This would result in a requirement for a further 990 new dwellings to the end of the plan period. In the context of an evidently increasing housing need, Mendip District Council cannot ignore or discount development at locations which are sustainable, suitable and deliverable, such as our Clients site at the edge of Midsomer Norton.

We do not consider that the Local Plan Part 2 is the appropriate context to respond to this new evidence, and would therefore strongly advise the Council to instead undertake that a comprehensive review of the overall Local Plan to enable to them to robustly plan for their housing need.

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3 See our Online Guidance note on what these terms mean
Name /Organisation: Landray Land Representatives

<table>
<thead>
<tr>
<th>Please indicate the document to which your representation relates (e.g. policy, paragraph number, HELAA site reference )</th>
<th>Sustainability Appraisal</th>
</tr>
</thead>
</table>

Do you consider the Local Plan is Legally Compliant ?  
Yes [X] No 

Do you consider the Local Plan is Sound ?  
Yes [ ] No [X] 

Do you consider it necessary to participate at examination hearings ? (eg present oral evidence)  
Yes [ ]

Please provide details below of why you consider the Local Plan is not legally compliant or is unsound. Please be as precise as possible. If you wish to support the legal compliance and soundness of the plan, please also use this box to set out your comments.

We note that our Client’s site has not been included or considered through the Sustainability Appraisal supporting and informing the Local Plan Part 2. Indeed, no locations adjacent to Midsomer Norton or other adjoining B&NES settlements have been included.

Since there is specific reference within the Local Plan Part 1 to considering Midsomer Norton as a location for accommodating growth (included at the Inspector’s request), it would appear to be a glaring omission that the town has been wholly omitted from the Sustainability Appraisal. This has also denied the opportunity for our Clients site to be assessed alongside other sites and development locations in Mendip.

Our Client therefore objects to the total omission of Midsomer Norton and their site from consideration within the Sustainability Appraisal. There is insufficient consideration of all the available alternative growth options and the full environmental effects of these have not been fully tested. This undermines the justification for the Council’s proposed development strategy.

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4 See our Online Guidance note on what these terms mean
Our Client has an interest in a site known as 'Land West of the A367 at Westfield' (referred to as the Site). This is a 6.7 hectare site to the south east of Midsomer Norton capable of accommodating circa 150 homes. We have enclosed a site plan with our representations.

Further to the Council’s unjustified decision to overlook and exclude Midsomer Norton as a location to accommodate new growth, we are concerned that our Client’s site will not be given fair and due consideration at this key stage in the Plan’s preparation. This is particularly important as we note the current and emerging signals are that Mendip’s housing requirement will significantly increase. It is therefore critical that the Site is formally included as an Omission Site alongside the submitted Local Plan Part 2.

**HELAA Assessment**

The site is identified within the HELAA published through the Issues and Options Consultation (Ref. NRAD005). It was categorised as a ‘potentially suitable site outside of development limits’, whilst no constraints or considerations were specifically identified upon the site within the HELAA constraints and considerations map.

The high-level HELAA assessment of the Site provides a small commentary on the initial assessment of the site. We have further comments in relation to these as follows:

- A potential for ‘landscape impact’ is noted. However, we stress that the Site is not situated in or otherwise visible from any landscape designations. The Site relates well to the existing urban fabric of Midsomer Norton and is a logical extension. The potential for any residual landscape impacts can be fully mitigated by retention of existing boundary planting and through additional landscape planting.

- The HELAA also suggests that the site is ‘peripheral’ to the town centre. This statement sits in contrast to more detailed analysis, which shows that the site is less than 1.9 kilometres from the town centre, and in close proximity to local bus stops which provide transport links to the town centre and other nearby settlements. There are also local

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5 See our Online Guidance note on what these terms mean
services, such as a Co-operative convenience store, just a short walking distance away (circa 600m). The conclusion that the site is peripheral is therefore not founded.

- The HELAA also notes the infrastructure considerations. These include requirements for education and highways contributions. Whilst these will require co-operation and consultation with B&NES, these are not in themselves prohibitive and would not preclude development coming forward at this site.

**Site Description**

In order to assist the Council and the Inspector, we have provided below a fuller description and examination of the constraints, characteristics and merits of our Client’s site. The site very clearly presents a viable, deliverable and suitable opportunity to sustainably accommodate housing growth. It must therefore be included as an Omission Site for consideration in the examination of the Local Plan Part 2.

The Site is comprised of a generally level agricultural field parcel, which has historically been used for arable farming. The perimeters of the site are bordered by established trees and hedgerows. It is an irregular shape, with a small ‘tongue’ of land extending south-east and connecting with the B3139. It is visually well-contained due to its topography and the vegetation at its perimeter.

The Site is bound to the north west by the Fosseway A367. The land west of this falls within B&NES and is currently being developed for housing. The land to the north of the site is already developed with housing and a large hotel, leisure complex and golf-course, and a primary school. The land to the east and south is formed primarily of other agricultural field parcels with isolated pockets of development, such as the White Post public house.

**Potential Uses**

At this time, the site is being promoted for a mix of open market and affordable residential development, with associated landscape and infrastructure works. There is capacity for up to 150 units to be accommodated on the site.

**Site Suitability**

The following provides a summary of the key designations relevant to the site:

- **Planning Designations**
  - The site is located at the outside edge of the settlement boundary of Midsomer Norton, which borders the site to the north-west. It is noted that the residential development, hotel and golf course at Fossefield Road, Bearberry Meadow and Charlton Lane are also excluded from the settlement boundary.

- **Flood Risk**
  - The site falls within Flood Zone 1 in its entirety, placing it at a low risk of flooding and in a sequentially preferred location in terms of flood risk.
  - There are no known issues of surface water flood risk at the site.

- **Ecology & Natural Environment**
  - There are no local, national or international biodiversity designations on or within the vicinity of the site. Previous ecological surveys of the site have indicated that it has a low intrinsic value, with the highest interest being the hedgerows at the site’s perimeter.
  - The site is not identified within or in proximity to any locally or nationally identified landscape designations, including Areas of Outstanding Natural Beauty.
  - Natural England’s Agricultural Land Classification Map for the South West indicates the land is in an area of Grade 3 (undifferentiated) quality, indicating it is not the best most versatile agricultural land.

- **Heritage**
• There are no designated or non-designated heritage assets on the site.
• Two Grade II milestones / mileposts have been noted in the vicinity along the Fosseway, though the nearest listed building is the Grade II Methodist Church on Wells Road, 415 metres away.
• No other heritage assets have been noted in the vicinity of the site, nor is it within or adjacent to a conservation area.

Taking these factors into account, the site is free from prohibitive constraints and is therefore considered to be a suitable location for development. There are no significant abnormal costs anticipated for developing this site.

These issues have been considered and addressed within the current Outline Planning Application at the site (LPA ref. 2016/0736/OTA) which has shown that there are no prohibitive constraints or other overriding sensitivities which would preclude development at this site from coming forward.

**Site Availability**

Our Client has a freehold interest in the site. The intention is to promote the site for residential development, and the owners are therefore willing to sell the site (at the appropriate point) to a developer in order to achieve this.

The site could be made available for development, subject to planning permission, within the next five years. There is no requirement for any off-site land to be acquired to achieve this, nor is there any requirement to decant any existing uses from the site. Access can be gained for all main utilities.

**Sustainable Development Opportunity**

The site sits in close proximity to the town of Midsomer Norton, and is already in a semi-urban context. Leaving aside the cross-boundary considerations, it is a clearly logical location to bring forward new development. The site provides a logical extension to the settlement, and would be entirely congruous with the existing built form around Midsomer Norton.

The town centre of Midsomer Norton is situated 1.9 kilometres from the site, and local bus services can provide a sustainable link to the centre for those who would be unable to walk or cycle. The nearest bus stops are located less than 400 metres away on the Fosseway, served by the 184 bus route. Stops on Charlton Road are also walking distance away and served by the 82, 172, 173, 174, 178, 184, 185 and 414 bus routes. These services and links provide opportunities to maximise sustainable travel patterns, including through links to other local settlements.

The location of the site at the edge of Midsomer Norton means the site would be well placed to provide access to a variety of key local services and employment opportunities. It is within walking distance of St Benedict’s Catholic Primary School, the Norton Hill School and the Fosse Way School. Doctor and dentist surgeries are accessible within the centre of Midsomer Norton. A cooperative convenience store is also located within 600 metres of the site along the A367. The town also provides a centre for local employment opportunities, notably at the nearby Westfield Industrial Estate and the Best Western Hotel. The wider Somer Valley has also been designated by the Government as an Enterprise Zone, recognising the potential and drive for economic and employment development in the area.

The site is suitable and deliverable for residential development because it is both a sustainable, suitable and available location for new development. Development of the site would be highly sustainable because:
1. It is established as being of a low environmental value and sensitivity, and can be developed in preference to other more sensitive or constrained sites.

2. It is a logical extension to Midsomer Norton, and relates well to the existing built fabric of the town.

3. It is well located, with access to key local services and employment opportunities.

4. The site has access to established public bus links, and can also be made accessible by foot and bike.

5. There are no prohibitive technical constraints, and the landowners are committed to bringing development forward in the short term.

The nature and position of the site across the administrative boundary raises some additional considerations, though it is essential that the site is considered objectively on the basis of its merits and opportunities. Since it presents a clear and credible opportunity for sustainable development, our Client therefore calls upon both Councils to work together, noting the duty to co-operate, in bringing the site forward to help meet the housing and development needs of Midsomer Norton.
Dear Sir or Madam

Local Plan Part II: Pre-Submission Consultation

Representations on behalf of Landray Land Representatives

We write on behalf of our client, Landray Land Representatives (hereby referred to as our Client) to submit representations to Mendip District Council’s Local Plan Part II Pre-submission Consultation.

We write specifically with regards to the site known as ‘Land West of the A367 at Westfield’ (henceforth referred to as the Site), in which our Client has an interest. These representations follow on from previous representations made to the Council in relation to the Site on behalf of members of the Landray Land Representatives, including representations to the Local Plan Part 2 Issues and Options consultation.

We have completed Consultation Response Forms for each part of the Plan against which we are making representations, which we enclose alongside this letter.

The key areas to which our representations relate comprise:

- Concern that Mendip District Council have failed to robustly fulfil the Duty to Co-operate with Bath & North East Somerset Council (B&NES).
- Objection to the decision to discount Midsomer Norton as a potential location to accommodate new housing.
- Comment regarding the revised and emerging housing requirement evidence, and comment regarding the scope of the Plan in light of this evidence.
- Objection to the total omission of our Client’s site and Midsomer Norton from consideration within the Sustainability Appraisal.

Our primary objection is that the Local Plan Part 2 has failed to include Midsomer Norton as a location which can accommodate new development. We consider that there is no justified basis for the Council’s approach, and that this is inconsistent with the Inspector’s comments in relation to the Local Plan Part 1, which required the Council to consider land adjoining Midsomer Norton as a location for accommodating development. Our Client is unconvinced that the Council have fulfilled their obligations under the Duty to
Co-operate in this regard, and the very limited rationale expressing why Midsomer Norton has been excluded is based on an unfounded understanding of the cross-boundary policy and development context.

In light of the current and emerging evidence, suggesting an increased housing requirement across Mendip District, we would strongly urge the Council to consider whether the Local Plan Part 2 remains the appropriate context in which to consider and plan for increased growth. Furthermore, we would stress this places additional emphasis on the need to consider all sustainable and deliverable locations for accommodating growth, which would certainly include land in Mendip’s control at the edge of Midsomer Norton.

We strongly object to the exclusion of our Client’s site from further consideration through this stage of the plan. We have included further information about our Client’s site within our representations, and request that it is included as an Omission Site within the Plan submission.

Our Client’s site presents a clear and credible opportunity for sustainable development. The land is of a low environmental value and the current Outline Planning Application at the site (LPA ref. 2016/0736/OTA) has demonstrated that a scheme is deliverable and also shown that there are no prohibitive constraints or other overriding sensitivities which would preclude development at this site from coming forward.

Should you wish to discuss these representations further, please do not hesitate to contact Jenny Mitter or me.

Yours faithfully,

Tristan Dewhurst
Senior Planner