

**Ward:** All

**Portfolio:** Planning, Growth and Housing Services

**Report Author(s):** Cllr. Nigel Woollcombe-Adams

**Meeting Date:** 17<sup>th</sup> December 2018

**SUBJECT: Proposed Changes to Local Plan Part II**

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Report Sign off	Seen by:	Name	Date
	Chief Executive Officer	Tracy Aarons	28.11.2018
	Legal	Alex Kershaw Moore	29.11.2018
	Finance	Duncan Moss	28.11.2018
	Portfolio Holder	Nigel Woollcombe-Adams	30.11.2018
<b>Summary:</b>	<p>Council is asked to agree the Proposed Changes to Local Plan Part II. These changes (also known as ‘modifications’) follow a detailed review of responses to consultation on the Pre-submission version held in January and February 2018. The report sets out the broad approach, the substantive individual changes and details of the examination process.</p> <p>Approval, is sought for the Pre-submission Plan, Proposed Changes and supporting documents to be submitted the Secretary of State for to commence public examination in January 2019. Proposed Changes are not subject to formal consultation but Cabinet has clarified that any responses received before 14<sup>th</sup> January 2019 on the changes will be included with the submission documents.</p>		
<b>Recommendation:</b>	<p>In line with Cabinet’s resolution of 26<sup>th</sup> November 2018, that Council:</p> <ol style="list-style-type: none"> <li>(1) Approve the Proposed Changes to Local Plan Part II as set out in appendices 1(text) and 2 (policy map changes);</li> <li>(2) Authorise the Deputy Chief Executive, in conjunction with the Portfolio Holder for Planning, Growth and Housing Services, to finalise the proposed changes and submission documents;</li> <li>(3) Request that officers bring an updating report for Cabinet on examination progress and changes following submission;</li> <li>(4) Approve the submission of Local Plan Part II and the Proposed Changes in this report to the Secretary of State for examination, together with supporting documents, representations received and any additional submissions.</li> </ol>		

<b>Contribution to Corporate Priorities:</b>	Plan proposals impact on place-shaping, economic growth and affordable housing delivery. They also provide a context for neighbourhood Planning.
<b>Direct and/or indirect impact on service delivery to our customers and communities:</b>	Progress on the Local Development Plan forms part of Corporate Strategy commitments and measures in the Economic Development Strategy Action Plan. It also contributes to joint plans such as the Somerset Growth Strategy.
<b>Legal Implications:</b>	The Local Plan has been prepared in accordance with the relevant legislative, regulatory, and policy framework. This requires that Council resolves to submit parts of its statutory Development Plan to the Secretary of State and that public consultation must be undertaken at prescribed stages of its preparation.
<b>Financial Implications:</b>	Costs associated with a Public Examination following submission are estimated at around £80,000 for the Inspector and Programme Officer for a three week examination. This may be shorter but will be at the discretion of the Inspector. There may be additional expenses for witnesses and venue costs (if required) – estimated at £10,000. This will be drawn down from the Local Plan Reserve held for development plan work which is around £435,000. Potential expenditure from this earmarked reserve for this financial year and future plan-related work in 2019/20 and 2020/21 (including evidence and examination of Local Plan Part I) is subject to regular review. Submission of Local Plan Part II can therefore be funded and does not represent growth to the wider Group or Planning Policy budgets.
<b>Impact on Service Plans:</b>	Submission of the plan addresses key Planning and Growth objectives and national development targets on planning authorities coming into force in November 2018 (The Housing Delivery Test).
<b>Value for Money:</b>	Allocations in Local Plan Part II support a forward supply of housing sites and together with Local Plan Part I provide a clear direction to developers and communities. This will reduce costs associated with planning appeals and speculative development. There are indirect benefits though encouraging housing and related investment and New Homes Bonus.
<b>Equalities Implications:</b>	An equalities assessment was published with the draft Pre-submission document. This has been updated to take account of proposed changes. It is required submission document – see background papers
<b>Risk Assessment and Adverse Impact on Corporate Actions:</b>	A revised National Planning Policy Framework (NPPF) was published in July which will require the existing Local Plan Part I to be reviewed and updated. However, Development Plans submitted by 23 <sup>rd</sup> January 2019 can be examined under the previous NPPF published in March 2012. After this date, it may difficult to justify Local Plan Part II as robust without a wider review of housing requirements and conformity with new policy areas in the NPPF.
<b>Cabinet Recommendation</b>	Cabinet resolved on 26 <sup>th</sup> November 2018 to endorse the draft proposed changes to Local Plan Part II (text changes and maps) and authorised the Deputy Chief Executive, in conjunction with the

	<p>Portfolio Holder for Planning, Growth and Housing services, to finalise the proposed changes and submission documents. It was also resolved to recommend approval of the proposed changes to Council and submission of Local Plan Part II, Proposed Changes, and representations received and supporting documents to the secretary of state for examination.</p> <p>In response to questions raised at Cabinet it was explained that any submissions on Proposed Changes would be marked accordingly but all submissions would be sent to the Inspector. These would form part of the 'bundle' of submission documents.</p>
<p><b>Scrutiny Recommendation (if any)</b></p>	<p>A Member Advisory Group has been involved in the Part II Plan throughout its development scrutinising actions and making recommendations. New scrutiny arrangements will apply to future work on the single Local Plan Review. The proposed Changes incorporate comments and review of issues made at the Member Advisory Group held on 30<sup>th</sup> October 2018</p>

## **INTRODUCTION**

1. This report presents recommendations for Proposed Changes to the Local Plan Part II following public consultation earlier this year. These changes (known as 'modifications') are not formally integrated into the Pre-submission plan but are submitted alongside the pre-submission document. The background to the pre-Submission plan is covered in the report to Council of 17<sup>th</sup> December 2017.
2. The Proposed Changes are set out in appendices 1 and 2 to this report. Appendix 1 contains the proposed text changes, the justification for making a change to the Plan and whether this relates to specific representations in the consultation. Changes to policy maps are shown in appendix 2 (colour versions can be viewed online or in the members room).
3. Appendix 1 includes most consequential changes such as updates to tables and references in supporting text. A schedule of minor changes will also be prepared before submission. These can only cover proposed corrections or clarifications which do not need to be considered at examination.
4. Representations which have not resulted in a change to the plan will provide the matters and issues to be considered through the examination process. Representations will all be passed to the Local Plan Inspector and there is no need for additional objections to be re-submitted. However the inspector may request or allow further information in the examination process. The Council will publish responses to pre-submission objections as part of its statement of consultation. The document outlines all the consultation stages in Local Plan Part II and how representations have been reviewed in the Pre-submission Plan.
5. Other required documents which will be updated before submission include:
  - Revised Habitat Regulations Assessment/ Appropriate Assessment – currently being assessed by Natural England;
  - Updated Sustainability Appraisal (to cover new sites and specific objections made to SA assessments);
  - Duty to Co-operate statement;
  - Equalities Statement (being assessed by the county equalities officer); and
  - Self-assessments of soundness and legal compliance.
6. Policies and plan designations are considered to have the endorsement of the Council on submission and therefore can be given some regard as draft council policy. However, until policies are tested through examination, they have limited planning weight in determining applications and appeals.

## **SUMMARY OF APPROACH/ PROPOSED CHANGES**

### **Pre-Submission Consultation**

7. The pre-submission consultation took place between 2<sup>nd</sup> January and 12<sup>th</sup> February 2018. As well as the required publicity to advise the general public that consultation was taking place, notification was sent to statutory consultees and any individuals or organisations submitting comments at previous stages or proposing land for development. There were 717 written responses (which included a number received

after the deadline). All the responses and Pre-submission material were published on the Mendip website on 20<sup>th</sup> May 2018. All these responses have been reviewed and decisions made on whether to change the Plan. An explanation of why changes have not been made to individual responses will be set out in an annexe to the Statement of consultation. The approach to Proposed Changes is set out below.

## Housing Requirement

8. The broad approach of the Pre-submission plan has been to meet the requirements in Local Plan Part 1 and identify additional sustainable housing sites in the main towns. These allocations will help maintain supply over the plan period and uplift planned growth to reflect evidence studies of housing need. Officers have reviewed representations and concerns raised but recommend that allocated sites are not deleted from the Plan unless there is clear planning reason that a development cannot be delivered over the plan period. Where sites are proposed to be deleted, officers have considered alternative sites or set out an approach in supporting text.
9. The majority of land promoters and developers have argued for allocation or early release of housing sites on the basis of new government targets – which will affect Mendip in 2020. At this point, a new national formula to calculate district housing requirements known as Local Housing Need (LHN) will set the basis of plan making and national housing supply/delivery tests. This is currently estimated to be 575 dwellings a year. Officers consider this scale of housing growth and policy changes in the latest NPPF can only be addressed through a comprehensive review of Local Plan Part I. The NPPF also advises that LHN number is the start point of a plan-led process. In the short-term, the Council can demonstrate a five year supply of housing land and the adopted plan remains up to date.
10. Alongside examination of Local Plan Part II, reports will be brought to Cabinet through 2019 on the scope of the Local Plan Part 1 review which will include how development options will be tested to meet the new NPPF requirements. These will need to be considered against assessments of environment and infrastructure capacity. These options cannot be tested through Local Plan Part II and the release of individual speculative sites does not amount to a plan-led approach. Local communities will need to be full engaged in the review process and through statutory consultation.
11. The Pre-submission Plan and Proposed Changes retain the approach to villages set out in adopted Local Plan Part 1. This means planning for proportionate growth in primary and secondary villages and resisting the release of additional sites in villages which have seen sufficient development. Officers have also rejected arguments that sites should be released in villages to compensate for others where there are no suitable sites or allocations will not come forward immediately.
12. **Housing site numbers** - Officers have reviewed objections to the dwelling totals and allocation boundaries and made adjustments where there are site-specific circumstances (up or down). Objections seeking a reduction in numbers on sites must be balanced against the need to make best use of allocated land and avoid low density development. The Councils dwelling estimates allow for landscaping, biodiversity provision and open space.
13. **Accessibility of allocated sites** As the County Highways Authority has limited capacity to review plan allocations beyond a light touch screening, independent technical advice has been sought to clarify the impact of allocations where access/ traffic concerns have

been raised. None of the allocations are considered to result in a 'severe' traffic impact – which is the test in the NPPF – and all are subject to the need for Traffic Impact Assessments.

### **Housing Sites in Towns**

14. **Southern Frome** - Despite objections raised to the principle and need for development, the housing allocations identified in the consultation on the southern boundary of Frome are required to maintain supply and should not be delayed to a full review of Local Plan Part 1.
15. The *Selwood Garden Village* (SGV) proposals submitted for a substantial extension of the town (1500+ dwellings) are considered premature. There has been limited consultation and engagement on this proposal to date, no detailed sustainability appraisal or discussion of infrastructure implications. Other proposals have been put forward for extensions to Frome and these should form part of future engagement on options for Frome after Local Plan Part II. In principle, there is a logic in merging the allocations (FRO150a FRO150 and FRO001) as this would support a 'master planned' approach and discourage piecemeal 'field by field' development.
16. **Saxonvale** - Additions to the draft policy are recommended which revises the development area to the Mendip /Frome TC development land and provides clarification on some of the aspirations in the brief and expectations of the use of the site.
17. **Land at Inox Hill (off Packsaddle)**. While promoted in the plan as a self-build exception site and office hub, significant objections have been raised on whether the site is developable and the environmental sensitivity of the location. A speculative planning application (now withdrawn) has re-enforced this view. It is proposed this allocation is deleted through proposed changes – although this does mean there is no major self-build site being promoted through the draft plan. This does not rule-out a smaller-scale development on an exception basis in future. There are no recommendations for alternative self-build sites proposed in the draft plan - although suitable opportunities could come through future plan review.
18. **Wells** - Existing draft allocations are retained including land at Elm Close. Additional objection sites for housing have been promoted around Haybridge but are not considered sustainable or more deliverable.
19. **Glastonbury - Existing** draft allocations are retained. GL4 (Lintells Garage) has been extended to include the garage workshops to the rear. While an employment site, this represents a logical extension and the existing occupier has alternative premises. The plan will continue to resist development which involves development in adopted special landscape area around the Tor and Wearyall Hill.
20. **Shepton Mallet** – No allocations are proposed in Shepton Mallet . With the Cannards Grave application (600 homes) submitted and prison redevelopment, it is considered any additional greenfield sites are best considered as part of a future Part I review.
21. **Street** - Existing draft allocations are retained. The Somerton Road site (ST1) remains the main deliverable site in the short term. However, the promoters consider that the site could support a substantially higher number of dwellings (280 rather than 200). This is supported by the evidence put forward when this site was considered at the Local Plan Part 1 examination. No substantive progress has been made with master planning the

strategic allocation West of Street which is allocated in Local Plan Part I. However, this is a medium to long-term site and , given its constraints, delivery estimates have been reduced in the Pre-submission Plan, Proposed changes and housing trajectory. It is proposed to retain the Future Growth Areas (policy ST3) identified around this site but to clarify their purpose which is provide infrastructure and open space to deliver the adopted allocation rather than substantial additional housing.

22. **BANES boundary** (Sites around Midsomer Norton, Westfield and Radstock)  
No change is proposed to the position established in Local Plan Part I and Pre-submission Plan. However, BANES are currently consulting on broad growth options in the Somer Valley as part of their Local Plan. This Local Plan does not identify sites in Mendip but does not rule out further dialogue through the BANES Local Plan process. This is more appropriate to address through the Local Plan Part I review and, in any case, the BANES Local Plan must await finalisation of the West of England Plan currently at examination.

### **Housing Sites in Villages**

23. No new allocations are proposed in modifications to village sites that have already met the local plan requirement. This is to ensure consistency of approach with the adopted plan and the approach in Part II to only uplift development in the main towns.
24. The draft allocations in Croscombe and Doultong are proposed for deletion. The Doultong site is in conflict with county mineral safeguarding policies. The site at Croscombe has access constraints which cannot be overcome.
25. A number of draft allocations have been amended in response to representations received.

Butleigh – changes to settlement limits to reflect development on the hospital site and revised delivery from allocated site

Ditchat - site DT1 reduced allocation boundary.

Draycott – amended allocation to reflect a potential access via Cross Farm Road –with some flexibility if proposed access is not deliverable

Evercreech- Retention of Greencore premises as an established employment site as it has only recently closed. Modifications are proposed in text text which refer to a mixed scheme and need for a design brief with local consultation.

Nunney – An increase in dwellings to 70 units rather than 55 to make better use of the site.

Stoke St Michael - Site SSM08 deleted and alternative site identified at Frog Lane proposed by Parish Council

West Pennard – site WP1 deleted and replaced with development limit change.

26. **Policy DP25 - Employment sites** – No new employment sites were promoted through the Pre-submission consultation. This will need to be addressed through the next plan review An objection employment site at Beckington is not included in the plan as it is considered it would be better to address the provision of rural employment sites in a comprehensive manner in the future plan review.
27. An issue raised to DP25 is whether ‘established sites’ should be narrowly defined as traditional employment uses or acknowledge that these areas contain a mix of retail, sui-generis and other commercial uses – essentially a wider definition of employment. The intent of the DP25 was to promote this ‘broader view’ of employment and commercial

areas. Modifications are suggested to clarify this position and the policy does not imply that only traditional employment uses are acceptable in these areas.

28. A number of new established sites are proposed in modifications as suggested in representations. There are also alterations in employment area boundaries to reflect existing permissions, corrections or where there are housing opportunities on the edge of some areas.
29. The exclusion of some rural sites from DP25 has been questioned – particularly those with agricultural/waste operations and peat processing sites in the Somerset Levels. While some of these sites have established industrial uses, they vary in suitability and accessibility. It is recommended these are not included at this time and that this can be tested at examination on their individual circumstances or through a more comprehensive review.
30. **Affordable single-site plots (DP24)** The intent of the policy is to support rural affordable home ownership. It is not the same as entry-level exception sites in the revised NPPF. These are landowner or developer-led homes for first-time buyers or renters. As these are not subject to a local connection test, their community benefit is limited.
31. The main objections raised with the policy relate to its impact on the countryside and relative complexity. Modifications to policy and supporting text clarify that DP24 does not apply to main towns. It will apply to villages but these cannot be clusters of houses. The policy could also allow more flexibility in approach to re-cycling property value in an eventual sale.

### **Local Green Spaces (LGS)**

32. The review and designation of the adopted Areas of Local Significance (DP2) sites in the Pre-submission plan has been a significant exercise. All these sites have been assessed through evidence to have the demonstratively special qualities to be designated as Local Green Spaces – irrespective of ownership, public access or development potential. While objections have been made that LGS allocates too many sites, they represent a legacy of valued open spaces which contribute to local character and identity. The Council's approach is therefore to retain its recommended LGS designations and for objections to be considered through examination.
33. All the representations in relation to LGS boundaries have been reviewed as well as suggestions for additional LGS designations. The majority of new sites have not been included in Proposed Changes and judged not to meet LGS criteria. An explanation of why sites are not included will be set out in representation responses published with the submission documents. The Modifications propose around 40 adjustments to Local Green Space boundaries or LGS designations. Some additional recreation areas have also been designated. New/amended green spaces are shown in the schedule of modifications and in the pack of policy maps. Landowners been notified and their representations are included in the submission documents.

### **Consultation on Proposed Changes**

34. There is no statutory requirement for formal consultation at this stage. This is because Proposed Changes are considered alongside the Pre-submission Plan. The Council will request a formal consultation is held after local plan hearings. The formal consultation would take into account the Plan, Proposed Changes, hearings sessions and changes

proposed by the Inspector to make the Plan sound (known as main modifications) see table 1.

35. In response to questions raised at Cabinet, it was explained that where additional responses and comments are made to the Proposed Changes before submission, these should be directed to the Council and will be included in the 'bundle' of documents submitted to the Inspector. These responses will not be reviewed by the Council. The deadline for any additional submissions will be Monday 14th January.
36. After submission, all further information must be submitted via the Programme Officer. This is an administrative officer independent of the Council who will handle all correspondence and support the Inspector in arranging examination hearings. The Inspector (and not the Council) has discretion on how to treat additional responses and whether to invite further evidence from interested parties. The Inspector can also request the Council undertake additional formal consultation before examination hearings.
37. All those submitting objections to the Pre-submission Plan or additional responses will be notified of submission and separately when a start date for hearings is agreed. The Council must give six weeks' notice of the hearings start date. An approximate timetable for the subsequent stages in the examination process is set out in Table 1. Progress will be updated to Cabinet and any other changes resulting from questions or directions from the Inspector.

## **OPTIONS CONSIDERED**

This report is being brought to Council to enable submission of Local Plan Part II before 24<sup>th</sup> January 2019 as development plans submitted before this time can be examined under the March 2012 NPPF. Submission after this date increases the risk of the plan not being found sound and adds weight to objector arguments that a complete review of Local Plan Part I should commence instead. This would add uncertainty to the Council's plan-led approach and defer consideration of the registered individual and community representations

## **RECOMMENDATIONS**

In line with Cabinet's resolution of 26<sup>th</sup> November 2018, that Council:

- (1) Approve the Proposed Changes to Local Plan Part II as set out in appendices 1 (text) and 2 (policy map changes);
- (2) Authorise the Deputy Chief Executive, in conjunction with the Portfolio Holder for Planning, Growth and Housing Services, to finalise the proposed changes and submission documents;
- (3) Request that officers bring an updating report for Cabinet on examination progress and changes following submission;
- (4) Approve the submission of Local Plan Part II and the Proposed Changes in this report to the Secretary of State for examination, together with supporting documents, representations received and any additional submissions.

## REASONS FOR RECOMMENDATIONS

To ensure that progress continues to be made on the delivery of an up-to-date Development Plan for Mendip and to provide certainty for developers and local communities.

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### Background Papers

Council – 18<sup>th</sup> December 2017 Approval of Draft Local Plan Part II for consultation  
 Cabinet – 26<sup>th</sup> November 2018 Proposed Changes to Local Plan Part II

### Documents in Members Room

Index of submission documents/Colour copies of maps associated with Proposed Changes.  
 Draft Statement of Consultation, Addendum to Sustainability Appraisal, Revised Habitat Regulations Assessment. Equalities statement

### Other documents

Procedural Practice in the Examination of Local Plans (June 2016) (Planning Inspectorate)  
 B&NES Local Plan 2016-2036 Options Consultation - Winter 2018 (closes 10<sup>th</sup> January 2019)  
 Pre-Submission Local Plan Part II and supporting documents (on website)  
 Representations <http://www.mendip.gov.uk/article/5453/Local-Plan-Part-II---Pre-Submission-Representations>  
 Statement on Housing Land Supply (Autumn 2018) (on Mendip website)

**Table 1 Current estimate of Local Plan Part II examination timings**

Month		
17 <sup>th</sup> December	Council	Council - Agreement to submit plan and modifications Finalising supporting documents and minor changes
14 <sup>th</sup> January 2019		Final deadline for any responses to be submitted to proposed changes
w/c 21st January 2019	Submission	Submission of Pre-Submission Plan, Modifications, Statement of Consultation and updated Environmental Assessments Publication of submission documents on website
	Notification	Statutory consultees and all representors will be <b>notified of the submission</b> and the contact details of the programme officer – who will support the Inspector and deal with all administrative matters.
Mid February	Inspector Appointed	Appointment of Inspector <i>PINS admin will check plan compliance during weeks 1 and 2 before appointing an Inspector. For non-strategic Plans, PINS aim to appoint an Inspector within 1-5 weeks</i>
By end Feb	Preliminary work	Initial Correspondence with appointed Inspector on compliance matters/ fundamental issues and whether consultation on Proposed Changes is necessary. The Inspector will clarify scope of examination - matters (broad topics) and issues (specific sites). Potential hearing dates Hearing agreed with Inspector
Mid March	Notification of Hearings	Consultees and representors will be notified of start of hearings and examination programme - Minimum six week period from notification to hearings. The Inspector will determine participation at the hearings. Deadlines will be set for additional statements or evidence on representations
May/June 2019	Hearings	This will be a public hearing on the main issues. (2-3 weeks of hearings).
August	Main Modifications	This is the earliest likely date for the Inspector to publish 'main modifications' The Council will need to consider the changes and publish a revised plan for formal consultation
September/ October	Formal Consultation	Main Modifications Consultation - Responses back to Inspector
November	Report	Final Inspectors Report
December		Plan Adoption.

