

IR par a ref	Text	PC response
5 8	<p><i>"it was not within the Inspector's remit to suggest where these additional sites should be allocated. "</i></p> <p><i>"The Council's Statement in relation to Matter 1 of the stage two hearings states that the 505 Dwellings Background Paper sets out in detail the Council's interpretation the area of search for additional allocations, drawing from LPP1 and my Interim Note. "</i></p>	<p>The Inspector's "area of search" is explained in SDM 44 thus: <i>"I do not want to be over-prescriptive in relation to the LPP1 guidance, but in my view, the area of search should include the edges of the two towns of Midsomer Norton and Radstock (within Mendip), as well as considering the possibility of land for new homes within the primary villages which are located to the north of Frome"</i>. This clearly directed the Council to both include NSP and to exclude Frome, the largest and most sustainable town in the District as recognised in his report (para 90). Frome also lies in the NE quadrant of the District.</p>
9	<p><i>"(Document ED27), acknowledging the frustration expressed by many representors, that they had not had the opportunity to present their case before me in a hearing session or question other participants. "</i></p>	<p>In ED27 the Inspector wrote that further Hearings were necessary following <i>"my reconsideration of evidence in the context of the representations "</i>. The report does not mention what evidence the Inspector reconsidered nor explain why the issue of the 505 was not raised by him until after the initial Hearings, when it was addressed in ED20. This was at odds with the PINS guidance which states: <i>"The Inspector looks for any fundamental flaws in respect of soundness or legal compliance and may write to the LPA in the first instance if there are major concerns....During the initial assessment the Inspector will identify the matters and issues affecting the plan's soundness. These will provide the focus for the examination.....The Inspector will normally produce a list of matters, issues and questions for discussion at the hearing sessions. The Inspector will keep these under review to ensure that any new evidence or information that emerges (for example, in response to the Inspector's initial queries) is taken into account."</i></p>

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55	<p><i>"Core policy 2 refers to this 'additional requirement' to be provided in line with paragraph 4.21 of the LPP1. This in turn refers to paragraph, 4.7; both of these paragraphs address not just housing numbers, but also strategic and qualitative housing distribution. "</i></p>	<p>The IR has no consideration of LPP1 para 4.22:</p> <p><i>"In this regard, provision on a settlement by settlement basis will not be artificially constrained to exactly match the numerical requirement as set out in Core Policy 2. The need to plan for proportionate levels of growth in Primary and Secondary Villages will, however, remain an essential consideration in accordance with the spatial strategy set out in Core Policy 1"</i></p> <p>In dismissing an Appeal for development on site NSP1 in 2015 the Inspector referenced the strategic aim of LPP1: <i>"The need to plan for proportionate levels of growth remains an essential consideration in accordance with the spatial strategy set out in Core Policy 1."</i></p>

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61	<p><i>The IR concludes (para 23) "The Plan is therefore, unjustified, and hence unsound in this respect." I agree with the LPP1 Inspector that it is necessary, in the interests of soundness, to consider whether a case can be made to include housing allocations in the Plan which focus primarily on these towns on the fringe of the District</i></p>	<p>Para 23 was not the conclusion, as the LPP2 Inspector states. The conclusion was set out in paras 24 and 25 and furthermore, very clearly at para 101 :</p>
62	<p><i>Also, in paragraph 23, the IR sets out four main MMs which would: "remedy this element of unsoundness by making specific reference to the role that these two towns (Midsomer Norton and Radstock) 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".</i></p>	<p><i>"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.</i></p> <p><i>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. "</i></p>
63	<p><i>It therefore seems to me that the LPP1 Inspector's view was that this Plan should clearly consider the possibility of allocating housing sites on the edge of the towns of Midsomer Norton and Radstock, which implies they should have been assessed by SA/HRA. This has not happened</i></p>	<p><i>(PC emphasis)</i></p> <p>Notwithstanding the above, MM16 contained the provision that any development proposals around MN/R would be "undertaken in consultation with B&NES and local communities". This has not happened.</p>

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65	<p><i>The 505 dwellings provision appears in a box in the LPP1 Key Diagram, which refers to this quantum of additional housing "to be allocated in the District". This was raised by representors in support of spreading any additional development generally across the District, and not in the north-east of Mendip. However, this would be contrary to the strategic thrust of paragraphs 4.21 and 4.7 in the LPP1, which focus on the need to consider making specific allocations with reference to the towns of Radstock and Midsomer Norton rather than distributing the additional development generally across the District.</i></p>	<p>The LPP2 Inspector does not address the fact that the box was inserted as MM19 as per the LPP1 Inspectors Report. Drafted by him, the box is titled "<i>District Wide</i>" in bold type. This wording is ignored in the LPP2 IR.</p>
75	<p><i>This puts peripheral villages in Mendip, facing towards Bath and Bristol, such as Norton St Philip, on the 'front line', as the closest settlements to these cities, where there is no blanket policy restriction to new development/organic growth to the extent that there is in the Green Belt.</i></p>	<p>This is inaccurate. NSP is 18 miles from Bristol. There are very many settlements unrestrained by Green Belt which are closer. Bath is 7 miles from NSP whereas it is only 5 miles from Peasedown St John. Midsomer Norton is 9 miles from Bath. These are substantial towns outside of the Green Belt. BANES are currently able to satisfy their housing need, but in the event that further housing is required, this area is unconstrained by Green Belt.</p>
82	<p><i>Thirdly, there is a relatively low level of housing allocations in the north-east of the District in the submitted Plan, despite the significant level of need that the above statistics point to.</i></p>	<p>NSP has provided for over 250% of its LPP1 minimum. The need for proportionate growth was recognised in the adopted LPP1. Neither this, nor the quantum of housing delivered to date in NSP, are referred to in the LPP2 Inspector's report.</p>

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84	<p><i>There is, therefore, a robust case, both in relation to the IR and LPP1, and supported by the economic, social and housing needs evidence set out above, that it is appropriate and sustainable for an additional 505 dwellings to be allocated within the north-east part of the District, primarily centred on the towns of Radstock/Midsomer Norton.</i></p>	<p>(NB: This para is also repeated verbatim as para 85)</p> <p>The IR does not address the fact that affordability in NSP continues to be an issue despite the increase in housing stock during the Plan period of over 37%- well over twice the proportionate increase proposed in the adopted LPP1.</p> <p>The affordable housing officer has commented on the current planning application for NSP1 that there is no identified demand for affordable housing in the village; the report suggests a commuted sum is provided for AH provision elsewhere in the District.</p>
85	<p><i>(repeat of 84)</i></p>	<p>In Norton St Philip 113 dwellings have been permitted between 2006 - 2018 little more than halfway through the plan period. The 113 dwellings that were approved by MDC have worsened the housing affordability in NSP - not improved it. This is because developers have built large houses that in NSP have been bought by older, often retired, people. Most of these people have moved into Mendip from other parts of the country. This has done nothing to provide affordable homes for local residents.</p> <p>The 113 dwellings already provided currently send 3 children to the local school.</p>

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86	<p><i>Given that there is already an identified 'overprovision' of supply against the identified housing requirement, I acknowledge that it could be suggested that there is no need for a further 505 homes in the north-east of the District. However, I consider such further provision to be appropriate for several reasons:</i></p> <p><i>v) the additional housing can be implemented sustainably and without impacting harmfully on the localities where the new allocations are proposed.</i></p>	<p>All 5 reasons for the allocations given in para 86 are new; they were not the reasons given in ED20 or the subject of substantive discussion at either of the Hearings. It seems that the Inspector is looking for reasons to justify his initial proposal to allocate a further 505 dwellings in the NE..</p> <p>In particular, reason v) is not supported by comments submitted by the Council's consultees on the current planning application. There are objections from Conservation, Highways, Drainage, Trees, Crime as well as DC, PC and a large number of village residents.</p>
88	<p><i>There is no indication in LPP1 that the area should include Frome, which is designated as a FGA and has been allocated an appropriate level of growth.</i></p>	<p>The Council were responding to the Inspector's direction that the area of search should be to the north of Frome. At the Hearings, MDC made it clear that Frome had been excluded because of the Inspector's 'area of search' direction.</p> <p>Mr Sestini stated that the Selwood Garden Community proposal should be a matter for the LPR and that this was consistent with the MDC position at the initial Hearings. The Council position at those initial hearings was, of course, that the 505 had been taken up, that the village of NSP had overprovided and thus no allocations were required. The Council cannot selectively rely on the positions they took at that time. An outline Planning Application has now been submitted with over 800 homes to be delivered during the Plan Period.</p> <p>LPP2 proposes an uplift of 25% from Frome's LPP1 minimum; NSP will have 310%.</p>

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127 (a)	<i>The appeal Inspector considered that the proposed accesses, onto Mackley Lane and at the Mackley Lane/Frome Road junction, would meet the necessary highway tests (para 65).</i>	The previous scheme did not propose access onto Mackley Lane. Thus the Appeal Inspector did not consider it. Para 65 of the Appeal Decision deals with planting; we assume the Inspector is referring to para 56 which addresses concerns about the junction of Fortescue St and the High St; completely different access from a different junction.
127 (b)	<i>In addition, the landscape visualisations showing both the above-mentioned junction and looking north-east along Mackley Lane, demonstrate that the proposed housing would be barely visible with adequate treatment of the junction and Mackley Lane.</i>	The developer's landscape visualisations should not be relied upon. The visualisations of the lane's present state and post development are almost identical. The proposal however is to widen the Lane by 2m, increase the splay and completely remove the hedgerow on Mackley Lane. This will radically alter the approach into the village; the critical importance of which is a factor in both 2001 and 2015 Appeals(para refs). It seems that whilst the developer's visualisations have been given considerable weight, no weight has been given to those from the Frome Road submitted by the PC(PMS2-9;Appendix2)
131	<i>I am satisfied that the developers' photomontage gives a more objective and realistic visual impact of the south-western part of allocation NSP1 than that supplied by the two parish councils.</i>	The Inspector criticises the photomontages submitted by the PC as the proposed planting is not shown and the houses are white; however he does not recognise that the Lochailort photomontage (representative viewpoint 6) is taken from a rarely used footpath half a mile from the site. The impact of the proposal from this viewpoint will be negligible, however it is the harm to the important views from the approaches from the west that the PC highlights, and is recognised by CPRE in their representation.

132	<i>The developer's representative stated that any views from points west and north-west of the site would be satisfactorily mitigated after 15 years from public viewpoints; this was not challenged by any of the parties at the site visit, and I also saw no reason to challenge his comments.</i>	The Inspector made it clear at the start of the site visit that the object was for information gathering only and that those attending should only point out physical features and not engage in debate with him or other attendees.
137	Regarding education capacity, the local primary school states: " <i>Future suitable housing developments that bring children into Norton St Philip would be whole-heartedly supported by the school and would help to ensure the school's long-term viability as a key local facility</i> "	The report does not address the issue raised by the Chair of Governors in the previous para: " <i>Disappointingly, recent housing developments haven't yielded great numbers of children for the school due in the main to the type and size of properties built. We understand that the NSP Neighbourhood Plan includes provision for at least two proposals in/around the village for predominantly a mix of 2/3 bedroom houses that are more likely to attract families with young children.</i> " This was the subject of some debate at the Hearings
141	The benefits of 26 new homes at Site RD1 would not outweigh the harm to the landscape and setting of the above-mentioned heritage assets, as evident from my accompanied site visit.	The planning application relating to the Rode site (RD1 – planning application 2021/0071) has now been refused on heritage grounds and disproportionate growth of the village. The Conservation Officer, in recommending refusal, noted that the harm to heritage assets would be at a low to medium level. The Conservation Officer's comment on the planning application for Mackley Lane (2020/2053) identifies exactly the same level of harm to heritage assets and the Conservation Area. No heritage benefits have been identified on either application.

142	<p><i>The two village allocations in Beckington and Norton St Philip comprise a modest but important component of the additional 505 dwellings required for the north-east of the District.</i></p>	<p>The allocation in NSP may only be a modest component of the '505'; however it will result in NSP providing 310% of its minimum allocation in LPP1; this conflicts with the spatial strategy in LPP1 CP1 and CP2. The Report makes no mention of the brownfield Bell Hill Garage site, promoted throughout the LPP2 process and visited by the Inspector on the site visit day.</p>
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