

# **SOUTH SOMERSET DISTRICT COUNCIL: LOCAL PLAN 2006-2028**

## **ISSUE NO 1:**

### **DUTY TO CO-OPERATE, PUBLIC CONSULTATION AND THE COUNCIL'S OVERALL STRATEGY (INCLUDING PMM1)**

**ON BEHALF OF CHARLES BISHOP LIMITED**

**AND**

**NOEL PROPERTY LLP**

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**1. ISSUE 1**

**1.1 Has the Duty to Co-operate been complied with regarding the formulation of the Main Modifications?**

1.1.1 Pegasus on behalf of Charles Bishop Ltd and Noel Property LLP has no comments on this question and did not submit any representations on this matter.

**1.2 Have the Main Modifications been subject to appropriate public consultation in line with the Council’s Statement of Community involvement? (see also question 2.1 below)**

1.2.1 Pegasus on behalf of Charles Bishop Ltd and Noel Property LLP has no comments on this question and did not submit any representations on this matter. The council has followed the proper process in accordance with the regulations.

### **1.3 In broad terms are the Main Modifications based on a sound process of sustainability appraisal and testing of alternatives?**

- 1.3.1 In our representations to the Proposed Main Modifications PMM2 we objected on the basis that this modification was not justified as we considered the conclusions of the additional assessment was flawed as it failed to properly consider the impact of splitting the housing and employment component into two separate urban extensions and it also failed to properly consider the environmental consequences of the split site arrangements.
- 1.3.2 It is noted that our comments were included in the report to full Council on 13<sup>th</sup> March 2014 (in Appendix 1 Summary of responses to Consultation (See SSDC Comment ID 789) on page 46. The officer's response recognised the relationship and purpose between the two SA Addendum Reports needed to be made clearer and also agreed that the Local Plan Proposed Main Modifications SA Report should contain a screening of the changes to Policies YV1, YV2 and YV6 along with any further appraisal if necessary. The report to the full Council meeting indicated that further appraisal work was to be included within the final SA Addendum Report to accompany the Proposed Modifications on submission. The intention of which was to clearly set out the sustainability implications of the proposed modifications, further narrative was to be provided in the final SA Addendum Report to explain the relationship and purpose of the two previous SA Reports.
- 1.3.3 The submission version of the Proposed Modifications (March 2014) was accompanied by the SA Addendum Report Non-Technical Summary (March 2014) and the Sustainability Appraisal Addendum Report (March 2014) by Enfusion.
- 1.3.4 The SA Addendum Report Non-Technical Summary refers to the Local Plan Proposed Main Modifications SA report (Nov 2013), the Strategic Growth Options for Yeovil SA report (October 2013) and the SA Addendum report (March 2014). Para 4 of the Non-Technical Summary reports on the consultation and that representations were received on the SA reports indicating that further clarity was required to explain the purpose of, and relationship between the Yeovil Strategic Growth Options and Local Plan Proposed Main Modifications SA Reports. The Report also acknowledges from the consultation that it was necessary to more clearly present and better distinguish between the SA work that has been carried out in relation to soundness issues 1 (Yeovil sustainable urban extension) and 2 Ilminster direction of growth) and the proposed changes to the Local Plan.

- 1.3.5 It is noted that in order to maintain consistency and continuity with the previous SA work, the appraisal was carried out using the same framework of sustainability objectives and decision aiding questions (para 5).
- 1.3.6 The SA Addendum Report Non-Technical Summary (March 2014) has been revised to address the issues made during the consultation on the Proposed Main Modifications. Additional paragraphs have now been included which refer to the issues raised (i.e. Consultation paras 25 and 26). Para 26 states that:
- “It was considered that the majority of representations do not require any further action through the SA process as the Strategic Growth Options for Yeovil SA Report does address the Inspector’s concerns satisfactorily and provides a balanced, consistent approach to the appraisal of reasonable options for strategic growth in Yeovil. However, it was agreed that some further work was required to provide further clarity and address representations relating to the potential effects of the Proposed Main Modifications. An SA Addendum Report was produced by Enfusion to address these points and more clearly set out the screening of the Proposed Main Modifications. A summary of the screening findings is provided later in this NTS.”**
- 1.3.7 The Sustainability Appraisal Addendum Report (March 2014) by Enfusion has been prepared to address the issues raised at the consultation on the SA Reports that accompanied the Proposed Main Modifications. The intention of the Addendum Report is to provide more clarity with regard to the further SA work that has been carried out since the Examination Hearing Sessions ended in June 2013 and the Inspector issues his Preliminary Findings letter in July 2013.
- 1.3.8 Pegasus welcomes the intention of this document which responds to representations submitted. It is noted that the document sets out more clearly the SA Screening of the PMM to the Local Plan and any further work carried out to address the changes.
- 1.3.9 Paragraphs 2.13 – 2.15 seek to address concerns that the relationship between the further assessment criteria introduced into the decision making process and the original SA objectives. Table 2.1 sets out the criteria and the potential reasoning which was originally included in the PMB workshop Papers for 25<sup>th</sup> October 2013. At this time item 9 set out a list of suggested criteria (from Enfusion) that could be used to identify and justify the preferred direction of growth for Yeovil.

1.3.10 Para 2.14 clarifies that the further planning criteria were not part of the SA process, “

**“They were a piece of further evidence that helped to inform the Council’s decision –making and therefore support the plan-making process. In line with the NPPF, the further planning criteria focused on deliverability and viability to try and help to differentiate between sites.”**

1.3.11 Both the March 2014 Sustainability Appraisal Addendum Report Non-Technical Summary (para 23) and Enfusion SA Addendum Report (para 2.14) refer to these criteria being consistent with the NPPF focussing on deliverability and viability to “try and differentiate between the sites.” “These criteria focussed on deliverability and viability, in line with the NPPF and are separate to the SA process.”

1.3.12 It is noted that since the consultation on the Proposed Main Modifications that the Council commissioned independent consultations Enfusion in February 2014 to carry out a screening of the Proposed Main Modifications to ensure that all significant changes to the Local Plan had been given appropriate consideration through the SA process. This was reported to full Council on 13<sup>th</sup> March 2014 and is referred to as Appendix iii. Appendix iv provided a SA of the Significant Changes.

1.3.13 In terms of the SA Scoring Review and the representations we submitted, it is noted that in Appendix 1 Summary of Responses to Consultation (See SSDC Comment ID 789) pages 49 - 58 summarise our representation. The schedule indicates that no changes are proposed by the Council as a result representations received during the consultation, the response notes and disagrees with the Pegasus scoring. It is noted that the table 2.2 in Sustainability Appraisal Addendum (March 2014) provides a summary of responses to representations – the Council considered that the alternative scoring submitted was not independent and not justified when considered against available evidence.

1.3.14 It is not appropriate to repeat our representations, but merely to point out that there are still differences in terms of the scoring of the urban extensions which we consider remain relevant.

**1.4 Is there clear evidence demonstrating how and why the preferred strategy (as encapsulated in the Main Modifications) was selected? Does it represent the most appropriate strategy in the circumstances?**

1.4.1 It is noted that the Inspector acknowledged in his Preliminary Findings (July 2013) that there is little to differentiate between the four areas of search for development growth in Yeovil with regard to accessibility, reducing poverty/social exclusion, provision of housing, improving health, improving education and skills, reducing crime, supporting strong diverse local economy, traffic, climate change, and reducing flood risk. The Inspector requested more information and a comparative SA with particular consideration of the effects on landscape/townscape, the historic environment, agricultural land, and biodiversity and geodiversity.

1.4.2 It is considered that the preferred strategy represents the most appropriate strategy in the circumstances which has been subject to a SA.

**1.5 In the year since the first hearing sessions commenced, have there been any significant changes to the evidence base or to the legislative framework, particularly in terms of housing and employment needs, which should be reflected in the Local Plan? Is there a five year supply of housing sites (with appropriate buffer) and is the housing trajectory sound?**

- 1.5.1 In the year since the first hearing sessions commenced the National Planning Practice Guidance has been produced, in draft form in August 2013. The National Planning Practice Guidance website, which was launched by the planning minister Nick Boles in a test mode for six weeks for public comment, provides further guidance on sections of the NPPF. After the consultation and trial version of the web base resource, on the 6<sup>th</sup> March 2014 the Department for Communities and Local Government (DCLG) launched the planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.
- 1.5.2 The NPPG provides further guidance on the NPPF, it amplifies what is already contained in the NPPF, for example it provides further guidance on the assessment of housing and economic development needs.
- 1.5.3 In terms of the 5 year housing land supply, SSDC reported to the Executive on 6<sup>th</sup> February, and produced the Annual Housing Monitor Report dated 24<sup>th</sup> January 2014. The AHMR confirms that no new information has come from the publication of Census data or other data from the ONS to that set out in the AHMR produced in April 2013.
- 1.5.4 It is noted that the recent backlog in housing delivery (i.e. below the annual average target for the local plan period) has been factored into the considerations of defining a robust five year land supply. The latest monitoring information indicates that only 460 dwellings were completed in 2012/2013 compared with 725 dwellings per year according to the emerging Local Plan and 685 dwellings per year according to the adopted Local Plan. On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

- 1.5.5 The AHMR dated 24<sup>th</sup> January confirms that South Somerset does not have a five year land supply under the 5% buffer and under the 20% buffer scenario the Council can only demonstrate a housing land supply of 4 years 3 months. It is noted that the report to the District Executive on 6<sup>th</sup> February 2014 recommended a proactive dialogue between officers and landowners/developers to understand whether sites can be brought forward earlier in the Local Plan timeframe.
- 1.5.6 Land at Keyford can contribute to meeting the district council's five year housing land supply, it is available and deliverable. A planning application which is consistent with the policy in the emerging local plan is imminent.

**1.6 Is the Council’s removal of the reference to the provision of 935 dwellings after the end of the Plan period (policies YV1 and YV2) appropriate?**

1.6.1 Pegasus made no representations on this matter during the consultation on the Proposed Main Modifications.

1.6.2 It is noted that paragraph 2.3 of the Proposed Main Modifications refers to the figure of 1,565 dwellings (2006 -2028) being the established housing need as opposed to 2,500 dwellings ( within and beyond the plan period) and reference to the 935 dwellings being delivered beyond the plan period being removed.

1.6.3 The Full Council report at Appendix iii page 2 states that:

**“The removal of the housing requirement post plan period does not significantly affect the findings of the approval of Policy SS5 in Appendix 7 of the Local Plan SA Report(June 2012) and the SA Addendum Report of January 2013 as the level of development during the life of the plan has not changed.”**