

Examination of the South Somerset Local PlanInspector's Preliminary Findings

1. Following the close of the hearing sessions into the South Somerset Local Plan (LP) and having considered all the evidence, there are three significant issues of concern, relating to soundness, which I must raise. They relate firstly to the Sustainability Appraisal with regard to the Yeovil Urban Extension; secondly to the proposed direction of growth at Ilminster; and thirdly to policy SS3: Delivering New Employment Land. There are also three points of clarification.

2. The purpose of this note is to explain the basis for my concerns and to request that the Council give very serious consideration to whether there is an appropriate way forward. It should not be taken as my formal conclusion on the soundness of the LP.

FIRST ISSUESustainability Appraisal (SA) Assessment

3. It is clear that the SA process has been long and iterative in nature and it is acknowledged that in some cases there may be a degree of uncertainty over certain elements in the SA, that assumptions may have been made and that a level of subjectivity is inevitable. Nevertheless the SA should be sufficiently robust to ensure that the Council's approach can be appropriately justified and that the policies and proposals that are being put forward are reasonable and will result in sustainable development.

4. My broad assessment of the SA is based primarily on Appendix 5c of the submitted SA (CD16) which is entitled 'Sustainability Appraisal of Yeovil's Strategic Growth Options' (August 2010). This appendix includes 3 strategic growth options for consideration but also includes a 'northern option' for comparison. Where appropriate I also make reference to the February 2010 SA of Growth Options, which assessed 6 areas of search, including area 7 to the north of the town, known as Combe St Lane /Mudford. Among other documents that I have taken into account are the Addendum to the SA (CD16d) and the Scoping Report (CD31).

5. I have attached weight to the fact that I was told at the hearing sessions that it is the Council's intention that any sustainable urban extension (SUE) would be 'exceptionally self-contained' and that there would be 'little use of the car'. Homes, employment (one job per household is the Council's objective), education provision, leisure opportunities and other community facilities and services (including retail) would be available within the extension.

6. Against this background I consider that there are a number of examples where the scoring used by the Council cannot be considered to be robust or the weight attached to a particular issue has not been properly justified and I summarise below my concerns in relation to each of the Council's stated sustainability objectives. I am also aware that there are a number of errors in the SA (some confirmed by the Council)¹ and this undermines confidence in the conclusions contained within it.

7. I start by considering the objectives as set out on page 18 of CD16a.

Council's Sustainability Objectives

8. Figure 4.1 (page 18) sets out the SA objectives but there is no detailed explanation of how they have been drawn up or their relationship to the guidance on delivering sustainable development as contained within the National Planning Policy Framework (NPPF). The reference to national policy is included in a single paragraph (5.2.2). I have taken into account the Report to Full Council regarding the implications of the NPPF for the emerging Core Strategy - 23.04.12 (CD133) but the relationship between the NPPF and the formulation of the objectives is not clear.

(1) Improve access to essential services and facilities

9. The Council refers to several key services (for example the bus station, college, hospital and retail centre) as being in the town centre which is to the south east of the town. The Council concludes that post-mitigation scores can only be improved for options 10 (East Coker/Barwick/Keyford) and 11 (Over Compton). The northern option remains scored as a double negative.

10. In terms of distance from the town centre parts of both options 10 and 11 would be similar to the distance from parts of the northern option and the map of bus routes in the area (SSDC H24) confirms that there are services which run close to all the options and there is no reason to conclude that wherever the location of the urban extension it could not be served by buses (see also my comments on objective 8).

11. In terms of walking and cycling, the topography around the town would act as a deterrent to many people wherever the extension was located and in any event it is unclear how many residents seeking to use the key services referred to above would walk or cycle. Such means of travel may be most appropriate for the journey between home and work but as the urban extension would be 'exceptionally self-contained' the need for residents to travel to the town centre for such purposes may be relatively small.

12. With regard to the proximity of the two railway stations I agree that they are closer to options 10 and 11 but again there is no reason to suppose that appropriate bus links could not be provided from all the

¹ Letter from Council dated 6 June 2013

options. In any event it is not clear what the role of services from the two stations is in meeting the travel needs of Yeovil residents (although the Council states that travel by train is 'significantly lower' than by other forms of transport) and therefore I cannot attach significant weight to the services that they provide.

13. In terms of access to services and facilities there is little to differentiate between the four areas of search.

(2) Reduce poverty and social exclusion²

14. All options score positively but Option 10 has been given a post-mitigation double positive because of the proximity of one of Yeovil's most deprived wards. This appears to be a reasonable conclusion to draw but none of the options have a negative score and although weight should be attached to the consequences of supporting option 10, in terms of reducing poverty and social exclusion, the differences between the options are not substantial.

(3) Provide sufficient housing to meet identified needs of the community

15. All four options score double positives and there is therefore no significant differentiation between the four areas of search.

(4) Improve health and well being

16. Reference is made by the Council to Yeovil Hospital being to the south of the town centre whereas in fact it lies to the north of the town centre.

17. Option 10 has been given a double positive because of its location adjacent to the town centre and the Yeovil Country Park. Whilst part of the direction of growth would be close to the town centre little weight appears to have been given to the topography of this area and in particular the constraints on cycling and walking imposed by Hendford Hill (and the fact that to reach the hospital people would have to travel across the town centre).

18. The Council acknowledges that housing development should make suitable provision for new health and leisure facilities to meet identified demand – in line with the objective of self-containment. In terms of facilities for walking and cycling most areas of search around the town display similar characteristics. In terms of open space provision the Council refers to the potential for the Yeovil Country Park, which lies to the south of the town, to be enlarged through development nearby. There is no reason to doubt that this could be achieved but similarly there is no reason to conclude that appropriate open space could not be provided as part of a Masterplan for any of the areas of search.

² Table placed incorrectly under 'Improve Health and Well Being'

19. The February 2010 SA acknowledges the consequences of the area's topography but nevertheless gives a double positive post mitigation score to the Barwick/Keyford area. This is replicated in the August 2010 SA. The northern option (in Feb 2010) is given a double negative in both pre and post mitigation circumstances. It is given a single negative in the August assessment. I do not consider that the evidence justifies the significant difference between the scores of these two options. On this basis there is little to significantly differentiate between the four options.

(5) Improve education and skills of the population

20. All four options receive positive scores in relation to this objective, although option 10 has been given a double positive. The reason given is that because secondary school education in the town currently favours the north, development to the south would be the most beneficial. However, only the equivalent to 0.5 secondary school provision would be required³ and there is no substantive evidence that would enable me to conclude that such provision could not be provided by increasing capacity on existing school sites, thus supporting the concept of development, for example to the north of the town.

21. On this basis there is little to differentiate between the options.

(6) Reduce crime and fear of crime

22. All options score the same and there is therefore no significant differentiation between the areas of search.

(7) Support a strong diverse and vibrant local economy

23. All options score positively with option 8 (Brympton) scoring a double positive because of its location close to existing employment areas and the strategic road network.

24. Bearing in mind the exceptional self-sufficiency that is anticipated by the Council I consider there is little justification for a significant differentiation between the areas of search.

(8) Reduce the effect of traffic on the environment

25. In terms of cycling and walking, the Council acknowledges that there are 'significant topographical barriers' to travel for walkers and cyclists with regard to option 10. There are also disadvantages associated with the other potential directions of growth. In terms of bus services the Council states that although services to the south of the town are less frequent, growth in this direction would represent the greatest opportunity for an improved service. However, there is no reason to suppose that existing services elsewhere in the town could not be improved to accommodate demand from an urban extension. Similarly there is no

³ Sub-section 5, page 6 of Appendix 5C

evidence to suggest that bus links to Yeovil Junction station could not be provided from areas other than to the south of the town.

26. Several respondents questioned whether significant improvements to bus services in Yeovil would be achievable. On the evidence submitted I am unable to draw any definitive conclusions but it would seem there is little to choose between the growth options in this regard.

27. The Transport Vision for Yeovil⁴ introduces eight 'seed projects' including the improvement of cycling and walking routes, a public transport 'figure of 8' and what is described as active access over the A30. There is no reason to conclude that wherever the location of the urban extension it would not benefit significantly from the identified seed projects.

28. With regard to private transport all options receive a negative score and overall, in terms of reducing traffic, there is little to differentiate between the options.

(9) Protect and enhance the landscape and townscape

29. The protection and enhancement of the landscape is an important objective and, within the parameters that it was prepared, there is no reason to doubt the findings of the Peripheral Landscape Study⁵. However, the Study (in relation to Yeovil) was published in September 2008 and paragraph 8.2 confirms that at that time consideration was being given to a major urban extension of about 5,000 dwellings and a 1,500-2,000 dwelling secondary Greenfield development (i.e. a total of 6,500 to 7,000 dwellings). The local plan is only proposing a total of 2,500 dwellings with only 1,565 being built within the plan period. This is a significant reduction in the scale of development that has to be accommodated and whilst there may still be significant constraints in terms of landscape, these have not been re-appraised in light of the lower level of proposed development.

30. There also appears to have been little emphasis placed by the Council on the opportunities to improve the landscape and seek to assimilate any development into the setting of the town. NPPF paragraph 58 advises that planning policies should aim to ensure that development would respond to local character, reflect the identity of local surroundings and be visually attractive as a result of appropriate landscaping. The Council is seeking to ensure that any urban extension would follow the Garden City principles and reference has been made to achieving 40% greenspace. The aforementioned principles include the provision of generous greenspace linked to the wider countryside and the use of high quality imaginative design. There is no reason why this objective should not also include a requirement for measures to be included in any Masterplan that would ensure that any urban extension would be satisfactorily assimilated into the setting of the town.

⁴ CD56

⁵ CD68 o-u

31. The Landscape Evidence that was submitted by the Council in relation to the South Somerset Local Plan Inquiry (2003)⁶ concludes that land at Keyford (which forms part of the proposed SUE) is 'clear to view from a number of sensitive local vantage points, from many of which it is seen as visually and topographically prominent and from whence a major impact of change would be perceived'. Development would be 'incongruous' and 'intrusive'. I have given some weight to these earlier conclusions because I agree that new development may be visually prominent from some viewpoints, for example from in the vicinity of Darvole Farm on the road between the A37 and Sutton Bingham.

32. Similarly views of development to the north of the town may also be significant, although as I travelled between Yeovil Bridge, Over Compton, Hummer and Mudford I saw that development already breaches the skyline in a number of locations and that the development underway at Wyndham Park flows down the slope of the escarpment.

33. I consider that the challenge to assimilate development into the setting of the town is significant in whichever direction growth is proposed and although I acknowledge the constraints identified in the Landscape Study for other locations around the town, the assessment was based on a significantly higher level of projected growth and did not substantively assess mitigation measures. There is little evidence to demonstrate that mitigation measures are not available to successfully assimilate development into the setting of the town, at a number of locations around Yeovil.

34. In terms of protecting and enhancing the landscape, there are similar issues to be addressed in all the areas of search.

(10) Conserve and where appropriate enhance the historic environment

35. All options have been given a neutral post-mitigation score and on that basis there is no significant differentiation between the areas of search. However, paragraph 4.2.6 of the Historic Environment Assessment⁷ (HEA) confirms that between Chilthorne Domer and Mudford (character areas 12 to 15) there is a **high** or **moderate-high** capacity to accommodate built development (in terms of protecting the historic environment). This area covers a significant part of the northern area of search. It is only as one approaches Montacute House and Parkland⁸ to the west that sensitivity increases.

36. Nevertheless the Council's overall conclusion is that the whole of the northern option should be scored a pre-mitigation double negative. This is the same as Option 10 which includes a Scheduled Monument and

⁶ ECPTH 0011

⁷ CD104 a-b

⁸ The references to Tintinhull Historic Park and Garden on page 12 of SA Appendix 5C were confirmed by the Council, at the resumed Hearing session, to be errors

which it is concluded in paragraph 4.2.11 of the HEA has only **moderate** capacity to accommodate new development.

37. The scoring with regard to this objective does not reflect the differentiation between the areas of search in terms of conserving the historic environment.

(11) Reduce contribution to climate change and vulnerability to its effects

38. It is stated that the northern option would have little potential for energy saving from solar gain and it is therefore given a pre-mitigation score of double negative. However, there is no substantive evidence that this would necessarily be the case and even if it was, this may be balanced by the fact that the area to the north experiences higher wind speeds which could facilitate energy from wind.

39. There is little to differentiate between the options.

(12) Minimise pollution (including air, water, land, light, noise) and waste production

40. In terms of pollution it appears that all the options have been given a single negative score.

41. It is under this heading, however, that agricultural land classification has been referred to by the Council. There is no separate objective seeking to protect higher quality agricultural land and there is no reference in paragraph 5.2.2 to this national objective. The weight given to this objective by the Council appears to be less than to other issues that relate to the delivery of sustainable development. There is no discussion on the issue under either the February or August 2010 SAs, although the Council has concluded that option 10 should be given another negative (making it a double negative) because it would utilise Grade 1 agricultural land.

42. The NPPF in paragraph 112 states that 'where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

43. The Statement of Common Ground that relates to the proposed SUE⁹ states that part of the area, for reasons of droughtiness, may be grade 2 and it is stated that similar droughtiness issues may apply to other land within this location. If the Council is not relying on the former Ministry of Agriculture, Fisheries and Food (MAFF) plans in this area, then there appears to be no justification for relying on them at other locations around the town. The consideration of alternative locations for an urban extension must be assessed on a consistent and fair basis.

⁹ SOCG under Issue 6

44. All the options would involve development on agricultural land but it is only option 10 which, according to the MAFF plans, is primarily Grade 1. The advice in the NPPF does not appear to be appropriately reflected in the SA and I am not satisfied that the Council has attached sufficient weight to seeking the use of poorer quality agricultural land. As an aside I note that part of the Council's vision for 2028¹⁰ is the retention of a viable agricultural base with high quality local food production.

(13) Manage and reduce the risk of flooding

45. All options are given a post-mitigation neutral score and bearing in mind the advice of the Environment Agency that measures can be introduced to reduce flood risk and provide drainage, this is an appropriate approach. There is therefore little between the 4 options in this respect.

(14) Conserve and enhance biodiversity and geodiversity

46. The supporting text relating to objective 14 only refers to options 8, 10 and 11 and there is no reference to the northern option, which is given a double negative score. The Ecological Assessment of Potential Strategic Housing Sites (CD65) refers to 6 potential strategic development sites around Yeovil. For Yeovil South, serotine and pipistrelle bats have been identified as potentially being affected – hence the final element of policies YV2 and YV3. For Yeovil North only serotine bats are identified and for East Mudford Hill, Daubenton's bats and otters have been identified but for the latter it is concluded that any impact would be not significant/extremely unlikely.

47. The paragraph relating to post-mitigation measures (page 17) states that 'opportunities exist to incorporate open space and green infrastructure within developments retain the most important wildlife routes avoid protected species and build in mitigation through design and layout'. No reason is given as to why these principles can not equally apply to a northern option. It is therefore not clear why the northern option is scored more negatively than the other options.

Appendix 5d

48. Turning now to the SA of the three options considered post 'preferred options' – sustainable urban extensions (i) to the south and west of the town (the Yeovil Sustainable Urban Extension); (ii) to the north west; and (iii) a multi-site option.

49. For each of the three options the recommended mitigation for objectives 1, 2, 4, 5, 7 and 8 all refer to ensuring that services and facilities are provided on site – an approach that has been taken consistently throughout the process.

¹⁰ As set out in Chapter 3 of LP

50. The two objectives, however, where consistency appears to be lacking are:

(i) protecting the landscape – objective 9

All three options in appendix 5d score a single negative, from which I conclude there is little to differentiate them. However, under the SA of the 6 strategic growth options, the comparable south and west option (option 9 Keyford/South) is scored a single positive, whereas option 4 (Lufton), which is comparable to the north west option, is scored a zero (post mitigation).

(ii) minimising pollution (includes impact on agricultural land) – objective 12

Under the south and west extension (Appendix 5D) the fact that the land is classed as best and most versatile agricultural land is acknowledged and a single negative is scored. This is the same as the north west option and the multi-site option, where there is less grade 1 land. Under the 6 growth options (Appendix 5B), options 9 and 10 (Barwick/Keyford) are given double negatives and option 4 a single negative but in Appendix 5D all three options are given a single negative. There appear to be inconsistencies in the scoring.

Conclusion on First Issue

51. In summary I have four concerns regarding the SA:

- The lack of weight attached to the need to seek to use areas of poorer quality agricultural land in preference to that of higher quality (bearing in mind that once lost such high quality land cannot be retrieved);
- The lack of substantive evidence to demonstrate that there are significant differences in terms of landscape impact between several of the options that have been considered. Opportunities for mitigation, primarily through layout and design do not appear to have been sufficiently addressed;
- Lack of consistency regarding the consideration of protecting and enhancing the historic environment; and
- Lack of clarity regarding the scoring for objective 14 – conserving and enhancing biodiversity and geodiversity.

52. I am not saying that had these four concerns been adequately addressed, then the Council would not have identified land to the south of the town for a sustainable urban extension – it may well still have scored best. However, on the evidence submitted I cannot be sufficiently certain that the most appropriate location for a sustainable development of about 2,500 dwellings has been selected.

53. In this respect, therefore, I am currently unable to conclude that the local plan is justified (i.e. the most appropriate strategy when considered against the reasonable alternatives).

SECOND ISSUE

Direction of Growth at Ilminster

54. The Council has acknowledged that there is an error in the Sustainability Appraisal for the town¹¹ and it now concludes that Canal Way scores better than Shudrick Valley in sustainability terms. I agree that Canal Way is the most sustainable option. The issue, however, is whether or not the current direction of growth (Shudrick Valley) is unsound and I conclude that it is, because the direction of growth is not justified when considered against the reasonable alternative of Canal Way.

55. On the second issue I am of the view that the proposed direction of growth at Ilminster appears to be not sound (policy PMT3).

THIRD ISSUE

Employment – policy SS3

56. Following concerns raised at the hearing sessions the Council has reviewed its position regarding employment provision¹². The Council has accepted that the employment land provision of:

- 5ha for Wincanton;
- 3ha each for Somerton, Ansford/Castle Cary and Langport/Huish Episcopi; and
- 2ha for each of the six rural centres,

'is not properly evidenced'.

57. Consequently the Council proposes to delete those requirements from policy SS3 and insert the following comment: 'additional employment land requirement to be identified in Allocations DPD'. However, this approach is not consistent with the advice in paragraph 154 of the NPPF which states that local plans should set out 'what will or will not be permitted

¹¹ Supplementary answer to Inspector's question 3 (HO25)

¹² SSDC H036

and where'. The policy still retains the number of jobs 'to be encouraged' in each of these settlements but in the case of the six rural centres there is no indication of how the 1,013 jobs should be distributed. This means that in those settlements decisions on planning applications (for employment uses) could not be made with a high degree of predictability and efficiency (NPPF paragraph 17, first bullet point).

58. My current view is that policy SS3, as proposed to be amended, is not sound.

59. Even if I were persuaded that the Council's changes to policy SS3 are sound, I consider that they would be a Main Modification because they introduce amended jobs and floorspace targets, without which this element of the local plan would not be based on a strategy which seeks to meet objectively assessed development requirements.

Points of Clarification

60. There are two further minor changes being proposed by the Council that I consider to be Main Modifications. There is also one further point of clarification regarding references to non-statutory documents within policies.

Policy SS5: Delivering New Housing Growth and Directions of Growth

61. The Council is proposing broad 'directions of growth' for a number of market towns (as identified on the Inset Maps). In principle such 'directions' may be supported by a Sustainability Appraisal but there is a lack of detail about how these 'directions' would be translated into detailed proposals. Paragraph 157 of the NPPF advises that LPs should allocate sites to promote development and provide detail on form, scale, access and quantum of development; Paragraph 17 suggests that a framework should be provided within which decisions on planning applications can be made with a high degree of predictability and efficiency; and paragraph 154 states that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.

62. The Council has agreed to insert a new paragraph in the local plan which seeks to clarify the Council's approach towards development in the 'directions of growth' prior to the Site Allocations DPD being adopted in 2015¹³. This amendment is to be welcomed but I remain concerned that the requirements of the NPPF, as referred to above, would not be fully met and I invite the Council to consider how greater clarity could be provided, particularly regarding the relationship between each individual

¹³ Minor modification 217 (CD3c)

direction of growth and the decision making process. In any event I consider that the additional text, as currently proposed, should be classified as a Main Modification, because it would be required in the interests of effectiveness.

Wincanton

63. The Council is proposing to insert two paragraphs in the Wincanton housing section¹⁴. Very little additional residential development, above that which is already committed, is proposed for the primary market town (5 dwellings up to 2028). In summary the proposed text explains that if housing provision needs to be supplemented then the Council would undertake a priority review of the housing requirement and if necessary allocate further land for development.

64. Without this important addition the local plan would not be justified, as it relates to Wincanton, because it currently does not reflect an appropriate strategy for the town. I therefore consider that the additional text should be classified as a Main Modification.

References to Non-statutory Documents

65. There is a requirement in policy PMT2 (Chard phasing) that the phasing of development should occur as set out in the Chard Implementation Plan (CIP). However, the CIP is a non-statutory document and therefore has less status than the LP will have on adoption. The CIP cannot be given statutory weight (which is implied by the reference to it in the policy) because it has not been through a statutory process and therefore it would be more appropriate for any references to the CIP to be in the supporting text. Similarly there is reference to the Council's 'adopted assessments and needs strategies' in policy HW1 (open space provision) and to the 'Strategic Market Assessment or successor documents' in policy HG5 (mix of housing). It is not clear what status these documents have / will have and therefore my concerns apply also to these policies. I have assumed that the adopted SCC Countywide Parking Strategy (policy TA6) has been through a statutory process.

The Way Forward

66. As it stands I regret that I am currently unable to confirm that the submitted local plan is sound. Substantial further work is required particularly to demonstrate that the plan is justified as it relates to a sustainable urban extension to Yeovil (i.e. the most appropriate strategy when considered against the reasonable alternatives), for example with regard to agricultural land value, landscape setting, conserving the historic environment and biodiversity.

¹⁴ Council Supplementary Statement – Issue 10 (H034)

67. I am not certain at this stage how much time this further work will take the Council but the work will undoubtedly need to be comprehensive. I also cannot be certain as to the scale and substance of the Main Modifications that may be needed following that work. It would be a significant waste of time and resources if the work was undertaken only to find that the necessary changes were so extensive that they could not be reasonably made to the submitted plan without it becoming an entirely different strategy (for example a multi-site approach). So whilst I could propose a period of suspension to allow the Council to undertake further work, this carries significant risk and uncertainty in my view. Whilst I am not ruling out the suspension option, I would need the Council to put a compelling case to me to be persuaded that a suspension is the right way forward. Under the circumstances the Council should therefore also consider the option of withdrawing the plan.

68. Alternatively I can complete the Examination on the basis of the submitted local plan but the indication at this stage is to a finding of unsoundness.

69. For the avoidance of doubt I consider that the broad principle of a sustainable urban extension is sound (it is the location that has not been adequately justified). The direction of growth at Ilminster and the amended policy SS3 appear not to be sound.

70. In light of the potential shortcomings I have identified, I am inviting the Council to provide an indication of how it wishes to proceed as soon as possible (through the Programme Officer). This Note and the Council's response should be placed on the Examination website.

David Hogger

Inspector

3 July 2013