

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
PLANNING COURT
Before the Hon. Mr Justice Holgate

BETWEEN:

NORTON ST PHILIP PARISH COUNCIL

Claimant

-and-

MENDIP DISTRICT COUNCIL

Defendant

-and-

**(1) SECRETARY OF STATE FOR LEVELLING UP, HOUSING AND
COMMUNITIES**

(2) LOCHAILORT INVESTMENTS LIMITED

(3) REDROW HOMES LIMITED

Interested Parties

ORDER

UPON HEARING Alexander Greaves for the Claimant; Hashi Mohamed for the Defendant; Robert Williams for the First Interested Party; and James Findlay KC and Ben Du Feu for the Second and Third Interested Parties

IT IS ORDERED THAT

1. The claim for statutory review be allowed.
2. Policies MN1, MN2, MN3, NSP1 and BK1 of Mendip District Local Plan 2006-2009 Part II: Sites and Policies ("LPP2"), their supporting text and other related text, tables and diagrams, as set out in Schedule 1 to this order, shall be remitted to the Defendant.

3. The remitted parts of LPP2 shall be treated as not having been adopted as part of the local development plan. The rest of LPP2 is unaffected by this order.
4. The Defendant shall publish a revised version of LPP2 on its website within 28 days, which explains the effect of this order, and shows the remitted parts of the plan as being struck through.
5. The Defendant shall amend the Policies Map within 28 days so that it properly reflects the terms of this order and any consequential changes to LPP2 as set out in Schedule 1.
6. The Defendant shall:
 - a. review and reconsider allocations to meet the district wide requirement for an additional 505 dwellings in accordance with Core Policies 1 and 2 of Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies and the judgment of the court;
 - b. in light of their review, prepare and publish modifications to LPP2 which allocate sites to meet the additional requirement. The preparation and publication of these modifications shall be in accordance with requirements of section 19 of the Planning and Compulsory Purchase Act 2004 (“2004 Act”), and Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012;
 - c. submit the proposed modifications to LPP2 to the First Interested Party, who shall appoint an Inspector to carry out and report on an independent examination of them, which shall be carried out in accordance with section 20 of the 2004 Act; and
 - d. once it receives the Inspector’s report, the Defendant must make a decision in accordance with section 23 of the 2004 Act.
7. The Defendant shall pay the Claimant’s costs in the sum of £35,000.
8. All parties shall have liberty to apply to vary or modify this order on notice.

Signed: Sir David Holgate

Dated: 16 December 2022

Schedule 1

The table below sets out the amendments and deletions that are to be made to LPP2 in accordance with paragraph 2 of the order.

Relevant part of plan	Amendment / deletion
Para. 3.19	Amend affordable housing totals
Para. 3.24	Delete entire paragraph
Para. 3.36	Delete final sentence
Para. 3.45	Delete “and around Midsomer Norton”
Table 1	Delete section dealing with Land adjacent to Midsomer Norton and amend total number of dwellings accordingly
Table 2	Delete rows dealing allocations in NE Mendip and sub-total
Paras. 3.56	Amend housing totals
Table 3	Amend totals for Primary Villages, delete row dealing with growth “Adj. Midsomer Norton”, and amend overall totals
Table 4a	Amend figures in the “Planned Growth” and “Change from Policy CP2” columns for the “Villages & rural” row, to account for the reduction in allocations. Delete the row for NE Mendip District and delete footnote 2. Amend the total figures
Table 4b	Amend figures in the row dealing with Primary Villages, to account for the reduction in allocations. Remove the row for “Sites adj Midsomer Norton”. Amend total figures
Para. 3.59	Amend figures to reflect removal of allocations in the North East.
Page 35	Delete “10.6 Midsomer Norton”
Section 10.6 (pp. 95 – 103)	Delete all text and policies
Paragraph 11.2.2	Delete the final sentence
Para. 11.2.3	Delete paragraph and bullet point relating to allocation
Pages 108 and 109	Delete Policy BK1
Para. 11.20.3	Delete final sentence
Para. 11.20.4	Delete paragraph and bullet point relating to allocation
Pages 145 - 146	Delete Policy NSP1

Signed: Sir David Holgate

Dated: 16 December 2022