

SHOCK

STOP HOUSING OBLITERATING THE CHARACTER OF KEINTON

**SCHEDULE
TO
SHOCK RESPONSE
(APPLICATION 22/01720/OUT)**



This Schedule contains a paragraph-by-paragraph critique of the Planning Statement of Pegasus on behalf of the Applicants, LVA and the Chinnock family.

Introduction

This Schedule contains a paragraph-by-paragraph critique of the Applicants' Planning Statement. Paragraph numbers below refer to paragraphs in that Statement. The Statement is a Pandora's box of bare assertions, errors of fact, non-sequiturs, omissions, and obfuscation and misrepresentation. The cumulative effect is to undermine totally the veracity, reliability and credibility of the Planning Statement. SSDC should treat it with extreme caution.

- 1.3. The Alice in Wonderland story begins! For a contrary view see Response, paras. 20 to 24.
- 2.2 The housing to the north and east is all in linear form, adjoining the B3153, and the main settlement of Keinton Mandeville is 230m distant, i.e., the rear of houses in Row Lane and Irving Road. The village hall is east, not south, of the main site of development. See the front cover of this Schedule for an aerial photo confirming how isolated and remote from the main settlement of Keinton Mandeville.
- 2.8 The site is prominent and visible, especially in winter, from Kingweston, which is a Conservation Area.
- 3.6 See Response para.9.
 - E/KEMA/0013 actually says that site would be suitable for 6-7 units.
 - E/KEMA/0014 and E/KEMA/0015 – The actual Panel Comments on these sites state *"Permission at quarry site means 0014 and 0015 would not be so isolated"* (emphasis added). The Applicant wrongly states those HELAA forms state that the sites *"would not be isolated"*, omitting 'so', and totally changing the meaning of the statement.

It should also be noted that the LVA site and the Lakeview site are not contiguous, even corner to corner. The existence of Lakeview, in SHOCK's view, makes no material difference to the suitability of any part of the LVA site for development.

- 3.8 Of 4 HELAA sites making up most of the development site, one (0016) (the most southerly) is described as *"poorly related to the settlement*, two (0014 and 0015) are described as *"currently divorced from the settlement [but] not so isolated"* after the Lakeview development. Only one (0013) is described as suitable for development – by a linear development of 6-7 units fronting the B3153 with the rear of these properties extending no further south into agricultural land. The applicant's contention that *"it is therefore likely that the pre-application site reviewed holistically would be considered more favourably under the methodology* has no basis in logic, in fact or in planning terms. It is not clear to what methodology the Applicant is referring.

- 4.2 The consultation breached disability and ageism legislation since it provided no alternative for those not computer literate. At the Parish Council meeting in November 2021 the LVA representative had no hard copies available for distribution.
- 4.4 At the Parish Council meeting, in answer to a question concerning current overcrowding at the village school, the LVA representative suggested that bussing pupils out of the village was an appropriate and standard solution. The village school is an infant and junior school (i.e. primary).
- 5.2 The Police do not support the location of the car parking. For the access defects, see Response para 10.
- 5.4 The Applicant is requested to disclose what feedback supports this statement.
- 5.5 See Response para 10 as to the right to emergency access.
- 5.6 Given that planning commitments and a committed 'Design and Access Statement' is a necessary pre-condition it is difficult to see how this can be a reserved matter.
- 5.7 "Buffers"?
- 5.8 The Applicant throws in the term "woodland" but has proposed no methodology, commitment, or mechanism to ensure 'woodland' is developed and husbanded appropriately.
(See Woodland Trust <https://www.woodlandtrust.org.uk/media/50673/woodland-trust-woodland-creation-guide.pdf>)
- 6.0 See generally Response paras 15 to 18 and the Cook submission generally.
- 7.0 See generally Response paras 19 and 24 and pages 6 to 9 of the Cook Submission.
- 8.0 See generally the Cook Submission.
- 8.2 The data given here is incorrect.
- 8.6 The results of the 2021 census are emerging and should inform any planning decision by SSDC. A decision should not be made based on soon-to-be abandoned targets and out-of-date 2011 census data.
- 9.9 The "*emerging*"(?) Local Plan Review aimed to meet housing targets imposed by central government. Not only will SSDC's proposed Plan not be adopted (as the Applicant admits) but it is already out of date as regards Keinton Mandeville. It is also misleading to claim SSDC's "*own policy team consider Keinton `Mandeville suitable for growth to serve housing needs "beyond the immediate population"*" (emphasis added). One new dwelling would meet housing needs "*beyond the immediate population*". Neither the unadopted Plan, nor the policy team, however, supports a suburban housing estate of 120 houses in any rural settlement in the SSDC area.

- 9.10 *"The background document (ie the Local Plan Review) does not set a definitive cap on future growth"*. It does not, but it sets a target of 722 dwellings among 12 rural settlements over a period of 20 years from 2016 to 2036 (or an average of 3 a year per settlement). 92 houses have been built or are under construction in Keinton Mandeville since 2016. Moreover, rural settlements are to see only modest scale development commensurate with their size and character. To claim an (unadopted) policy supports an estate of 120 houses in fields west of Keinton Mandeville stretches the Applicant's credibility to breaking point.
- 9.11 This paragraph rests on 'top-down' housing targets, not reflecting local need. Centrally-set housing targets are about to be abandoned, partly, in fact, because of the perverse incentives they create for "speculative developments" and haphazard development by "planning appeal" (see the Government's commentary on the Levelling Up and Regeneration Bill, now before Parliament).
- 9.12 *"The growth of smaller settlements will be a natural consequence"* of policies which are discredited and are about to be abandoned. But even if LVA is entitled to rely on them they do not lead to the conclusion that an estate of 120 houses on open farmland should be permitted near Keinton Mandeville.
- 9.13 No doubt delay does not suit the Applicant. It does suit Somerset and its people because it will enable the Unitary Authority to make a 'bottom-up' assessment of housing need, based on local knowledge and planning for the County as a whole, informed by the 2021 census. Early data from that census shows that population growth in South Somerset is modest and below the County as a whole: therefore, it cannot be said that demand in South Somerset will be *"reallocated elsewhere within the County"* if the LVA estate does not go ahead. In fact, local demand, by definition, cannot include re-locating people from the South East and Home Counties to South Somerset, which will be the main consequence of permitting the LVA estate to be built on the edge of Keinton Mandeville. There is no reason to think the residential profile of the LVA estate would be materially different from that of the Lakeview development [see Response para 16 for details- the full survey data is available to SSDC).
- 9.14 This contains another highly misleading statement which misrepresents the justified concerns of the village. The Applicant states *"while the pre-application community engagement indicated some concern about the ability to integrate this level of growth, it is noted that this issue is not uncommon with rural authorities across the country"*. Frankly, this is a specious, condescending remark. Perhaps concerns are common because they are fully justified! At SSDC's deadline for comments 440 objections had been received from individuals, not to mention institutional objections from the CPRE, The Somerset Wildlife Trust, the Kingweston Estate Trustees, and the Keinton Mandeville Environment Group.

- 9.15 The Transport Assessment is based on a Transport Study which is riddled with factual errors, anachronisms, and data which is not representative of current conditions. The traffic was surveyed during the Covid pandemic and the modelling of flows does not take account of the tendency of traffic to bunch, nor the single lane reality of the centre of the village. The distance to bus-stops is totally irrelevant when the village has no bus services capable of serving the needs of local workers or those commuting further afield by train, and is, in any event, wrong. SHOCK has measured the distances to the facilities mentioned by the Applicants from the central point of the development: nearest request bus stop (unmarked) - 300m, nearest compulsory bus stop - 668m, village shops (sic -there is only one) - 793m, (Sycamore Farm shop is listed in LVA data but is in Barton St. David - 663m), village hall - 342m, primary school - 639m, pub - 658m, Methodist Church - 1000m, and Keinton Mandeville Anglican church (omitted by LVA) - 1090m. The Applicant has distorted its figures by measuring from the NE corner of the site for destinations to the north or east, such as the pub, and from the SE corner for destinations to the south/east, such as the school. Like much of its data it does not withstand objective scrutiny.
- 9.16 This is a virtually incomprehensible paragraph. But the facts are plain. The school received funding from Somerset CC in March 2022 to build a sixth classroom. Work has not yet begun, so space for a make-shift sixth classroom has been found within the school building itself for the September 2022 intake (when the school roll will number 166 pupils). The school premises has no space available for a seventh classroom on site. This has been confirmed to the Applicants by Somerset CC (Education) (Source -County Councillor Dean Ruddle). It would be irresponsible to risk the education of village schoolchildren, whose numbers have already been swollen by the 92 houses built since 2016, by permitting an estate of 120 houses.
- 9.17 There is no pre-school provision in the village. £116,000 contributed by the Lakeview development has been earmarked for such a facility. But will cost circa £350k to build. It is doubtful that this could be fitted within the school curtilage.
- 9.18 As regards bus services the Transport Assessment provided by the Applicant has already been discredited (see the Elbourn submission).
- 9.19 This assertion of “sustainability” is a travesty of the reality.
- 9.20 SHOCK refers SSDC to the Landscape and Visual Impact Assessment of Philip Hanson of The Landscape Practice submitted to SSDC on its behalf of.
- 9.22 The Applicant’s claim that existing footpaths will be integrated within the Scheme does not, like many of its assertions, withstand scrutiny.
- 9.23 The main footpath runs from the B3153 to the built-up end of Church Street to the south. There is no screening of any kind shown between the path and the estate: housing will block off totally the current vistas to the west and south. The only defined edge to the settlement of Keinton Mandeville is 230m away to the east, the backs of

houses in Row Lane and Irving Road (see also the aerial photo looking eastwards back to the village in the Annex.

- 9.24 'B3253' is presumably a typo for 'B3153'. The Applicant claims that "*views (unspecified) along the B3253(sic) would (sic 'could' ?) be seen in the context of a natural extension of the settlement*" There is nothing '*natural*' about a suburban block of 120 houses in open countryside isolated from the main settlement of Keinton Mandeville. In so far as "*the views along the B3253(sic)*" imply a linear development of some 6-7 dwellings, as suggested as possibly suitable in the HELAA form E/EKMA/0013, that statement would at least be more compatible with the village's linear form. However, it is to be noted that the Promotion Agreement terminates unless at least 15 units are permitted (see Promotion Agreement – page 5, definition of "*Planning Objectives*").
- 9.25 See comment on 9.24. How long does the Applicant envisage "woodland" to take to grow? Woodland Trust advises 'up to 12 years' to establish and 30 years for a mature height.
- 9.27 How would a private management company work in the context of a special purpose vehicle, Keinton Mandeville LVA LLP, which is financially ring-fenced, and will be wound-up, with profits being distributed to its syndicate members once the land is sold with planning permission?
- 9.28 Another opaque paragraph involving no detail and no commitment.

ECOLOGY

9.29 – 9.34

- 9.32 The legal and financial nature of the promotion vehicle is inimical to any proposal to purchase and hold land as a phosphate mitigation strategy. A bare intention and an expression of confidence by the Applicant, without legal and financial commitment and the identification of the site, is a woefully inadequate basis on which to grant outline planning permission.
- 9.33 There is no need for the LVA's proposal to leap-frog other applications awaiting decision "*to enable the proposals to be delivered ahead of reliance on a strategic solution*". Where is the sense in that?! An effective strategic solution will avoid the ad hoc speculative and highly damaging development proposed by the Applicants. It should also be noted that the landowners need to give the tenant farmer of the site at least 12 months' notice to terminate his tenancy.
- 9.34 This loose expression of intention is not a satisfactory basis on which SSDC could make an outline planning decision.

TRANSPORT AND ACCESS

9.35 - 9.36. The Transport Assessment cannot be relied upon for the reasons stated elsewhere herein, and in the Elbourn submission.

9.37 - 9.39 The Chinnock land has no access rights over the village hall lane and a developer buying the land could be in no better position than the Chinnocks. This legal defect affects other aspects of the Applicant's proposals for the use of the lane. For example, a developer would not be in a position to grant purchasers of houses on the estate rights to use the village hall lane as a means of reaching the primary school on Chistles Lane. (see para 10 of the main SHOCK Response. As members of the public, however, they could use existing footpaths.

9.40 See comment above and the Design & Access critique. This paragraph tries unsuccessfully to present the necessary estate routes for residents as benefits to villagers generally, contrary to planning precedent.

9.41 The plain fact is that there are no alternatives to private car use, since the village has no viable bus services for work, or commuting to local stations. The estate represents a car park to car park development, remote even from the local village facilities.

MINERAL SAFEGUARDING AREA

9.42 – 9.44. This section relies again on a housing need perceived by the Applicant which in fact does not exist or is not proved to exist.

LOSS OF AGRICULTURAL LAND

9.45 – 9.46. The quality (or lack of) of the agricultural land being built upon is not the only determinant of whether this estate should go ahead. As already mentioned, soil is the best carbon-fixing mechanism, available and should not lightly be given up to development. The Applicant's stance here is also at odds with greater recognition of the need to preserve productive farmland and protect food security. This is an emerging policy consideration which SSDC is obliged to take into account in its decision-making, regardless of its weight in the current NPPF, which, of course, the government, in introducing the LUR Bill has announced will be revised fully.

BALANCING SUMMARY

10.22

Economic benefit – none

Social benefit – none

Environment impact – significantly harmful

Benefits – none of a by term or permanent nature. Steps taken to counteract the detriments of a proposal are not true benefits in a planning sense.

Social benefits

- There is no unmet local need. The Applicant is confusing need with ‘target’.
- Keinton Mandeville is not a suitable location for large scale affordable housing because of the lack of basic facilities needed by poorer families.
- There is a significant loss of open space, including the vistas available from the footpaths in and around the site.

Section 106 payments

Enhanced access – “enhanced” is a bare assertion, and also undeliverable for legal reasons relating to the title to the King’s Hill land.

Existing facilities are already operating above capacity because of the expansion of the village since 2016 (by 92 dwellings).

Environmental

- High quality living environment – a subjective assertion
- Major adverse carbon footprint consequences
- Risk to habitats, said to be avoidable by house owners’ behaviour!
- Risk to SSSI
- Unnecessary loss of countryside/farmland

CONCLUSION

- 11.1 It provides no justification whatsoever, for the reasons outlined.
- 11.3 This statement is only true in the temporal sense that the application came after steps to tick the local consultation box.
- 11.4 Not correct, for the reasons outlined.
- 11.5 Not correct, for the reasons outlined
- 11.6 Not correct, for the reasons outlined
- 11.7 Not correct - the scale is excessive for a rural development such as KM, regardless of any section 106 agreements.
- 11.8 Not correct – no objective observer would conclude this proposal is a logical extension of KM.

- 11.9 Not correct and not needed – for legal reasons already identified, because public footpaths already exist, adjacent to Box Cottage and south past Westfield House to the village hall.
- 11.10 Not correct – the estate will be highly detriment to existing rights of way and the recreational amenities for the mind and body they provide.
- 11.11 Not correct – the Transport Assessment cannot be relied on – see the Elbourn submission and above.
- 11.12 Not correct – the archaeological significant of the site has not been explored, and a vulnerable SSSI lies close by to the south on lower lying land.
- 11.13 Bats cannot be protected by house owners using dimmer switches! The light and noise pollution, and interruption of wildlife paths does significant damage to habitats as anyone who knows the village could attest.
- 11.14 Not correct – the scheme has no benefits. The purported benefits are measures to ameliorate the detrimental effects of the development. These are not benefits in a planning sense.
- 11.15 Section 106 money cannot compensate for the damage to the character and environment of Keinton Mandeville. There is no trade-off. The village school cannot accommodate a 7th classroom even if funded.
- 11.16 A final assertion by the Applicants which is as unsound and unsubstantiated as much else of their Planning Statement.

And the final concluding remarks come from John Clare (1793 – 1864):

*I love to walk the fields, they are to me
A legacy no evil can destroy
They, like a spell, set every rapture free
That cheer'd me when a boy
Play - pastime - all Time's blotting pen concealed
Comes like a new-born joy
To greet me in the field.*

SSDC is urged to protect the rural legacy of Keinton Mandeville from destruction

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