

#### Appendix 4

Scenario: the case for development being pushed through

B&NES' determination to push through an agenda that preceded the Local Development Framework increases the likelihood of delivery of the sites. This is because of the part that each plays in the larger regeneration case; a key element of the regeneration case for RAD1, set out in NRR/Bellway application papers, is that the RAD1 development acts as a catalyst that enables these developments, from which regeneration flows. B&NES still considers the NRR/Bellway position to be the definitive arguments regarding the case for regeneration of the town. That position includes delivering the outputs of the SRB3 bid of 1997. B&NES was the accountable body responsible for funding matters within the SRB regeneration initiative, from which successive Masterplans for the site evolved.

The role of the various sites within the regeneration case framework that stems from the Norton Radstock Regeneration company railway land development as a *catalyst*, can be used as justification for permission for each development, no matter what the consequences. This justification can be on the basis that the benefits of delivery of the package originally envisaged outweighs any costs/disbenefits. It can be argued that those benefits have been examined and found good through the RAD 1 development process and permission, the monitoring of the emerging plan and reasons for funding by B&NES, and via the close working relationship B&NES has had with NRR in working towards the delivery of an outline permission for the redevelopment of the railway land site and associated land, the fruits of which will be realised through the subsequent developments that it enabled.

Site delivery of RAD3, RAD4, RAD5, RAD6 and RAD7 could theoretically be achieved through being forced through the planning system on the back of delivery of RAD1.

Challenge to a 'wrong' planning decision is not admissible in UK law other than by the applicant, only to procedurally incorrect decisions (which has been the basis of two legal challenges to the NRR planning applications; the opinion of the barristers involved has informed this statement on planning decisions).

B&NES feels that it must show that it can deliver projects if it is to continue to attract public funding, which may well be less certain than before following B&NES comments in the Inquiry regarding different claims in the differing contexts of the LEP and the Core Strategy. This is a further potential driver for delivery.