

Mendip District Council

**Norton St Philip  
Neighbourhood Development Plan  
2019-2029**

**Independent Examiner's Report**

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19 July 2019

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## Summary

I have been appointed as the independent examiner of the Norton St Philip Neighbourhood Development Plan.

The village of Norton St Philip lies some 8 miles south of Bath and about 7 miles north of Frome, Mendip's largest town. As well as the village of Norton St Philip, there are two smaller settlements of Farleigh Hungerford and Hassage which are washed over by the Bath and Bristol Green Belt.

Norton St Philip is situated on a ridge and as a result there is a strong skyline of this historic settlement that boasts the George Inn claimed to be one of Britain's oldest taverns.

A resolution to start work on the Plan was agreed towards the end of 2017. It is commendable that the Plan has reached this stage so quickly. It builds on work and the evidence gathered for a Conservation Area Appraisal and Parish Plan.

The Plan contains six policies including a site allocation, designation of Local Green Spaces and one on design that strongly reflects evidence gathered together in a Character Assessment which was prepared by the local community and is a document which I commend to others.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. My reasoning is set out in detail in this report. These do not significantly or substantially alter the intention or overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Mendip District Council that the Norton St Philip Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
19 July 2019



## 1.0 Introduction

This is the report of the independent examiner into the Norton St Philip Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Mendip District Council (MDC) with the agreement of the Parish Council to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>2</sup> It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check<sup>3</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>4</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Mendip District Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>3</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

<sup>4</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

### 3.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>5</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>6</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications, consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on. I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and such editing carried out.

PPG<sup>7</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>8</sup>

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

Last year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a Parish Council to make any comments; it is only if they wish to do so. The Parish Council sent comments and I have taken these into account.

A representation refers to criminal damage on land expressing hope that this will not have any influence on the examination. I can confirm that these are matters outside the scope of the examination and have had no bearing on it.

I am grateful to both Councils for helping to ensure that the examination has run smoothly and in particular for the assistance given to me by Jo Milling of MDC.

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<sup>5</sup> PPG para 055 ref id 41-055-20180222

<sup>6</sup> Ibid

<sup>7</sup> Ibid para 056 ref id 41-056-20180222

<sup>8</sup> Ibid

I made an unaccompanied site visit to familiarise myself with the Plan area on 29 May 2019.

## 4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in December 2017. The Parish Council is to be congratulated in submitting the Plan within this timescale. A Steering Group consisting of Parish Councillors and the community was established. Regular meetings were held which were open to the public and minutes of those meetings are publicly available.

A dedicated website was set up. Four Working Groups were set up. Building on earlier work on a Parish Plan and in rebutting various planning applications, good use was made of existing evidence and networks. A questionnaire was sent to businesses and local groups alongside a Village Housing Survey which attracted a high response rate of 44%. Meetings were held with various businesses, groups and landowners. A Character Assessment was carried out. Information and Awareness Days including displays at village events.

A two day exhibition of draft documents was held in November 2018. This was publicised online, via mail shots, noticeboards and a leaflet drop to every household in the Parish. After the exhibition, a public meeting was convened.

Pre-submission consultation was held between 7 December 2018 – 25 January 2019 allowing a little more time over the Christmas period. Prior to the consultation, each house in the village was given an information sheet, summary and response form, letters were sent to statutory consultees and those on the mailing list including landowners and local businesses, an online survey was held, paper copies available from various locations in the Plan area.

I consider that the consultation and engagement carried out is satisfactory.

Submission (regulation 16) consultation was held between 1 March – 12 April 2019. The Regulation 16 stage resulted in representations from nine individuals or organisations.

I have considered all of the representations and taken them into account in preparing my report.

A representation raises concern about the openness and transparency of the engagement process. However, such allegations should be pursued through other mechanisms. A representation makes some suggestions for changes to the Consultation Statement; if the Parish Council feels it would be helpful to undertake

these in full or in part, then that might go some way in addressing the concerns raised, but they are not modifications I need to make in respect of the basic conditions. The same principle applies to detailed matters raised about the Character Assessment.

## **5.0 Compliance with matters other than the basic conditions**

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Norton St Philip Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area is coterminous with the Parish area. MDC approved the designation of the area on 5 April 2018 (the Basic Conditions Statement indicates the 9 April, but this is a minor typo). The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 5 of the Plan.

### **Plan period**

The Plan period is 2019 – 2029. This is clearly shown on the front cover of the Plan and confirmed in the Plan itself.

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

### **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>9</sup>

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<sup>9</sup> PPG para 004 ref id 41-004-20190509



## 6.0 The basic conditions

### Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised in July 2018.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

This Plan was submitted after the 24 January 2019. It is therefore clear that it is the NPPF published in 2019 that is relevant to this particular examination.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.<sup>10</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>11</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and set out other development management policies.<sup>12</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>13</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>14</sup>

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<sup>10</sup> NPPF para 13

<sup>11</sup> Ibid para 28

<sup>12</sup> Ibid

<sup>13</sup> Ibid para 29

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>15</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>16</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>17</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>18</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>19</sup>

Whilst this has formed part of my own assessment, Table 1 of the Basic Conditions Statement<sup>20</sup> sets out how the Plan aligns with the NPPF.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>21</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>22</sup> The objectives are economic, social and environmental.<sup>23</sup>

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<sup>14</sup> NPPF para 31

<sup>15</sup> Ibid para 16

<sup>16</sup> PPG para 041 ref id 41-041-20140306

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 040 ref id 41-040-20160211

<sup>19</sup> Ibid

<sup>20</sup> Basic Conditions Statement page 4

<sup>21</sup> NPPF para 7

<sup>22</sup> Ibid para 8

<sup>23</sup> Ibid

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>24</sup>

Whilst this has formed part of my own assessment, Table 3 of the Basic Conditions Statement<sup>25</sup> assesses each Plan policy in relation to sustainability.

### **General conformity with the strategic policies in the development plan**

The development plan consists of the Mendip Local Plan 2006 – 2029 Part I (LPI) adopted on 15 December 2014.

Whilst this has formed part of my own assessment, Table 2 of the Basic Conditions Statement<sup>26</sup> lists the Plan policies alongside the relevant LPI policies with a commentary on conformity.

### ***Emerging Planning Policy Context***

MDC is currently preparing the Mendip Local Plan Part II Sites and Policies (LPII). The LPII and Proposed Changes were submitted for examination on 23 January 2019. A Focused Consultation on the Proposed Changes has now closed and the examination is due to start shortly.

The LPII does not propose any site allocations for Norton St Philip. The proposed settlement boundary subject of Policy 1 and the proposed Local Green Spaces subject of Policy 5 align with the proposed settlement boundary and proposed LGSs in the LPII.

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG<sup>27</sup> confirms that it is the responsibility of the local planning authority, in this case MDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is MDC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

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<sup>24</sup> NPPF para 9

<sup>25</sup> Basic Conditions Statement page 8

<sup>26</sup> Ibid page 6

<sup>27</sup> PPG para 031 ref id 11-031-20150209

## ***Strategic Environmental Assessment and Habitats Regulations Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>28</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A SEA and HRA Screening Statement dated February 2019 prepared by MDC and the Basic Conditions Statement<sup>29</sup> explain that a draft Screening Opinion was produced, but Historic England raised some concerns. The other two statutory consultees concurred with the conclusions. The concerns raised by Historic England are summarised in the document alongside the action taken and the Plan was duly amended. Historic England has been consulted on the revised screening and confirm agreement with its conclusions.

The Screening Statement is therefore a revised screening after the pre-submission stage. It concludes that a SEA will not be needed.

EU obligations in respect of SEA have been satisfied.

With regard to HRA, the Screening Statement concludes that the Plan is unlikely to result in significant effects on any European sites. Natural England (NE) commented that although there are no European sites in the Plan area, “the nearest European site to the Plan area is a component of Bath and Bradford on Avon Bats Special Area of Conservation (SAC), approximately 2.5 km to the north of the Parish”.<sup>30</sup> NE agreed that significant effects on European sites are not likely to arise from the Plan. MDC also consulted Somerset County Council’s (SCC) Ecologist<sup>31</sup> who confirmed that Norton St Philip lies just within Band C of the Mells Valley SAC but agreed that there is unlikely to be a significant effect on greater horseshoe bat foraging areas or habitat that forms commuting structure.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was

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<sup>28</sup> PPG para 047 ref id 11-047-20150209

<sup>29</sup> Basic Conditions Statement page 9

<sup>30</sup> Letter from Natural England dated 29 November 2018

<sup>31</sup> Email from SCC of 19 November 2018

substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

The Screening Statement concludes the Plan will not give rise to any likely significant effects.

Given the distance, nature and characteristics of the SAC concerned and the nature and contents of this Plan, together with the responses from NE and SCC, I consider that the requisite requirements have been met and that the prescribed basic condition is complied with.

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>32</sup>

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement includes a short statement on human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

## **7.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is presented well. Photographs of the area add a distinctive and local flavour. It contains six policies. It starts with a useful contents page.

I found the Plan to contain a number of acronyms which it would be helpful to readers to include in a list of acronyms. These include BaNES on page 11 and so on.

- **Include a list of all acronyms used throughout the Plan**

## **1. Introduction**

This is a well-written section that sets out the background to the Plan. Useful boxes shown the process and provide definitions of key terms.

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<sup>32</sup> PPG para 031 ref id 11-031-20150209

Some natural updating to the section will be needed as the Plan progresses towards referendum and being made.

- **Update this section as required and particularly paragraph 1.8 on page 5**

## **2. Norton St Philip – a brief history**

Succinctly detailing the importance and history of the Parish, this well-written section is a useful introduction to both the past and present issues.

## **3. Vision and objectives**

The vision for the Plan is:

“To maintain the special character and built heritage of the Parish of Norton St Philip while promoting its development as a compact and sustainable community.”

The vision is supported by five objectives.

Both the vision and objectives are clearly articulated and relate to the development and use of land.

## **4. The Neighbourhood Plan should**

This short section sets out five bullet points amplifying the vision and objectives. All are clearly worded.

## **5. Housing Policies, 6. Housing survey/Housing statistics and 7. Basis of Housing Policies**

These three sections of the Plan set out background to the housing and development related policies in the Plan.

LPI Core Policy 2 provides for a minimum of 9,635 new homes to its end period of 2029 which is the same end date as for the Plan. Whilst most growth will be focused on the main towns, Norton St Philip has been classified as a “primary village” in LPI Core Policy 1. In such villages, the LPI proposes proportionate growth of 15% increase in housing. This equates to a minimum of 45 houses for Norton St Philip.

Since 2006, the village has had around 113 completions and commitments and so has already exceeded the 15% proportional growth figure.

A Housing Survey was carried out in early 2018. This showed that there was little support for new open market housing, but some support for homes to meet the needs of local people, although the majority still did not support such housing.

Given this background, the Plan proposes a settlement boundary designation which includes the new development and focuses on housing that will meet the needs of local people. Whilst it is accepted that the housing figures in the LPI are a minimum, it is not obligatory for a neighbourhood plan to allocate sites. MDC has not raised any objection to the approach taken in the Plan and I do not consider it will constrain or otherwise frustrate any spatial development strategy.

## **8. Settlement Boundary/Green Belt**

“Primary villages”, like Norton St Philip, have key community facilities and some employment opportunities. Most daily needs can be met locally and there is a realistic transport alternative to the private car to access services and employment. LPI Core Policy 1 explains that new development that is tailored to meet local needs will be provided in such villages.

The emphasis is on maximising the reuse of previously developed sites and other land within existing settlement limits, then at the most sustainable location on the edge of the settlement. Outside the settlement limits, development is strictly controlled and is only permitted where it benefits economic activity or extends the range of facilities available to the local community.

Part II of the Local Plan, currently in preparation, includes revisions to settlement boundaries where appropriate. An amendment is proposed to Norton St Philip to reflect development at Longmead Close. The Plan follows that and the proposed change is shown on Figure 2 on page 13 of the Plan.

Outside the settlement boundary, rural policies apply. Around 70% of the Parish falls within the Bristol and Bath Green Belt which is shown on Figure 3 on page 14 of the Plan.

### **Policy 1: Settlement Boundary**

This policy defines the revised settlement boundary shown on Figure 4 which is usefully cross-referenced in the policy. It supports development within the settlement boundary. Outside the settlement boundary it defines land as open countryside and only permits development in line with LPI Core Policy CP4 as well as other development plan policies.

A representation suggests the inclusion of a reference to the NPPF within the policy itself. This is not necessary as the NPPF would be taken into account in any decision-making process and its policies do not form part of the development plan.

Figure 4 is variously labeled “development limit” and “development boundary” whereas the policy and text refers to “defined settlement boundary”. In the interests of consistency, a modification is made to align the terminology.

- **Change the title on Figure 4 “Development Limit” to “*Defined Settlement Boundary*”**
- **Change the title which reads “Fig 4: Development Boundary as proposed in Policy 1” to “Fig 4: *Settlement Boundary as defined by Policy 1*”**
- **Change the word “the” to “*this*” in the second sentence of the policy so that it reads “Outside *this* defined settlement boundary...”**

## 9. Housing Development Sites

### Policy 2: Bell Hill Garage Development Site

The supporting text explains that Bell Hill Garage is a valued local facility which also provides employment. There is a history of planning applications for the site and adjoining land which have lapsed.

This policy seeks to allocate the site for housing development. The site falls within the Conservation Area (CA). In principle support for the relocation of the garage to another site outside the village is given in the supporting text.

The policy cross-references a development brief which has been prepared (Appendix 1) as well as the Village Character Assessment and Policy 4. It does not specify a number of dwellings but encourages 2 and 3 bedroomed homes as well as some flats. This broadly reflects LPI Policy DP14.

A representation made on behalf of Bell Hill Garage explains that there are a number of constraints to redevelopment of the site including remediation of contamination, access issues and the site’s location within the CA. The viability of redevelopment on the basis of the policy is called into question. The landowner indicates that without the land to the north, redevelopment is unviable. The representation indicates that the policy has not been subject to a viability assessment. Whilst I appreciate that plans should be prepared positively in a way that is aspirational but deliverable,<sup>33</sup> little specific evidence

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<sup>33</sup> NPPF para 16



has been put forward to support the changes sought including the removal of key aspects of the policy such as smaller units.

Overall I consider the policy meets the basic conditions and no modifications to it are put forward.

## 10. Entry Level Exception Site

### Policy 3: Exception Sites for Local Affordable Homes

This policy permits sites outside, but adjoining the settlement boundary, to provide for up to 10 'entry level' dwellings targeted at first time buyers or renters with a local connection. Appendix 2 of the Plan defines local need on a 'cascade' approach; the Parish first, then neighbouring Parishes and then in general.

The NPPF supports the development of entry-level exception sites suitable for first time buyers or for those looking to rent their first home unless this need is being met elsewhere.<sup>34</sup> They should be on land not already allocated for housing and comprise entry-level homes offering affordable housing (as defined in the NPPF), be adjacent to existing settlements, not compromise protection given to any areas specified in the NPPF and meet local design policies and standards.

The NPPF also explains that such sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.<sup>35</sup> In this case the policy specifies no more than 3% of the village housing stock.

The policy requires a planning obligation to ensure that any sites remain for affordable housing.

It then supports some market housing where this has the backing of the Parish Council and where viability assessments are public and support the inclusion of market housing. I note that LPI Policy DP12 includes a criterion on clear evidence of support from the PC in relation to the inclusion of market housing being supported as part of a rural exception site and therefore in this instance it is appropriate for this policy to reflect an adopted policy stance. The NPPF indicates that viability assessments should be publicly available.<sup>36</sup>

The policy is worded clearly. It reflects the NPPF, is in general conformity with LPI Core Policy CP4 in particular and will help to achieve sustainable development.

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<sup>34</sup> NPPF para 71

<sup>35</sup> Ibid footnote 34

<sup>36</sup> NPPF para 57

With modifications made in the interests of accuracy and clarity, it will meet the basic conditions.

- **Change the section title to read: “Entry Level Exception Sites”**
- **Change the phrase “...where a site would be permitted under normal policies...” to “where a site would normally be permitted...” in criterion b)**
- **Change the words “...this plan...” in criterion c) to “...*the development plan*...”**

## 11. Design of Future Development

### Policy 4: Promoting Locally Responsive Good Design

Policy 4 seeks to promote good design for housing related proposals. As well as reference to the Conservation Area Appraisal, a Character Assessment has been produced as part of the work on the Plan.

The Character Assessment is a commendable piece of work that has analysed both Norton St Philip and the settlements of Farleigh Hungerford and Haslage. The Character Assessment sets out some general guidelines for development and most of these find their way into the policy in one form or another.

In the village of Norton St Philip, six distinct character areas have been identified in the Character Assessment which then sets out further guidelines for each area. One of the six areas is “green corridors”. The Character Assessment does not seek to designate any such corridors, but rather identifies these areas as having a particular character.

The policy promotes good design and seeks compliance with the guidance in the Conservation Area Appraisal and the Character Assessment.

One of the criteria refers to views of particular merit in the Character Assessment. These are identified on Figure 10 on page 25 of the Character Assessment. For the avoidance of doubt, I consider it would be helpful to cross-reference this figure in the policy itself.

Reference is also made in the policy to MDC’s House Extension Design Guide of May 1993. This is currently being reviewed, but the policy recognises this position.

The NPPF indicates that good design is a key aspect of sustainable development.<sup>37</sup> It seeks policies that are clear about design expectations and how these will be tested.<sup>38</sup> This policy is grounded in an understanding of the local area through the work which

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<sup>37</sup> NPPF para 124

<sup>38</sup> Ibid

has been carried out for the Character Assessment without being overly prescriptive given the local character.<sup>39</sup> It is a local expression of LPI Policies DP1 and DP7 and will help to achieve sustainable development.

Modifications are made in the interests of accuracy and clarity. With these modifications, the policy will meet the basic conditions.

- **Change the reference to “section 10” in paragraph 11.1 on page 22 to “section 14”**
- **Change both references to “CA” in the policy to “*Character Assessment*”**
- **Add the words “...on Figures 10 and 13...” before “...in the Norton St Philip Character Assessment...” in bullet point three of the policy**
- **Change the spelling of “stories” in bullet point four of the policy to “*storeys*”**
- **Change the ninth bullet point to read: “Developments should include *satisfactory off street parking to Somerset County Council standards or, if superseded, any subsequent standards* whilst not reducing existing on street car parking capacity”**
- **Insert full stop at the end of the policy**

## 12. Local Green Spaces

### Policy 5: Local Green Space

Ten LGSs are proposed. Details of each proposed LGS are given in Appendix 3 of the Plan. I am not aware of any limit to the number of green areas which can be put forward for designation.

The supporting text explains that the LGSs are also proposed in the emerging LPII. Whilst the NPPF is clear that plans should serve a clear purpose and avoid unnecessary duplication,<sup>40</sup> it is more than likely that this Plan will be adopted before the LPII. Any duplication is therefore likely to be incurred by the LPII. There is no reason for blanket deletion of this policy whilst I accept the point that there will also be little need for duplication between the Plan and LPII. I consider this is a matter for MDC to address as both plans progress.

Some of the proposed areas were identified as an Open Area of Local Significance (OALS) in the LPI. These in turn retained sites designated under Policy Q2 of the Local

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<sup>39</sup> NPPF paras 125, 126

<sup>40</sup> Ibid para 16

Plan 2002. A commitment was made in the LPI that LPII would review all OALSs and potentially identify new areas. MDC has determined that as the NPPF introduces the LGS designation, the OALSs will be reviewed under the criteria in the NPPF and against a set of local criteria. This forms part of the LPII.<sup>41</sup>

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>42</sup> The management of development in such areas is consistent with Green Belt policy.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The NPPF is clear that the designation should only be used where the green space is in reasonably close proximity to the community it serves, is demonstrably special and holds a particular local significance and is local in character and not an extensive tract of land.

Further guidance about LGSs is given in PPG.

I saw all the proposed areas on my site visit. Taking each in turn:

**001 The Old Hopyard** is valued for its visual contribution to the village's rural character and the street scene and its tranquility. Although much of it is enclosed, vistas across are glimpsed. It falls within a Conservation Area (CA). It was identified as an OALS.

**002 Lyde Green** This is a small triangle of land which forms a visual focal point in amongst lanes. It also falls within the CA and is an OALS. The Character Assessment indicates this area falls within the "Leafy Cottages" Character Area, but Figure 11<sup>43</sup> appears to show it within a "Green Corridor". If I am correct, this is a minor editing issue for Figure 11 when finalising the Character Assessment.

**003 Great Orchard** is valued for its visual contribution to the CA and setting of listed buildings. The community regards this area as an important green space within the village that is essential to its character connecting the historic with its surroundings. It is also an OALS. A representation raises objection to this designation.

**004 Ringwell Lane** is an area of land adjacent to Ringwell Lane within the CA. It is valued for its visual contribution to the vilage's rural character and street scene. It includes some private gardens. MDC's policy on LGSs suggests that only in exceptional circumstances should private gardens be designated. Objections have been raised to the inclusion of private gardens in the designation. The entire site is an OALS. I saw at my visit that although the character of the garden areas differs from the other land in that it is more domestic in nature whereas the remainder of the land has a more rural feel to it along Norton Brook, there is a cohesion to the area. I found it to be a tranquil and peaceful area with views of the Church.

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<sup>41</sup> As explained in SD20 Background Paper to the LPII Designation of Local Green Spaces December 2017

<sup>42</sup> NPPF paras 99, 100, 101

<sup>43</sup> Of the Character Assessment page 27

**005 Church Green** is an area close to St Philip and St James's Church. It is important to the character and setting of the Church both visually and helping to create a tranquil oasis. It contains a large tree with seats beneath. It is also an OALS.

**006 The Churchyard and adjoining field** Another OALS, this area forms part of a network of three other areas (Fortescue Fields South, Fortescue Fields West and Church Mead) and is particularly important for its beauty and views across the site.

**007 Fortescue Fields South** I saw that the land includes balancing and drainage ponds and is used for recreation and in particular its footpaths. There is seating too. Short and long distance views are gained from these areas over the surrounding countryside.

**008 Fortescue Fields West** is an open area adjacent to development. There is a footpath down steps that leads to Church Mead which affords views across the land out across to the countryside and to the village. This land is an important part of the setting of the village. There does not appear to be any public access to this land, but this, by itself, is not a determining factor in LGS designation. Two representations query or object to this designation.

**009 Church Mead** is a green space in the heart of the village home to play areas, seating and cricket. Close to the Church, it affords views of the Church and beyond. As it is at a lower level than the main settlement it is sheltered and affords views towards the skyline; it is an important green space in the CA. At the time of my visit, it was also well used by those enjoying its attributes. It is also important for its position in the village and the link between areas 006, 007 and 008. Together these form a visual link to the countryside, reflect the historic development of the village and provide an important recreational facility valued both for its use and its visual contribution including where there is no or little public access.

**010 Shepherds Mead** is an open space close to development which was being constructed at the time of my visit. It is particularly valued for its setting in relation to the village and surrounding landscape and its views. A representation has been made in relation to the proposed designation. There appear to be footpaths on or in close proximity to the site. It is also adjacent to a village green, but this land does not form part of the village green and so the pertinent issue is whether the land meets the criteria for LGS designation in the NPPF.

I consider that all of the proposed LGSs are in reasonably close proximity to the community and that all are local in character and individually do not comprise extensive tracts of land. I have also considered whether areas 006, 007, 008 and 009 which adjoin each other together form an extensive tract of land. However, they all differ in appearance, nature and reason for designation and I have concluded that, in this case, this is not an issue of concern.

Whilst many of the proposed LGSs are located beyond existing development, this reflects the topography and the historic nature of development and I do not regard it as a ruse to prevent development.

Turning now to whether all the proposed LGSs are demonstrably special and hold a particular local significance, I consider that in each case, this has been demonstrated satisfactorily. I have based my assessment on the criteria in the NPPF rather than in the background paper prepared for LPII. It should also be noted that beauty, historic significance, recreational value, tranquility or wildlife given in the NPPF are examples of what might make a green area demonstrably special to a local community and of particular local significance and is not, on my reading, an exhaustive list.

I have also considered whether there is any additional benefit to be gained by the designation for sites falling within other designations such as a CA.<sup>44</sup> I consider that there is additional local benefit to be gained by identifying those areas of particular importance to the community as the designations serve different purposes.

The policy designates these areas, cross references Figure 2 (but it should be 5) which shows the areas and only permits development which enhances the use and reasons for designation of the LGSs. It is clearly worded. With a modification for accuracy, the policy will meet the basic conditions.

- **Change the reference to “Figure 2” in the policy to “Figure 5”**

### 13. Climate Change, Biodiversity and Low Carbon Development Policies

#### Policy 6: Climate Change, Biodiversity and Low Carbon Development

This is a long policy which covers a variety of issues aimed at ensuring new development is resilient to climate change. It also supports community renewable energy projects subject to new criteria.

With some minor modifications to assist with flow and clarity and to provide a practical framework for decision-making, the policy will meet the basic conditions. It takes a positive approach reflecting the NPPF’s support for a low carbon future and renewable and low carbon energy.<sup>45</sup> It reflects strategic objectives 21 and 23 of LPI and LPI Policy DP9 and will help to achieve sustainable development.

- **Change the word “Any” at the start of the start of the policy to “All”**
- **Add the words “*wherever possible or suitable replacement facilities are to be provided*” after “...are to be retained...” in the second paragraph of the policy**

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<sup>44</sup> PPG para 011 ref id 37-011-20140306

<sup>45</sup> NPPF Section 14

**14. Appendix 1: Bell Hill Garage Development Brief, 15. Appendix 2: Definition of Local Need, 16. Appendix 3: Local Green Spaces**

These have been discussed at appropriate earlier points in my report.

**Appendix 4: House Sales and Appendix 5: House Completions**

Appendix 4 is not referred to in the Plan itself. A reference should therefore be inserted at an appropriate point or the appendix removed.

In the interests of consistency, I am assuming that these two appendices will be section numbered like the first three appendices. This is a minor editing matter.

- **Insert a reference to Appendix 4 in paragraph 6.3 of the Plan (if this appendix is to be retained)**

**8.0 Conclusions and recommendations**

I am satisfied that the Norton St Philip Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Mendip District Council that, subject to the modifications proposed in this report, the Norton St Philip Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Norton St Philip Neighbourhood Plan area as approved by Mendip District Council on 5 April 2018.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
19 July 2019

## Appendix 1 List of key documents specific to this examination

Norton St Philip Neighbourhood Development Plan 2019 – 2029 Reg 16 Draft 14  
February 2019

Basic Conditions Statement February 2019

Consultation Statement 15 February 2019

Strategic Environmental Assessment and Habitats Regulations Assessment Screening  
Statement February 2019

Character Assessment 8 February 2019

Mendip District Local Plan Part I 2006 – 2029 adopted 15 December 2014

Mendip District Local Plan Part II Sites and Policies Draft for Pre-submission consultation  
2 January – 12 February 2018

Background Paper to LP II Designation of Local Green Spaces December 2017

Proposed Changes agreed by Council 17 December 2018 and corrections 19 March 2019

Conservation Area Appraisal October 2007

House Extension Design Guide 4 May 1993

Various documents on the Parish Council website and  
[www.nortonstphilipneighbourhoodplan.com](http://www.nortonstphilipneighbourhoodplan.com)

Comments from the Parish Council on the Regulation 16 representations

**List ends**