

# High Court rules in favour of Mendip over Neighbourhood Plan challenge

A judge has ruled that Mendip District Council acted appropriately in approving a draft Neighbourhood Plan for referendum, in Norton St Philip.

The High Court victory means the Neighbourhood Plan for the Somerset parish can be given substantial weight in planning decisions. It also means the injunction placed on the parish referendum is now lifted, and local people can vote on whether or not their Neighbourhood Plan should be adopted.

Legal arguments brought against Mendip by developers Lochailort Investments Ltd, were dismissed *on all grounds* by the judge. Mrs Justice Lang also ordered that Lochailort pay the Council's legal costs.

A spokesperson for Mendip District Council said: "We are delighted with the High Court ruling which found so resoundingly in our favour. It was a robust judgement which stated the Council acted entirely appropriately.

"The Council will be reviewing the judgement in more detail in due course, and also its implications for Neighbourhood Plans in Mendip. But it sets the scene for the parishioners of Norton St Philip to finally have their say in a referendum, once COVID-19 restrictions are lifted."

Lochailort is developer of the Fortescue Fields scheme in the

village. The company has sought over a number of years to extend the development. The judicial review focused on two areas near the estate - Fortescue Fields South and West.

Both were designated in the Neighbourhood Plan as local green spaces, and of special and particular importance, meaning they would not be appropriate to build on. Local green spaces have a high level of protection from development. The Neighbourhood Plan identified these plots because they formed part of a "vital green corridor" which was valued by locals for their beauty, tranquillity, views and their contribution to an understanding of the village's historic evolution and maintaining its links to the countryside.

An independent examiner was satisfied that the designations for these areas, and eight other locations, be confirmed. Mendip District Council accepted the draft Neighbourhood Plan, which had been amended following examination, in September last year.

A High Court challenge was launched by Lochailort in response. An injunction was obtained to stop the referendum from going ahead, a first in the country.

During legal proceedings, the company argued that designation of two of the plots as local green spaces had been used simply to block future development. They claimed the designations "were being improperly used to as a means of sterilising open land and preventing development, in effect extending the green belt under another name". Lochailort also raised the concerns of the Inspector regarding the promotion of local green spaces in the Mendip Local Plan Part II.

The court held that the examiner had rationally decided the two sites were demonstrably spaces of special and particular importance. The court also found that she gave adequate and intelligible reasons for her conclusions. Mrs Justice Lang

clarified that Neighbourhood Plans, prepared by the community, are subject to a different and separate test of scrutiny from the Local Plan Part II.

The judicial review challenge was dismissed on all grounds. The District Council currently awaits the outcome of an application to the Court of Appeal.

Further information and updates can be found on the website:  
[www.mendip.gov.uk/nortonstphilip](http://www.mendip.gov.uk/nortonstphilip)