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Date: 24<sup>th</sup> March 2021

**FAO: Mr Harry Campbell**

Dear Sirs

**Re: Norton St Philip Neighbourhood Plan**

We refer to your letter dated 19 October 2020, responding to our own letter dated 12 October 2020 to your client. The delay in responding is due, in part, to the fact that the Council did not have anything more to add to its previous correspondence. Matters have since moved on.

As you will no doubt recall, the Court of Appeal did find that Policy 5 in the Norton St Philip Neighbourhood Plan (“NSPNP”) is not in line with the policies for managing development in the Framework. The Council has, of course, taken the time to reflect on this and what the Court of Appeal found in that judgment. Members have had the Court’s judgement circulated, as well as the same being brought to the attention of Officers. As was correctly noted in your letter, the Council needed to take the time to re-draft Policy 5 in order to ensure that it is substantially the same as Policies 143-146 of the NPPF.

The Council similarly notes that the Court of Appeal did not uphold any of the other grounds pursued by your client.

In terms of the concrete steps, in addition to other recommended changes, the Council wishes to reflect the Court of Appeal decision’s finding by responding appropriate, and in particular Paragraph 12.3 of the NSPNP has been deleted and it is currently recommended that the same is replaced by the following wording:

*“Paragraph 101 of the NPPF sets out an expectation that Policies for managing development within a Local Green Space will be consistent with those for Green Belts (as set out in paragraphs 143-147 of the NPPF).”*

As correctly highlighted in your letter, the Council is duty bound to consult on this recommended change, so that all parties who responded to the Regulation 17 consultation are given the opportunity to make representations. This also allows the opportunity for parties to comment on any other matter they wish to comment upon. To this end, on 1 March 2021, the Cabinet of the Council agreed to carry out consultation on further modifications to the NSPNP, together with the earlier modifications identified by the Examiner and at the Cabinet meeting of 2 September 2019.

A consultation will run between **Wednesday 3 March 2021** and **Wednesday 14 April 2021**. We encourage your clients to make whatever representations they wish to make as part of the process, and the Council will ensure that they are taken into account. The relevant documents are available on the Council's website in the usual way.

The Council completely disagrees that there is a need to appoint an independent examiner to adjudicate on the question of whether the wording suggested is appropriate. This is principally, though not exclusively, because the Court of Appeal was very clear about the defective way in which Policy 5 failed to manage development in Local Green Spaces in the village. The wording recommended seeks to bring this in line with the Framework and the Council considers that this is achieved. Indeed, the Council is confident that your clients will agree with the wording proposed. Should you disagree, please take the opportunity to make your own representations explaining your reasons as part of the consultation which remains ongoing.

Finally, you are also correct that a new decision is now required and that the effect of the Court of Appeal decision was to underscore the deficiency in Policy 5. Once the consultation is complete, a new decision will be taking into account all the material considerations, including the Examiner's conclusions, the progress of the Council's Local Plan Part II and the NSPNP as a whole.

You will note that your letter has been placed on the Council's website as part of the consideration of all the material matters in this case.

Yours faithfully

  
Martin Evans  
Solicitor