

# CABINET

# Agenda Item: 06

**Wards:** Rode and Norton St Philip

**Portfolios:** Planning Policy and Local Plan

**Report Author(s):** Cllr Garfield Kennedy –  
Portfolio Holder for Local Plan and Policy

**Meeting Date:** 1<sup>st</sup> March 2021

**SUBJECT:**

## Norton St Philip Neighbourhood Plan

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<b>Report Sign off</b>	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	Deputy Chief Executive(s)	Tracy Aarons	11/2/21
	Legal	Martin Evans	17/2/21
	Finance	Duncan Moss	16/2/21
	Group Manager	Julie Reader-Sullivan	11/2/21
	Portfolio Holders	Cllr Garfield Kennedy	11/2/21
	Ward Member(s)	Cllr Barbi Lund	12/2/21

<b>Summary:</b>	<p>A Neighbourhood Plan for Norton St Phillip (the Plan) was considered by Cabinet on 2<sup>nd</sup> September 2019 with a recommendation that the modified Plan should proceed to a local referendum. Cabinet resolved to accept the recommendation.</p> <p>Lochailort Investments Limited (the developer of the Fortescue Fields) subsequently challenged this decision by way of a Judicial Review. They also obtained a temporary injunction to stop the referendum proceeding. Following hearings in the High Court and Court of Appeal, the Cabinet decision to approve the Neighbourhood Plan and allow it to proceed to referendum was quashed on 2<sup>nd</sup> October 2020.</p> <p>This Report sets out a way forward for the Plan in response to the Judgment of the Court of Appeal. Cabinet is recommended to agree this approach and the proposed further modifications to the Plan, together with the earlier modifications identified by the Examiner and at the Cabinet meeting of 2<sup>nd</sup> September 2019. These proposed modifications (if approved) will be published for additional consultation with interested parties.</p> <p>A further report will then be made to Cabinet taking into account any responses received before determining whether the Plan (as modified) meets the Basic Conditions, is compatible with Convention Rights and the requirements of legislation and should proceed to a referendum. Any referendum can only take place once Covid 19 restrictions are lifted.</p>
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<b>Recommendations:</b>	<p>Cabinet is asked to resolve that:</p> <ol style="list-style-type: none"> <li>1. The Norton St Philip Neighbourhood Plan as modified above is published for consultation;</li> <li>2. That parties who participated in the plan process at Regulation 16 stage be invited to comment; and</li> <li>3. That consultation responses are reported to Cabinet in due course prior to any decision to progress the Plan to referendum.</li> </ol>
<b>Direct and/or indirect impact on service delivery to our customers and communities:</b>	<p>Neighbourhood Planning enables communities to have more influence in planning the development of their area.</p>
<b>Contribution to corporate priorities</b>	<p>The Plan will help deliver inclusive growth and enable the local community to participate in place shaping.</p>

	<p>The Council has a statutory duty to support neighbourhood plans pursuant to the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning (General) Regulations 2012, as amended. This includes designating Neighbourhood Areas, publicising submitted Plan proposals along with arranging examination and public referenda.</p> <p>Paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990 requires the Council to consider each of the recommendations in the Examiner's report (and the reasons for them) and decide what action to take in response to each recommendation. If the Council are satisfied the Plan meets the Basic Conditions, is compatible with Convention Rights and complies with all other statutory requirements, a referendum must be held. If more than half of those voting in the referendum vote in favour of the Plan, the Council must make the Plan i.e. adopt it as part of the Development Plan for the area.</p> <p><b>Legal Implications:</b></p> <p>The Council must also consider the Judgement handed down by the Court of Appeal. This held that, whilst each of the LGS areas identified in the Plan was lawfully designated as such, the wording of Policy 5, which applies to LGS areas once designated, was not consistent with national planning policies for managing development within the Green Belt.</p> <p>Policy 5 was therefore found to be unlawful and the Cabinet decision on 2<sup>nd</sup> September 2019 was consequently quashed in its entirety.</p> <p>The Council is empowered by Paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990 to make such modifications (if any) as it considers appropriate in order for the Plan to meet the Basic Conditions, to be compatible with Convention Rights and to comply with the requirements of legislation, taking into account the original recommendations of the Examiner, the Judgement of the Court of Appeal and any material changes in circumstances since the previous Cabinet decision.</p>
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	<p>This Report seeks approval of proposed modifications to the Neighbourhood Plan for consultation taking into account the original recommendations of the Examiner, the Judgement of the Court of Appeal and any material changes in circumstances since the previous Cabinet decision.</p> <p><b>Financial Implications:</b></p> <p>A further report to Cabinet will then be made to determine whether the modified Plan should proceed for referendum. The costs for a Referendum in Norton St Philip are estimated to be in the region of £3,200. A £20,000 Neighbourhood Planning Grant has been claimed by the Council to cover examination and referendum costs.</p>
<b>Climate change implications:</b>	<p>The Plan will promote sustainable development in the village within the envelope of the Development Plan and introduces a policy on climate change, biodiversity and low carbon development.</p>
<b>Impact on service plans:</b>	<p>None</p>
<b>Value for Money:</b>	<p>N/a.</p>
<b>Equalities Implications:</b>	<p>Public participation must inform a Neighbourhood Plan and consultation was undertaken in line with the Regulations. A further non-statutory consultation is proposed in respect of the proposed modifications recommended in this Report</p>

<b>Risk Assessment and Adverse Impact on Corporate Actions:</b>	<p>Not taking a decision on the advancement of the Neighbourhood Plan Proposal would put the Council at risk of failing to comply with the requirements of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004) and the Neighbourhood Planning (General) Regulations 2012 (as amended).</p> <p>The Court of Appeal held that Policy 5 of the Neighbourhood Plan is unlawful, in that it fails to meet the Basic Conditions by not being consistent with national Green Belt policy. This Report sets out a means of addressing Policy 5 to ensure that it meets the Basic Conditions.</p> <p>It is not considered necessary to carry out a further Examination of the Plan as the Court of Appeal Judgement is clear on the reasons Policy 5 is considered to be unlawful. The Court concluded that the designation of the LGS areas was lawful.</p> <p>It is not considered that there have been any other material changes in circumstances since the previous Cabinet to warrant a further Examination of the Plan.</p>
<b>Scrutiny Recommendation (if any)</b>	None.

## INTRODUCTION

1. The Council's duties are clearly set out in the Regulations and on receipt of the Examiner's Report, the Council must decide whether or not to take the Plan forward to referendum, as well as:
  - what action to take in response to each of the recommendations of the Examiner;
  - what modifications to make to the Plan;
  - whether to extend the Referendum Area beyond the Neighbourhood Plan Area.

2. Whilst the Examiner's Report is not binding, it must be noted that a Local Planning Authority can **only** refuse or decline a Neighbourhood Plan Proposal in a very limited set of circumstances, i.e. when it does not meet the requirements of the Regulations and the set of criteria known as the "Basic Conditions" (Appendix 1).
3. Likewise, modifications which ensure that the Plan meets these Basic Conditions and legal requirements can be made to a Neighbourhood Plan. The Independent Examiner advises whether the Plan meets the requirements of the Regulations and Basic Conditions and, if necessary, what modifications are needed for it to do so. The Council is empowered to make any modifications it considers appropriate in order for the Plan to meet the Basic Conditions, whether or not such modifications have been recommended by the Examiner.
4. The NSP Neighbourhood Plan has been subject to Judicial Review, and a hearings at the High Court and the Court of Appeal. The Court of Appeal judgement quashed the Cabinet decision of 2<sup>nd</sup> September 2019 to progress the Plan to referendum on the sole ground that Policy 5 was found not to meet the Basic Conditions. It is therefore proposed to modify the Plan to ensure that it meets the Basic Conditions (see below).
5. In proposing modifications for consultation it is also necessary to reconsider the modifications previously agreed by Cabinet on 2<sup>nd</sup> September 2019.
6. Following consultation on the further proposed modifications, the Council must take the decision whether the Plan meets the legal requirements and Basic Conditions as set out in legislation. If it does so, the Plan must proceed to referendum as soon as possible. In reaching this decision, the Council will need to take full consideration of the Examiner's report and recommendations, the Court of Appeal judgement, the proposed modifications and the consultation responses received.
7. The Council must also publish a decision statement detailing this decision and arrange the referendum where applicable. However, Covid-19 regulations prohibit referendums until May 2021.

## **BACKGROUND**

8. The Norton St Philip Neighbourhood Plan has been prepared and submitted by Norton St Philip Parish Council. The Parish Council engaged the community in its preparation using a range of consultation methods.
9. Following the Plan's formal submission, it was published for consultation in accordance with the Regulation 16 between 1<sup>st</sup> March and 12<sup>th</sup> April 2019.
10. The Council appointed an independent, experienced and qualified examiner, Ann Skippers, to examine the Norton St Philip Neighbourhood Plan. All of the comments received at the Regulation 16 publication stage were passed on to the Examiner and considered as part of the examination.
11. The Examiner's Report concludes that the Plan, as modified in accordance with the Examiner's recommendations, should proceed to referendum. A summary of the Examiner's Report and recommended modifications can be found below.
12. The Examiner's Report, Norton St Philip Neighbourhood Plan and associated submission documents are too large to append in full, but are available on the Council's website:  
<http://www.mendip.gov.uk/neighbourhoodplanning>.

#### **EXAMINER'S REPORT**

13. The Examiner recommends a number of modifications to the Plan to meet the Basic Conditions and other statutory requirements and to ensure the Plan is clear.
14. The modifications are set out in Appendix 2 and are for the most part minor changes to add clarity.
15. Having considered each of the Examiner's recommendations and the reasons for them, Planning Policy Officers concur with the Examiner's view that these changes are necessary to meet the Basic Conditions and recommend modifying the Neighbourhood Plan as advised.
16. Norton St Philip Parish Council (the Qualifying Body) are in agreement with these modifications.
17. The Examiner considers that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding the referendum and Planning Policy Officers agree.

## **FURTHER MODIFICATIONS**

18. A landowner has raised concerns that Local Green Space LGSNSP004 cuts across a kitchen extension at The Barton. Whilst it may sometimes be appropriate to include small buildings within a local green space, Officers agree that this extension should be fully excluded and the Plan should be modified to exclude all of the extension at The Barton from LGSNSP004. A map indicating the amendment is included in Appendix 3.
19. An interested party has raised concerns that the Character Assessment carried out by local volunteers as part of the preparation of the evidence base does not include all trees and soft landscaping, and that in some instances trees are shown which are not present. The Character Assessment makes clear that it sets out to describe the “key visual elements” of the village. It might not, therefore, be expected to record all features. However, the representation of trees which are not present could be misleading and these should be removed. The Parish Council agree that the notation showing 3 trees north of Shepherds Mead should be removed. A map indicating the amendment is included in Appendix 4.

## **JUDICIAL REVIEW**

20. Lochailort Investments Ltd challenged the Cabinet decision to forward the Plan for referendum through a Judicial Review in the High Court. The claim was heard on 24<sup>th</sup> March 2020 and subsequently in the Court of Appeal on 28<sup>th</sup> July 2020.
21. The Court of Appeal upheld 1 of the 4 grounds of appeal.
22. In summary the Court of Appeal held that;
  - Policy for the management of development in Local Green Spaces (LGS) should be consistent with national policy for Green belts, as set out in NPPF para 101;
  - Policy 5 (as currently worded) is more restrictive than national policy for managing development within the Green Belts in that:
    - It does not allow for those categories of development which are not ‘inappropriate’ in the Green Belt (NPPF para 145 and 146);
    - It makes no provision to allow development where very special circumstances are shown to exist (NPPF para 143);
    - It does not permit outdoor sport if such development preserves openness;

- It requires enhancement rather than preservation (and so is more onerous than national belt policy)
- Whilst a properly reasoned justification for a departure from the NPPF would not be unlawful it must be supported by reasons (which were absent from Policy 5).
- In consequence Policy 5 does not meet the Basic Conditions as it does not *“have regard to national policies and advice contained in guidance issued by the Secretary of State”* as required by Schedule 4B para 8(2)(a) of the Town and Country Planning Act 1990.

23. The Court of Appeal considered 3 further grounds of challenge which were not upheld. In the Court held that:

- That the ten Local Green Spaces were lawfully designated by the Neighbourhood Plan (rejected Ground 1(b))
- That the Examiner was suitably qualified and experienced and can be assumed to have taken national policies into consideration in writing her report, in particular whether the LGSs were capable of enduring beyond the plan period (rejected Grounds 2 and 3)
- That the Neighbourhood Plan does not rely on a misinterpretation of the strategic policies of the development plan (rejected Ground 4).

24. The Council’s duties are clearly set out in the Regulations and the Council must decide whether or not to take the Plan forward to referendum. It must also decide what modifications are required to ensure the Plan meets the Basic Conditions.

#### **FURTHER MODIFICATIONS TO THE PLAN TO ENSURE IT MEETS THE BASIC CONDITIONS FOLLOWING JUDICIAL REVIEW**

25. Regulation 18 of the Regulations requires the LPA to decide what modifications, if any, they are to make to the draft plan and then to publish the decision and their reasons for it (“the decision statement”) and details of where and when the decision statement may be inspected. Cabinet on 2<sup>nd</sup> September 2019, accepted that the Plan should be modified in accordance with the Examiner’s recommendations and to exclude an extension at The Barton from LGSNSP004 and amend Figure 8 of the Character Assessment to remove the notation showing 3 trees north of Shepherds Mead. These modifications are set out below in Appendix 2 together with the following

additional modifications now proposed to address the Court of Appeal's criticisms of Policy 5.

26. Policy 5 of the Plan currently reads as follows:

*"Policy 5: Local Green Space*

*The sites shown on figure 5 and listed below are designated as Local Green Spaces:*

*LGSNSP001 The Old Hopyard*

*LGSNSP002 Lyde Green*

*LGSNSP003 Great Orchard*

*LGSNSP004 Ringwell Lane*

*LGSNSP005 Church Green*

*LGSNSP006 The churchyard and adjoining field*

*LGSNSP007 Fortescue Fields South*

*LGSNSP008 Fortescue Fields West*

*LGSNSP009 Church Mead*

*LGSNSP010 Shepherds Mead*

*Development on Local Green Spaces will only be permitted if it enhances the original use and reasons for the designation of the space."*

27. Lord Justice Lewison in the Court of Appeal Judgement concluded that:

*"... I consider that each of the areas was lawfully designated as an LGS; but that Policy 5, which applies to them once designated, is not consistent with national planning policies for managing development within the Green Belt. In the absence of reasoned justification, the consequence is that Policy 5 is unlawful. I would allow this appeal on that ground alone." (para 57)*

28. To address the above, the following further modifications are proposed to ensure the Plan meets the Basic Conditions.

Delete:

~~*Development on Local Green Spaces will only be permitted if it enhances the original use and reasons for the designation of the space*~~

And replace with;

*"Development in an area designated as Local green Space will be managed in accordance with national policy for Green Belts."*

29. The supporting text should also be amended

Delete para 12.3;

~~“12.3. The emerging Mendip District Local Plan has also proposed these areas as LGS. Both Local Plans and Neighbourhood Plans can designate LGS and for consistency it is important both Plans show the same areas. Local feeling supported the designations and wanted to make them in this Plan. It was decided no other area required designation as LGS.”~~

30. Add new para 12.3 to read;

*“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 (set out in paragraphs 143 – 147 of the NPPF).”*

## CONSULTATION

31. Regulation 18 of the Regulations requires the LPA to decide what modifications, if any, they are to make to the draft Plan. The modifications which may be made by the LPA are limited to those set out at Schedule 4B Paragraph 12(6) of the Town and Country Planning Act 1990. For the reasons considered above the proposed additional modifications are necessary to ensure that the NSPNP meets the Basic Conditions and therefore are permitted by Schedule 4B Para 12(6)(a)..
32. It is not considered necessary to refer the issue for independent examination as the Court of Appeal judgement is clear on the reasons why Policy 5 as originally drafted is unlawful. However, consultation should be carried out to ensure all interested parties are able to participate and submit their representations before a final decision is made.
33. The proposed further modifications to the Plan will be published on the Council’s website following approval by Cabinet. Consultation will be open to all, but those who made formal representations at Regulation 16 stage will be specifically invited to comment. Statutory consultees will also be consulted. Comments will be accepted for 6 weeks following publication. Consultation responses will be reported to Cabinet for consideration after the close of the consultation period.
34. Cabinet is asked to approve the additional modifications above as the basis for consultation.

## CHANGES TO THE PLANNING CONTEXT SINCE PUBLICATION OF THE EXAMINER'S REPORT

35. On 2<sup>nd</sup> September 2019 the Cabinet agreed that the Neighbourhood Plan with modifications, should proceed to referendum. On 10<sup>th</sup> September 2019 the LPP2 Inspector issued an Interim Note (ED20) following the LPP2 hearings held in July and August 2019. The interim note did not support the Council's approach to Local Green Spaces, and suggested Main Modification 7 of the LPP2 to read;

*"Delete all LGS designations and indicate that they should be reconsidered within either Neighbourhood Plans or the Local Plan Review."*

36. The Council has therefore published Main Modifications (MMs) removing all Local Green Spaces from LPP2. The MMs were the subject of consultation in Jan/Feb 2020 and include the Inspector's suggested modifications as MM15, which reads as follows;

*"Replace paras 5.1 – 5.3 as set out below  
5.1 A Local Green Space (LGS) is a designation which can be made through Local or Neighbourhood Plans. Designation as a LGS provides similar protection to that of the Green Belt. ~~ruling out development in all but very exceptional circumstances~~"*

37. The MMs do not significantly change the context for the consideration of Local Green Spaces in the Neighbourhood Plan. Whilst the LGS are removed from LPP2, the MM15 makes clear that it is appropriate to consider designating LGS within neighbourhood Plans. The LGS were found by the Court of Appeal to be lawfully designated.

38. The Inspector also identified an expectation raised by the LPP1 Inspector that an additional 505 homes would be provided in the North/North east of the District. In his Interim Note (ED20) the Inspector suggested the following modification;

*"MM5 Allocation of 505 additional dwellings (with reference to the table in core policy CP2 and para 4.21 of the supporting text) in the north-east of the District, at sites adjacent to Midsomer Norton and Radstock, and on sustainable sites at primary and secondary villages within this part of the District. All the sites considered for possible allocations, including those identified in Note IQ-3, will be subject to Sustainability Appraisal."*

39. Norton St Philip is a primary village in the North/North East of the District and would therefore be within the search area to provide for this additional 505 homes.

40. Potential sites, including one in Norton St Philip, were included in Main Modifications, and were considered at additional LPP2 hearings held between 24<sup>th</sup> November and 3<sup>rd</sup> December 2020. The hearings included matters addressing the need for the additional homes, alternative distribution strategies and the range of sites put forward in the Main Modifications consultation. A progress note (ED48) has been received setting out the next steps for the Examination. Limited weight can be attached to these proposals until the Inspector's final report has been received.

41. Site NSP1, put forward as MM114 to LLP2 demonstrates that additional housing can be accommodated within the village with minimal conflict with the Neighbourhood Plan, all-be-it outside the development limit set out in Policy 1. The Neighbourhood Plan Regulations clearly set out the priority to be given to development plan documents where timelines overlap and allow for subsequent plans to respond to changing requirements.

42. A planning application for development of Site NSP1 was received on 13<sup>th</sup> October 2029 (2020/2053/FUL) proposing 27 homes on the site and is yet to be determined.

43. The consideration of the need for an additional 505 dwellings in the North/North east of the District, the potential allocation of NSP1 and the current planning application do not, in your Officers' view, significantly change the context for the consideration of the Neighbourhood Plan.

44. In December 2019, the Council issued it's "Statement on the Five Year Housing Land Supply" which estimates that the Council can demonstrate a 3.8 year supply. Whilst this is less than the 5 year supply required by NPPF this does not significantly change the context of the Neighbourhood Plan. The Plan complies with strategic policy set out in LPP1 and NPPF.

45. In August 2020, The Government published a White Paper entitled "Planning For The Future" setting out far reaching changes to the planning system. At the same time the Government published a consultation paper on "Changes to the Current Planning System" which also suggested a number of short-term changes, including a new methodology for calculating housing requirements. Both these documents will introduce far reaching changes but are at an early stage in preparation. They do not materially change to the context for consideration of the Neighbourhood Plan.

## **RECOMMENDATION**

1. The Norton St Philip Neighbourhood Plan as modified above is published for consultation;
- 2 That parties who participated in the plan process at Regulation 16 stage be invited to comment; and
- 3 That consultation responses are reported to Cabinet in due course prior to any decision to progress the Plan to referendum.

## **REASONS FOR RECOMMENDATION**

To fulfil the Council's statutory duty in relation to supporting neighbourhood plans and ensure that the Plan meets the Basic Conditions and legal requirements of a neighbourhood plan.

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**Appendix 1:** Summary of the Basic Conditions

**Appendix 2:** Schedule of Proposed Modifications

**Appendix 3:** Amended boundary of LGSNSP004

**Appendix 4:** Amended Fig 8, Character Assessment

### **List of background Papers**

see <https://www.mendip.gov.uk/nortonstphilip>

Court of Appeal decision [2020] EWCA Civ 1259 2<sup>nd</sup> October 2020

Order of the Court of Appeal – C1/2020/0812 - 2<sup>nd</sup> October 2020

Cabinet Report – 2<sup>nd</sup> September 2019

Revised plan and supporting documents (as at September 2019)

NSP Neighbourhood Plan Examiners Report

## **Appendix 1: Summary of the Basic Conditions**

Only a draft neighbourhood Plan or Order that meets each of a set of basic conditions can be put to a referendum and be “made”. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions 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 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 Plan (General) Regulations 2012 (as amended) set out 2 additional basic conditions, of which one is applicable

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

## Appendix 2: Schedule of Proposed Modifications

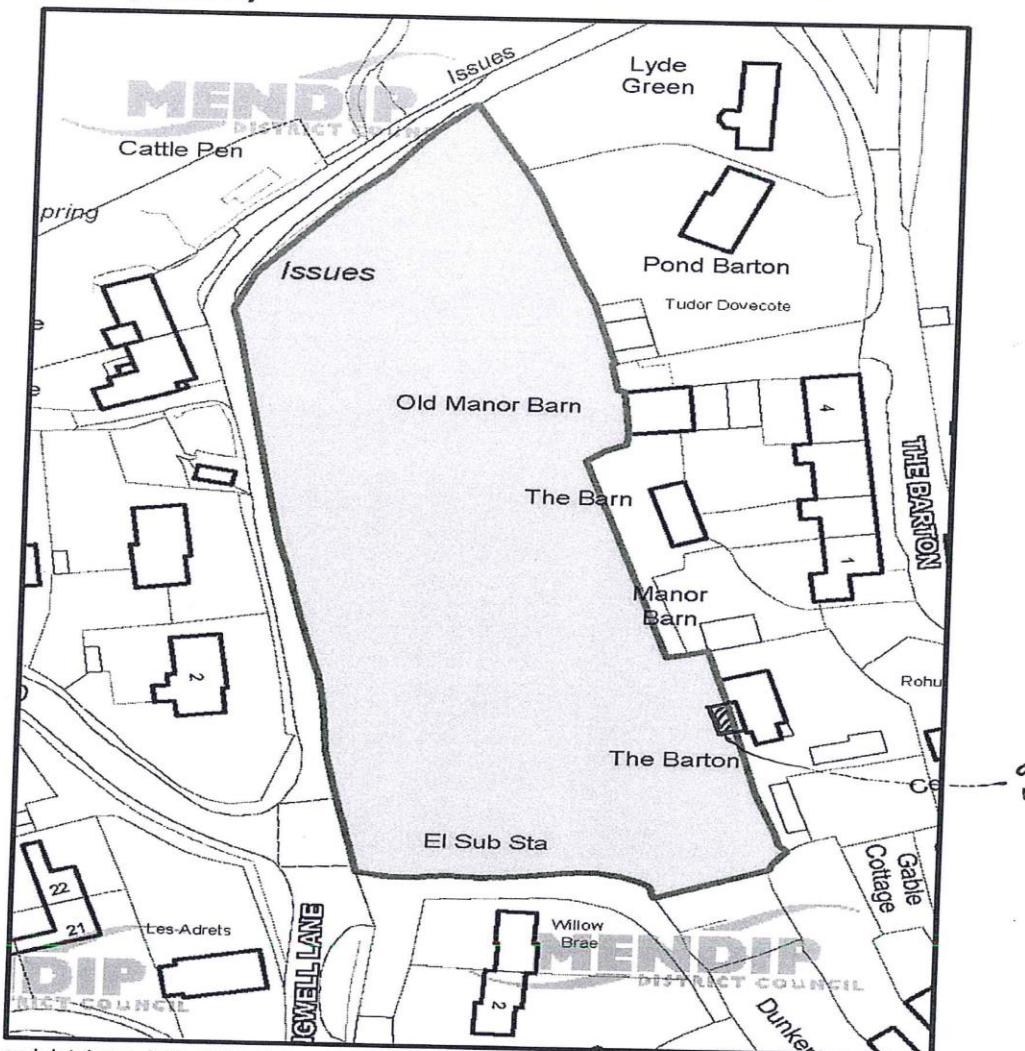
Modification Number	Policy number	Recommendation and changes	Report Page	Plan page	Reason for change
1.	throughout	Include a list of acronyms used throughout the plan	13	NA	To improve clarity
2	Para 1.8	Update the section as required and particularly para 1.8 on page 5	14	5	To reflect natural updating as the plan progresses
3	Policy 1	Change the title of Figure 4 "Development limit" to "defined settlement boundary"	16	15	For consistency throughout the plan
4	Policy 1	Change the title that reads "Fig 4; development boundary as proposed in policy 1" to "Fig 4; settlement boundary as defined by Policy 1"	16	15	For consistency throughout the plan
5	Policy 1	Change the word "the" to "this" in the second sentence of the policy so that is reads "Outside this defined settlement boundary..."	16	15	For clarity and accuracy
6	Policy 3	Change this section title to read "Entry Level Exception Sites"	18	19	For clarity and accuracy
7	Policy 3	Change the phrase "...where a site would be permitted under normal policies..." to "where a site would normally be permitted..." in criterion b)	18	20	For clarity and accuracy
8.	Policy 3	Change the words "...this plan..." in criterion c) to "...the development plan..."	18	20	For clarity and accuracy
9	Policy 4	Change the reference to "section 10" in paragraph 11.1 on page 22 to "section 14"	19	22	For clarity and accuracy
10	Policy 4	Change both references to "CA" in the policy to "Character Assessment"	19	23	For clarity and accuracy
11	Policy 4	Add the words "...on figures 10 and 13..." before "...in the Norton St Philip Character Assessment..." in bullet point three of the policy	19	23	For clarity and accuracy
12	Policy 4	Change the spelling of "stories" in bullet point 4 of the policy to "storeys"	19	23	For clarity and accuracy

Modification Number	Policy number	Recommendation and changes	Report Page	Plan page	Reason for change
13	Policy 4	Change the ninth bullet point to read "Development 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"	19	24	For clarity and accuracy
14	Policy 4	Insert full stop at the end of the policy	19	24	For clarity and accuracy
15	Policy 5	<p>Delete para 12.3;</p> <p><b>"12.3. The emerging Mendip District Local Plan has also proposed these areas as LGS. Both Local Plans and Neighbourhood Plans can designate LGS and for consistency it is important both Plans show the same areas. Local feeling supported the designations and wanted to make them in this Plan. It was decided no other area required designation as LGS."</b></p> <p>Add new para 12.3 to read;</p> <p><b>"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 (set out in paragraphs 143 – 147 of the NPPF)."</b></p>	Court of Appeal	26	To reflect the Court of Appeal Judgement
16	Policy 5	Change the reference to "Figure 2" in the policy to "Figure 5"	22	27	For accuracy
17	Policy 5	<p>Delete:</p> <p><b>Development on Local Green Spaces will only be permitted if it enhances the original use and reasons for the designation of the space</b></p>	Court of Appeal		To reflect the Court of Appeal Judgement

Modification Number	Policy number	Recommendation and changes	Report Page	Plan page	Reason for change
		And replace with;  "Development in an area designated as Local green Space will be managed in accordance with national policy for Green Belts".			
18	Policy 6	Change the word "Any" at the start of the policy to "All"	23	31	For clarity
19	Policy 6	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.	23	31	To insure the policy provides a practical framework or decision making
20	Appendix 4	Insert a reference to Appendix 4 in paragraph 6.3 of the Plan	23	11	For clarity

**Appendix 3: Amendment of boundary of LGSNSP004 to removed part of extension from the local green space (shaded area to be removed)**

**Ringwell Lane (cont'd)**



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#### Appendix 4: Trees to be removed from Fig 8, Character Assessment



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