

NORTON ST PHILIP PARISH COUNCIL

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Minutes of an extraordinary virtual meeting of the Parish Council held on
Friday 23rd April 2021 at 6.00 pm.

Present: Cllr I Hasell (Chair), Cllr M Walker, Cllr G Hitchins, Cllr R Foster, Cllr V Fox and Cllr C Cloke.

In attendance: Nicola Duke (Parish Clerk) and 2 members of the public.

Public Participation

Members of the public were invited to make representations to the Council on any matters relating to the work of the Council or to raise any issues of concern:

- An interested party addressed the Council in respect of the Neighbourhood Plan stating views on the methodology used in assessing LGS sites and expressing concern that the standards had not been met for those proposed in the NP.

	AGENDA ITEM
8482	Apologies for Absence None.
8483	Declarations of Interest and Dispensations to Participate None.
8484	MDC Publication of further modifications to the Norton St Philip Neighbourhood Plan Members discussed the Steering Group's recommendation to the PC re: the consultation on the further modifications to the NSP Neighbourhood Plan (information previously circulated). Cllrs Hitchins and Hasell spoke to the further modifications, and Cllr Hitchins outlined the content of the report from the Steering Group and the proposed PC response, which had been circulated in advance of the meeting. Members discussed the proposed response, adjusting some typographical errors. At this point Standing Orders were suspended to allow an interested party to address the meeting (proposed Cllr Hitchins, seconded Cllr Foster).

	<p>The interested party reported that he had taken legal advice on the proposed modifications to the Plan, stating that in his view the PC had failed to assess the proposed LGS sites properly. The comments were noted and Standing Orders re-instated.</p> <p>Following debate, it was proposed by Cllr Lund, seconded by Cllr Foster and unanimously resolved to support the modifications to the Neighbourhood Plan as proposed by Mendip District Council and to submit the PC's response as circulated with two amendments. The response submitted is appended to the minutes, together with a copy of the report from the Steering Group.</p>
8485	<p>Meeting schedule and arrangements</p> <p>Wednesday 28th April 2021 at 7.00 pm via Zoom.</p>

There being no further business the meeting was closed at 6.28 pm.

APPENDIX - Representation to Mendip District Council Consultation on further modifications to the Draft Norton St Philip Neighbourhood Plan

At its Meeting on 10th March 2021 Norton St Philip Parish Council (PC) noted the amendments to the Draft Neighbourhood Plan (NP) proposed by Mendip District Council (MDC). The PC then considered how best to respond to the Consultation into the proposed amendments, and resolved to re-convene the NP Steering Group (SG) to consider the amendments, including those designed to address the Judgment of the Court of Appeal dated 2nd October 2020.

The brief given to the SG was:

"Having account of the MDC Report to Cabinet on 1st March 2021 it is necessary in order to respond to the consultation to consider the following:

1) The proposed changes by MDC to the NSP NP to address the comment by Lord Justice Lewison (para 27) stating that Policy 5 is unlawful. The changes are proposed in Paragraphs 28, 29 and 30 of the report to Cabinet. Do the modifications proposed set out a means of addressing Policy 5 to ensure that it meets the Basic Conditions?

2) The MDC Risk Assessment – with specific regard to the 'Changes to the Planning Context since publication of the Examiner's report' (paragraphs 35-45) Can we confirm that: -

2.1) It is not considered necessary to carry out a further Examination of the Plan as the Court of Appeal is clear on the reasons Policy 5 is considered to be unlawful?

2.2) It is not considered there have been any other material changes in circumstances since the previous Cabinet to warrant a further Examination of the Plan.

2.3) A review of the evidence base has also been carried out and we consider there has been no material change."

The SG met on 24th March 2021. The Minutes of the Meeting are available on the NP website. The SG subsequently sent a Report to the PC which was considered at an Extraordinary Meeting of the PC on 23rd April. The Report recommended that the PC should support the amendments as proposed by MDC. It also concluded

that there had been no material change in circumstances since the previous meeting of the SG in November 2018 and that any potential changes to the Settlement Boundary could, if necessary, be dealt with by MDC at the appropriate time.

At its Meeting on 23rd April the PC resolved to adopt the Report of the SG and to make the following further comments:

1. The NP is not stifling future development; it encourages development in line with Policies within the Plan as evidenced below:

- The PC recently supported the current application for 7 dwellings on a site within the settlement boundary (2021/0248).
- The Bell Hill Garage site, together with land used by the garage, is allocated for development in the Draft NP. The PC have stated their desire to bring forward development of this site and look forward to formal engagement with the landowner/developer.
- The PC remain hopeful that, should the NP be made, an Exception Site as proposed in Policy 3 of the Draft NP will come forward.

2. Should an amendment to the settlement boundary be required following an allocation or a grant of planning permission this could be done at the appropriate time.

3. The Court of Appeal found that the 10 designated Local Green Spaces were capable of enduring beyond the Plan period, and thus would not restrict the supply of developable land. As the Judgment noted at para 45:

"It is not a policy requirement that the LGS must inevitably last beyond that period. Nor does it specify how far into the future the local planning authority must gaze.....Permanence is a higher bar than capability to endure beyond the plan period"

4. The Court of Appeal considered paragraphs 99 - 101 of the 2019 NPPF which relate to LGS designation. Para 100 requires LGSs to be *"demonstrably special to a local community and holds a particular local significance"*. The judgment found all of the proposed LGSs to have been lawfully designated.

5. In aligning the LGS development Policy with that of national policies for Green Belt development is possible in *"very special circumstances"*. As the Court of Appeal found at para 13:

"It can thus be seen that national planning policy relating to the Green Belt permits any form of development where that is justified by very special circumstances; and it also describes as "not inappropriate" the various types of development described in paragraphs 145 and 146.... But even in those cases paragraph 144 requires that planning authorities give "substantial weight" to any harm to the Green Belt."

6. The PC has resolved to commence work on a review of the NP (NPPart2) as soon as the Draft NP (NPPart1) has been made. The scope of this review has yet to be decided.

Conclusion

The PC **supports** all of the proposed amendments to the Draft NP. It looks forward to the Plan proceeding to Referendum.

Norton St Philip Parish Council
23rd April 2021

Report of the SG to the PC concerning proposed amendments Report to NSPPC concerning the modifications to the draft NP proposed by MDC at the Cabinet Meeting on 1st March 2021.

The NP Steering Group (SG) held a virtual Meeting at midday on 24th March 2021. The Notice of the Meeting together with the Agenda had been published on the NP website on 17th March. On the same day, the Notice and Agenda were posted on the Parish notice boards. 6 members of the SG attended. All members of the SG had been previously circulated with MDC's schedule of proposed modifications.

Following discussion, the Steering Group determined that all the amendments were acceptable and should be supported.

The SG also considered whether there have been any material changes of circumstance affecting the Draft NP since its last Meeting. Consideration was given to both the possible allocation of Site NSP1 (Mackley Lane) and the live planning applications for development outside of the settlement boundary (Numbers 2020/2976 and 2020/2180). It was noted that the Court of Appeal judgement stated in paragraphs 53 and 55 that the potential change to housing requirements for NSP were not material to the NP and that any necessary changes to the settlement boundary would be dealt with at the appropriate time.

The SG also considered the live planning application for the former Roman Catholic Church and noted that the PC's support for this was consistent with draft NP Policies.

Other than the amendments to the draft NP required as a result of the Court of Appeal judgment, the SG considered that there had been no material changes in circumstance since its previous meeting in November 2018.

The SG recommend that the PC should submit a representation to the current MDC Consultation supporting the amendments proposed by MDC.

Alice Tollworthy
Deputy Chair
NSP Neighbourhood Plan Steering Group
8th April 2021

1 Amendments at https://www.mendip.gov.uk/media/27360/Norton-St-Philip-furthermodifications-Appendix-March-2021/pdf/NsP_further_modifications__March_2021.pdf?m=637502882580730000