

**Norton St Philip Neighbourhood Plan
Representations and Comments made by Landowners and 3rd Parties
Regulation 14 Consultation
12th May - 25th June 2023**

This document summarises comments submitted by landowners and 3rd parties during the Regulation 14 Consultation. These comments will be considered by the PC. Any proposed amendments to the draft Neighbourhood Plan resulting from the consultation will be considered at a future PC Meeting and detailed in a Consultation report. This will need to be adopted by the PC together with the Plan (with any amendments) and will be submitted to the Local Authority for a further public consultation.

Landowner Representations in respect of LGS 001 (The Old Hopyard)

Summary of Representation		Response
Landowner	Lack of consultation	The designation of LGSs has been a lengthy process which started in 2015. The landowner has objected to the designation of his garden from the outset. Detail of consultation is given in the 2019 Consultation Statement and will be further addressed in the 2023 Addendum.
	Adequate protection through curtilage of Listed building and Conservation Area	Point noted
	Land originally not supported as LGS by PC in 2015; reinstated at behest of former MDC	The first draft NP was consistent with the former MDC's Local Plan.
	No evidence that the land is "demonstrably special"	The garden of LGS001 is an important part of the green corridor which extends into the village along Ringwell Meadow. This contributes to the beauty and tranquility of Ringwell Lane and Meadow.
	Pursuit of LGS amounts to harassment/in breach of Human Rights legislation	It is very unfortunate that the landowners of the garden consider that this is the case. Designation as OALS in 2002 recognised the importance of the garden;. It was further designated as Greenspace in the former MDC's Supplementary Planning Document, adopted in February 2023. It was not inappropriate to propose that it should be a LGS.

Landowner Representations in respect of LGS 003 (Great Orchard)

Summary of Representation		Response
Landowner	Will never accept lgs on the land The assessment by mdc and pc of the site is full of misinformation and will be contested at every level	The OALS designation recognises the contribution this site makes to the village character. This contribution has recently been recognised by Historic England, the Council Conservation Team and Landscape Architect in considering the (refused) planning application 2021/2928. This application attracted over 100 objections from village residents. Designation as LGS would provide the level of protection merited by this very significant green space. The proposed redevelopment of the brownfield garage site, together with land previously used by the garage is supported in principle by the PC.
Stonewood Ltd (developer)	The continued inclusion of the site as a Local Green Space is regrettable, given that the site is privately owned as offers no public access benefit. It is also noted that Old Orchard continues to benefit from inclusion within the defined settlement limits for Norton St Philip. The site therefore appears to be subjected to conflicting planning policies.	Designation recognises the historic significance of the site and its important contribution to the character of the village. The Plan supports the principle of development within the village boundary subject to other Policies in the Plan. Public benefits resulting from redevelopment of the allocated site would need to be weighed against the harm of any incursion into the proposed LGS. The proposed redevelopment of the brownfield site together with the land used by the garage with with 9 dwellings, 6 to be 2&3 bed dwellings, the retention of the garage together with biodiversity enhancements has the potential to satisfy the criteria for development within an LGS.

Landowner Representations in respect of LGS 004 (Ringwell Meadow)

Summary of Representation		Response
Landowner 1 (The Barton)	Designation not in line with national policy as described by LPP2 Inspector	The designation will be subject to further consultation at Reg 16 and then, subject to the LPA recommendations, Independent Examination.
Landowner 1 (The Barton)	Protection already in place by Conservation area and being “in the historic grounds, aka curtilage, of a listed building”.	The designation of a site as LGS recognises that the site fulfils the criterion set out in para 102 of the 2021 NPPF; this is complementary to a site being within the Conservation Area. The garden is not within the curtilage of a listed building. Harm to Heritage Assets was not a reason for refusal of the 2016 or 2019 planning applications for the 2 gardens within the site.
Landowner 1 (The Barton)	Owners of private gardens have never supported LGS as claimed in original application	Noted. However, as this report demonstrates, 2 of the 3 landowners of the Ringwell Meadow LGS do support its designation as such.
Landowner 1 (The Barton)	Process of submission to MDC of PC’s LGS requests flawed; submission now “out of date”	Designation in the draft NP is a separate process to that of the Local Plan
Landowner 1 (The Barton)	PC had previously stated that were the gardens to be removed, it would continue to support LGS on the remainder.	Further to representations from the owner of the larger part of the meadow, the PC will consider whether they would be unreasonably disadvantaged by such a split. Recent Appeals have concluded that the whole of Ringwell Meadow is important due to its “distinctive natural appearance and the tranquillity it contributes to this part of the village. These qualities can be experienced from locations surrounding the site including Ringwell Lane and the rear of properties along The Barton. “

Landowner Representations in respect of LGS 004 (Ringwell Meadow)-cont'd

Summary of Representation		Response
Landowner 1 (The Barton)	Owners feel “bullied and intimidated”. Affected their mental health and Human Rights	It is unfortunate that the landowners of the garden consider that this is the case. Designation as LGS is recognition of the particular importance of the site.
Landowner 1 (The Barton)	MDC’s approach to LGS designation was unacceptably flawed	LGS designations have been considered afresh in the NP and follow Government guidance
Landowner 1 (The Barton)	Failure to properly review the LGS process in the light of the LPP2 Inspector’s Report is a failure of Basic Conditions	The LGS’s have been reviewed and will be subject to further review in the light of Reg 14 representations. The LPP2 Inspector recommended a Main Modification “ <i>Delete all LGS designations and indicate that they should be reconsidered within either Neighbourhood Plans or the Local Plan Review.</i> ” This is carried forward into paras 5.1 and 5.2 of LPP2
Landowner 1 (The Barton)	Incorrect boundaries	The boundaries of the LGS where it adjoins the extension of the Barton have been checked and are considered correct. The inclusion of the electric sub station does not conflict with Green Belt policy
Landowner 1 (The Barton)	Adopting NP would be in conflict with LPP2	LPP2 refers to NP’s being an appropriate means to allocate LGS. This however will be a matter for the Examiner and Local Authority to determine.

Landowner Representations in respect of LGS 004 (Ringwell Meadow)-cont'd

Summary of Representation		Response
Landowner 2 (The Barn) <i>NB Ownership of The Barn has now changed from Landowner 2 to Landowner 3</i>	No consultation prior to Reg 14	The designation of LGSs has been a lengthy process which started in 2015. The landowner has objected to the designation of his garden at the Local Plan stage well as the previous draft NP which was subject to Reg 14 & Reg 16 process and Independent Examination. Members of the PC met with the landowner during the Reg 14 Consultation.
Landowner 2 (The Barn)	Strong objection to inclusion of private gardens	The garden is historically a part of the meadow; this meadow was designated as OALS in 2014 and prior to that designated Q2(Protection of Spaces and Open Areas of Visual Significance) in 2002. The merit and importance of OALS designation has been tested at recent Appeals.
Landowner 2 (The Barn)	Deletion of LGS for private garden of The Barn would have no effect on lower field	Development of the garden would cause significant harm to the remainder of the meadow.
Landowner 3 (The Barn)	██████ and I are fully supportive of the LGS classification of Ringwell Meadows and feel it can only help to protect the tranquility of the area.	Noted
Landowner 4 (Lyde Green)	As a landowner of the larger part of proposed LGS004 (Ringwell Meadow) I support that this and the proposal for all the OALS to be LGS. We do not agree that LGS004 (Ringwell Meadow) can be dealt with as separate sections. This must be treated as one single parcel as per the boundary from the previous DP2 and OALS004 protections. We own the larger proportion of this land and would expect the whole of this (including the land owned by others) to either be protected or released for development. We will oppose any move to create a differentiation between sections of this land including judicial process if required. To exclude the garden of the Barton or the Barn from the land which I am the majority owner of would be prejudicial to me. It should be all or nothing.	Point noted

Landowner Representations in respect of LGS 006 (Churchyard and adjoining paddock)

LGS ref		Summary of Representation	Response
Part owner		We are a land owner of one of the designated LGS in the Neighbourhood Plan and we support the inclusion of our land to protect it from future development.	Noted
Part owner		As the land owner of one of these sites, please could the PC and Somerset note that the LGSNSP006 has been allocated as one site, when it is in fact, two separate sites! It comprises the church yard of St Philip & St James Church together with the paddock belonging to The Old Vicarage - these are clearly separated by a stone wall.	Noted

Landowner Representations made by owner of LGS 007 (Fortescue Ponds) and LGS008 (Fortescue West)

Summary of Representation		Response
Lochailort Ltd	Following Examination of MDC's LPP2 and removal of all LGSs in the District, new criteria for assessing LGSs must be developed.	The LGSs have been reviewed in line with the criteria set in the NPPF. They will be further considered following representations at Reg 14.
	The LGSs are incapable of enduring beyond the Plan period as:	
	a) There is a worse Housing land supply position than at the time of the Ct of Appeal judgment	The PC looks forward to working with the new LPA in bringing forward a new Local Plan which will deliver sustainable and affordable housing to meet the District needs. The 10 LGSs recognised by the Court of Appeal as being "lawfully designated" have been reviewed in the light of the District's Housing Supply position, the need to allocate the '505' dwellings and the Somerset wide "call for sites" expected in late 2023 as part of the preparation of the County wide Local Plan.
	b) As the site allocation has been deleted, there is greater need for development	The PC understands that the new LPA have committed to allocating the 505 houses by mid 2024. The PC fully supports the commitment that this site allocation exercise will be carried out according to the adopted spatial strategy.

Landowner Representations made by owner of LGS 007 (Fortescue Ponds) and LGS008 (Fortescue West) [cont'd]

	Summary of Representation	Response
Lochailort Ltd (cont'd)	c) the 'minimum' 45 house quota for the Parish was only a 'minimum'	This is recognised in the NP. Proportionate growth of the rural villages is an "essential consideration" of the adopted LPP1. The NP allocates the Bell Hill Garage site for housing development and provides for Exception Sites to meet local need
	d) the Bell Hill Garage site is unlikely to come forward	A planning application for the site which very largely follows the criteria proposed in the NP is expected in autumn 2023
	e) new homes are needed in the District	The LPA have recently started a "call for sites" in order to allocate the 505 homes required in LPP1
	f) Primary school is not full	The school is thriving. The Education Authority's predictions of a falling school roll have not come to pass; in fact there were 47 applications for 30 available places for the academic year 2023/24. The NSP allocation was filled by local children.

Landowner Representations in respect of LGS 010 (Shepherds Mead)

Summary of Representation		Response
Landowner's Agent	LGS was described by PC as “backstop” if the Village Green Inquiry failed	The 2019 Examiner, High Court and Court of Appeal recognised the site as meriting LGS designation. Time has moved on; The 10 LGSs recognised by the Court of Appeal as being “lawfully designated” have been reviewed in the light of the District's Housing Supply position, the need to allocate the ‘505’ dwellings and the Somerset wide “call for sites” expected in late 2023 as part of the preparation of the County wide Local Plan.
	Fenced area with access from site could support 2 x bungalows (“same as Bina’s”). Remainder could pass to village. Raises possibility of meeting with PC.	PC has met informally with the landowner's agent. A further meeting is proposed. Any proposal would be subject to the planning process
	Possible legal action to follow if no agreement reached	Noted
	Suggests PC support for a couple of units on the site; gift to Parish of the remainder land would result. Further suggests this will enable the remainder land to be greatly enhanced for public benefit. Costs to be borne by PC.	The PC has met informally with the landowner's agent. A further meeting is proposed. The PC would need to consider any proposal formally and in public.

Landowner comments on Policies other than LGS

Policy	Landowner	Summary of Representation	Response
1(Settlement Boundary)	Lochailort Ltd	No acknowledgement of Judicial Review made by Lochailort Investments Ltd against Mendip DC in respect of the Mendip DC's decision to show the land known as NSP1 as outside of the development limit for Norton St Philip and within the countryside.	At the time of drafting, the PC was not fully aware of the challenge as it had not been named as an Interested Party by Lochailort. The claim has now been heard in the High Court, with Judgment in favour of the Local Authority position handed down on 14th July 2023.
2(Bell Hill Garage)	Lochailort Ltd	"...it can be concluded that the Bell Garage site (without the paddock to the north) is highly unlikely to be developed. "	A planning application for the site which very largely follows the criteria proposed in the NP is expected in autumn 2023
		The site allocation cannot provide for a garage on site; there is no viable scheme to provide for a garage off site; this conflicts with DP17	A planning application for the site which very largely follows the criteria proposed in the NP is expected in autumn 2023. This application is expected to retain the garage business on site.

3rd Party comments

	Representation	Response
Historic England	<p>We have no comments to offer on the policies in the Plan and are happy to leave the resolution of any associated heritage issues to the discretion of Somerset Council's conservation officer.</p> <p>Our congratulations on the production of the Character Assessment which will no doubt be of great help in the implementation of the Plan and as a complement to the Conservation Area Appraisal.</p> <p>We wish your community well in the making of its Plan.</p>	Noted
Coal Authority	No specific comments	Noted

Overleaf: Letter from Lochailort Investments Ltd reproduced in full

LOCHAILORT INVESTMENTS LIMITED

EAGLE HOUSE
108-110 JERMYN STREET
LONDON
SW1Y 6EE

TEL: 020 3468 4933

Norton St Philip Parish Council
c/o Nicola Duke
81 Studland Park
Westbury
Wiltshire
BA13 3HN

Dear Sirs

Representations: Draft Norton St Philip Neighbourhood Plan 2023 Regulation 14 consultation

Thank you for notifying us of your 2023 Regulation 14 consultation on the draft Norton St Philip Neighbourhood Plan (NP). Having reviewed the draft Plan, we would be grateful if the following representations are taken into account.

Background

Section 1 of the draft NP includes a detailed summary of the history of the preparation of the plan up until the most recent judgement in respect of the Parish Council's successful application for Judicial Review of Mendip DC's decision to adopt LPP2 was handed down on 16th December 2022 ('the Judgement').

It does however fail to acknowledge or address the current application for Judicial Review made by Lochailort Investments Ltd against Mendip DC in respect of the Mendip DC's decision to publish a policies map showing the land known as NSP1 outside of the development limit for Norton St Philip and within the countryside.

It also fails to reference (albeit this was submitted post the publication of the Reg 14 NP) the Parish Council's application to vary the Order of the Court dated 16th December 2022 pursuant to paragraph 8 of that Order, relating to the development boundary of Norton St Philip.

The NP therefore does not give an accurate representation in terms of the legal position of the development boundary of Norton St Philip. It also fails to consider how this matter will be addressed in the NP, should the challenge made by Lochailort Investments Ltd be successful and the Court agree that the land that was NSP1 should be designated as "white land".

The background set out in Section 1 also fails to consider or acknowledge the comments made by the Local Plan Inspector in respect of why Norton St Philip, a Primary Village, was considered an acceptable location for a site allocation for a minimum of 27 units. These comments are not infected by the failures which led to the successful challenge. Nor does it deal with his other conclusions on Norton St Philip or the proposed NSP1. It also does not acknowledge that the challenges to these aspects of his report were not upheld, particularly that Holgate J found no merit in the argument that the Local Plan Inspector had not considered the principle of proportionate growth. The failure to have regard to an independent consideration of this issue, having heard much argument, is noticeable.

This sits at odds with the otherwise thorough background provided and means that material factors are left out of account. It also suggests bias in that it excludes comments which are unfavourable to its case and may undermine the plan, particularly given that it can be inferred from both

September 2023

LOCHAILORT INVESTMENTS LIMITED

Norton St Philip Neighbourhood Plan, Reg14 Landowner/3rd Party Representations

the Judgement and the Inspector's comments that Norton St Philip is capable of delivering a site allocation of a minimum of 27 units, sustainably.

Paragraph 5.2 of the draft NP is also incorrect in that it refers to the 'quota' of dwellings ascribed to the village, and that this has been far exceeded. This is not a fixed amount and represents a minimum as confirmed by the Local Plan Inspector and by Holgate J in the Judgement.

These matters are all relevant to the background to the NP and carry weight. This section should be revised to address and acknowledge the above points.

The Basic Conditions

Only a draft *Neighbourhood Plan* that meets all of a set of basic conditions can be put to a referendum and be made. Those 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:

- a. Having regard to national policies and advice contained in guidance issued by the Secretary of State; *and*
- b. Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses; *and*
- c. Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area; *and*
- d. The making of the *Neighbourhood Plan* contributes to the achievement of sustainable development; *and*
- e. The making of the *Neighbourhood Plan* is in general conformity with the strategic policies contained in the development plan for the area of the authority; *and*
- f. The making of the *Neighbourhood Plan* does not breach, and is otherwise compatible with, European Union obligations; *and*
- g. Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with.

The representations made in this letter are necessarily restricted to a review of the compliance of each draft policy, and the draft plan as a whole, with the basic conditions.

The remainder of this response sets out where it is not considered that the basic conditions have been met, and that additional information is required, followed by a further Reg 14 consultation before the NP will be in a position to proceed to a Reg 19 examination.

In any event, there should be no question that a new examination is required given the time passed since the previous examination, and the changes to planning policy at local and national levels, as well as changes to matters that should be considered material in terms of the drafting of planning policies in this NP.

Draft Policy 1: Settlement Boundary

The extent of the Settlement Boundary is the subject of Lochailort Investment Ltd.'s Judicial Review as set out above. Should this challenge be successful, the Defined Settlement Boundary will need to be reconsidered, as the area of what was NSP1 will be white land. This potential eventuality should be fully acknowledged in the NP.

Draft Policy 2: Bell Hill Garage Development Site

The Bell Hill Garage Development site is the only allocated site for development within the village. However, this site cannot be relied upon to come forward during the plan period as follows:

1. There is a long planning history relating to development on the site, however only 1 application for 10 units, in 2010 has been permitted (aside from a PD change of use from office to residential in 2015). There is no extant planning permission for the site. All other applications for residential development on the site have been refused.

The smaller proposal for 10 units was permitted some 13 years ago, and never implemented. In 2013 a larger scheme for 33 units (incorporating development within the rear paddock) was refused. The most recent application (in 2022 for 21 dwellings) included development within the paddock to the rear of the site and incorporated replacement employment floorspace on site.

Over 4 years have passed since the Reg 19 consultation regarding the earlier NP draft and this site is no further forward in terms of being delivered. The reason for this is set out in the representations made on the Reg 16 consultation in April 2019 made by Rocke Associates on behalf of the Bell Hill Garage. This makes plain that,

"Given the constraints and abnormal costs of redeveloping the site, the only prospect of achieving a viable scheme of redevelopment is to incorporate land to the north comprising the Old Orchard which was included in the application that was refused planning permission in October 2013."

The Parish Council has objected to any development on the paddock to the north and provided no viability information to justify the allocation of the site. As such, it can be concluded that the Bell Garage site (without the paddock to the north) is highly unlikely to be developed.

2. The Bell Hill Garage has existed on site for many decades and remains operational. This is acknowledged in the NP at paragraph 9.2 where it states, *'the Bell Hill Garage is a long established and greatly valued village facility which also provides local employment'*. At paragraph 9.7 it states that *'Relocation of the garage to a site outside the village would be supported by the Parish Council subject to the site's suitability and community support.'* No suitable or available site has been posited.

The proposal therefore fails to meet the requirements of part 7 of LPP1 Core Policy 4: Sustaining Rural Communities which states that *'Rural settlements ... will be sustained by safeguarding community and commercial premises ... in line with Development Policy 17.'*

DP17: Safeguarding Community Facilities

Development proposals that would result in the loss of sites or premises currently or last used for local facilities and services will not be permitted unless:

1. Suitable alternative provision is being made in the locality and will be available before development or change of use can commence; or
2. The maintenance of the existing use would perpetuate existing amenity, highway or other environmental problems; or
3. If the service or facility is of a commercial nature (including pubs and neighbourhood shops), and there is no likelihood of a viable community use.

Without re-providing the employment facility, either on site (as per the refused 2022 application) or off-site, it needs to be demonstrated that there is no likelihood of a viable community use on site. The vague assertion in the preamble to the policy that the garage can be relocated outside the village, subject to finding a suitable site, that the local community support, indicates that the requirements of LPP1 policies Core Policy 4 or DP17 cannot be met through this site allocation.

In conclusion, there is no indication from the planning history of the site that the Bell Hill Garage will come forward for development during the plan period. Furthermore, there is no indication that a viable scheme, that is acceptable in planning terms, that can incorporate the replacement of the garage/ employment use on site or one that relocates said use close to the village, will come forward. This policy therefore fails Basic Condition D in that it fails to plan for sustainable development in respect of the delivery of housing, identified as being needed for the local community at para 7.3 by allocating a site that is highly unlikely to come forward in a form acceptable to the Parish Council. The policy also fails Basic Condition E in that it cannot be demonstrated that the site could come forward and be in conformity with LPP1 Core Policy 4 and Policy DP17.

Draft Policy 5: Local Green Space

10 Local Green Spaces are allocated in the NP. This policy fails to meet Basic Conditions A and E as follows:

1. The criteria for assessing LGS

The draft NP fails to take account of the requirement in LPP2 that:

"Following the Examination a review of the approach to Local Green Space designation is required and, in addition to consideration in Neighbourhood Plans, this will be carried out in the future Local Plan Review."

The LPP2 originally included LGS designations however, at the LP examination, the Inspector concluded the following:

"LGS designations have been distributed liberally within the towns and to an even greater extent in several of the villages" (para 39)

"Although the document describes each site subject to proposed LGS designation, often in some detail, the criterion of being demonstrably special to the local community is not sufficiently rigorous to comply with national policy, and the resultant distribution of LGS designations in several instances can be said to apply to sites which can be described as commonplace (which I do view as a negative term) rather than of a limited and special nature." (para 40)

"...many if not all the proposed LGS designations are important to local communities, but this is a lower bar than being 'special' and of 'particular local significance'. (para 41)

The Inspector's view here is clear - that the approach to LGS designation requires review, and the adopted LPP2 makes clear that this is to be achieved via the Local Plan Review and the NP process. As such, the NP cannot rely on the draft LPP2 (2017) approach to LGS designation and should be reviewed against updated criteria that is agreed with the Council. The criteria should be sufficiently rigorous to comply with national policy, and this is necessary for this policy to comply with the adopted Development Plan and the NPPF.

The Parish Council relies on the Court of Appeal judgement of July 2020 in this regard. While the judgement, at the time, considered the LGS to be lawfully allocated, this is superseded by the LPP2 which makes clear that a review to the approach to Local Green Space is required and that this applies to NPs as well as the LPR. The Norton St Philip NP cannot therefore rely on the 2017 methodology prepared by the former Mendip DC. The LPP2 Inspector was clear that the criteria used was not significantly rigorous and failed to meet the requirements of the NPPF. The Basic Conditions (A and E) are clear that NPs must comply with national and local policy.

The judge, in the appeal case that the Parish Council relies on, may have opined on the Inspector's comments at the time of the judgement, however this related to an unadopted NP and an unadopted local plan. Time has moved on, the LPP2 is adopted and this is what the NP is required to adhere to, and in this respect, it does not.

New criteria must be developed and agreed with the Mendip DC, and all the LGS's should be assessed against this updated criterion in order to meet the aforementioned basic conditions.

2. LGS Policy is incapable of enduring beyond the plan period

The LGS policy fails to have regard to national policy, specifically paragraph 101 of the NPPF in which it is set out that LGS should be capable of enduring beyond the plan period.

Again, the Court of Appeal judgement that the Parish Council relies on needs to be considered in the current context. Paragraph 45 of the judgement sets out:

"A designated LGS might not be capable of enduring beyond the plan period if, for example, pressure on development, and in particular the supply of new housing, would probably require it to be given up for development before the end of the plan period. If, on the other hand, pressure for development can be satisfied elsewhere within the neighbourhood over the plan period, it is likely that a designated LGS will at least be capable of enduring beyond the plan period. Given the examiner's conclusions in relation to other parts of the draft plan, and in particular the supply of land in Norton St Philip for housing over the plan period... I consider the judge was justified in her conclusions"

Paragraph 46 goes on to state:

"It does not seem to me that the letter (2 August 2019 from Lochailort to Mendip raising the 'enduring' point) contained information that was unavailable to the examiner; and as things have turned out Mendip has proposed to allocate a further site in NSP for housing development. So that would relieve pressure on development to a greater extent than was apparent to the examiner."

There are a number of factors to consider here:

1. Mendip's housing land supply has significantly worsened and currently the published level sits at 3.3 years but is in fact much lower, at 2.87 years (Appeal Reference: APP/Q3305/W/22/3311900).
2. The site allocation referred to by the Judge was former NSP1. This no longer exists following the Parish Council's successful Judicial Review, and there is now no site allocation to 'relieve pressure on development to a greater extent than was apparent to the examiner.'
3. The NP housing policies section starts from the wholly incorrect premise that the *Local Plan Part I* somehow placed a 45-dwelling "limit" at Norton St Philip and that there is no need for further housing in the parish. This has been confirmed as a minimum by both the Local Plan Inspector and Holgate J.
4. The only site allocated for development is the Bell Hill Garage. As the NP itself sets out, it has had the benefit of planning permission on and off since 2010 and it has not been developed. The most recent refusal included Orchard LGS and was refused in March 2023. There is nothing to suggest that this site can be relied upon to deliver housing in the plan period given its history (see above section).

The above indicates that that the housing supply issues in Mendip are vastly worse than they were 3 years ago when the Court of Appeal's judgement was handed down, and at examination, compounded no doubt by the failure of sustainable villages in the district to contribute equitably to housing supply in the district.

It is argued in the NP that the Bell Hill garage site will deliver sufficient homes for the village, and the housing needs survey identifies a large proportion of residents as not wanting new homes. However, there is clear evidence that new homes are needed – not least in respect of the wider district, and the fact that the local primary school is not full, with intake expected to fall over the coming years.

This all points to a pressing need for housing. The only allocated site in the NP will not in all likelihood come forward, the only site allocation in the village has been struck through. The only other reasonably located site is draft *Local Green Space* LGSNSP008 at Fortescue Fields West. This is the only LGS proposed that is not within the village Conservation Area and that has no public access rights. There is a live planning application for this site, and, in the context of the NPPF policy, it must be acknowledged that this site cannot be capable of enduring through the plan period.

We would remind the officers that the proposed development on the site includes 1.2ha of open space, that would be secured via a legal agreement, and which will be accessible to the public, where currently, there is no potential for this to happen.

In conclusion, all the LGS proposed do not meet the test of particular importance to warrant designation, and each needs to be assessed against updated criteria that meets this high bar. The Council's previous criteria, that this NP relies upon, has been confirmed as inadequate by the Local Plan Inspector and this is reflected in the LPP2. The NP must comply with the LPP2.

The LGSNSP008 at Fortescue Fields West allocation therefore does not meet basic condition A in that it is not capable of enduring beyond the plan period. It should be deleted. Public preference to protect this private land from development cannot in itself be used as the critical test for designation.

September 2023

Other comments

For completeness, we have no reason to believe that the making of the *Neighbourhood Plan* would be likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects) and that consequently, Regulations 32 and 33 of the *Neighbourhood Planning (General) Regulations 2012* (as amended) are not engaged.

We are grateful for the opportunity to make these representations, which we trust will be fully taken into account when the draft *Neighbourhood Plan* is revised ahead of its submission for independent examination.

If any of the above representations are unclear, please contact us at your convenience for clarification.

Yours sincerely



Sarah Ballantyne-Way MRTPI
Planning Director

CC – Andre Sestini, Somerset Council
Martin Evans, Somerset Council