Norton St Philip Neighbourhood Plan
Representations made by Landowners and 3rd Parties during the Regulation 14 Consultation together with proposed amendments to the draft Neighbourhood Plan

This document summarises comments submitted by Landowners/Developers during the Regulation 14 Consultation which ran from 12th May to 25th June 2023. Links to the full comments are included in the summary. These comments have been considered by the PC. The proposed amendments to the draft Neighbourhood Plan resulting from the 2023 Regulation 14 Consultation and outlined in this report will be fully detailed in a revised Draft Plan. This will need to be approved by the PC before being the subject of a fresh Regulation 14 Consultation.

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

Full Response is at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/landowner-lgs001-redacted.pdf

	Summary of Representation	Response	Amendment
Land owner	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. The PC acknowledges the objections to LGS designation raised by the landowner. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
	Adequate protection through curtilage of Listed building and Conservation Area	The garden is designated Open Area of Local Significance in the former MDC's Local Plan. This designation has been tested at recent Appeals (APP/Q3305/W/20/3247050 & 3247051) which were dismissed due to the harm to the character and appearance of the OALS. OALS remains an adopted Policy in the Local Plan until 2029 or adoption of a new Local Plan (if sooner). The PC will work with Somerset Council to consider whether further protection than that provided by Listed Building curtilage/Conservation Area is appropriate after this time.	Delete proposed LGS designation
	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. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
	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. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
	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.	Delete proposed LGS designation

Landowner Representations in respect of LGS 003 (Great Orchard)

Landowner response at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/landowner-lgs003-redacted.pdf
Developer response at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/stonewood-lgs003-rep.pdf

	Summary of Representation	Response	Amendment
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 and the Council Conservation Team in considering both the (refused) planning application 2021/2928 and "live" application 2023/1918. OALS designation has been tested at recent Appeals (APP/Q3305/W/20/3247050 & 3247051) which were dismissed due to the harm to the character and appearance of the OALS. OALS remains an adopted Policy in the Local Plan until 2029 or adoption of a new Local Plan (if sooner). The PC will work with Somerset Council to consider whether further protection than that provided by inclusion in the Conservation Area is appropriate during the consultation period of both the NP Review and emerging Local Plan. This could include the possibility of designating appropriate areas as Local Green Space in the development plan. The PC acknowledges the objections to LGS designation raised by the landowner. The proposed redevelopment of the brownfield garage site, together with land previously used by the garage is supported in principle by the PC.	Delete proposed LGS designation
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.	The village Conservation Area Appraisal recognises the historic significance of the site and its important contribution to the character of the village. This is recognised in recent comments made by Historic England and the Conservation Officer. LGS designations will be considered afresh in a Neighbourhood Plan review. The Plan supports the principle of development within the village boundary subject to other Policies in the Plan. 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. The PC has however objected to the application as it proposes gardens within the OALS without mitigation; the loss of the conditioned screening to the north and inadequate parking provision. Amendments are required to make the application acceptable.	Delete proposed LGS designation

Landowner Representations in respect of LGS 004 (Ringwell Meadow)

Landowner 1 Response at https://nortonstphilipneighbourhoodplan.com/lgs004-ringwell-meadow-landowner-1-responses-to-2023-regulation-14-consultation/

	Summary of Representation	Response	Amendment
Landowner 1 (The Barton)	Designation not in line with national policy as described by LPP2 Inspector	The NPPF and PPG make clear that Neighbourhood Plans can designate LGS; this was acknowledged by the LPP2 Inspector. The meadow is designated Open Area of Local Significance in the (former) MDC's Local Plan. This designation has been tested at recent Appeals (APP/Q3305/W/20/3247050 & 3247051 and in 2017-APP/Q3305/W/16/3167455 & 3167451) which were dismissed due to the harm to the character and appearance of the OALS. OALS remains an adopted Policy in the Local Plan until 2029 or adoption of a new Local Plan (if sooner). The PC will work with Somerset Council to consider whether further protection than that provided by inclusion in the Conservation Area is appropriate during the consultation period of both the NP Review and emerging Local Plan.	Delete proposed LGS designation
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 106 of the 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. As above, the PC will work with Somerset Council in the future to consider whether further protection than that provided by Conservation Area is appropriate.	Delete proposed LGS designation
Landowner 1 (The Barton)	Owners of private gardens have never supported LGS as claimed in original application	Noted. The PC acknowledges the objections to LGS designation raised by the landowner. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
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. The PC will consider all the potential LGSs in a review of the NP which will complement the unitary Local Plan currently being developed.	Delete proposed LGS designation
Landowner 1 (The Barton)	PC had previously stated that were the gardens to be removed, it would continue to support LGS on the remainder.	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." The PC will, together with Somerset Council, consider further how best to recognise the particular importance of the whole meadow.	Delete proposed LGS designation

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

	Summary of Representation	Response	Amendment
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. The site is currently OALS and this will remain in place until the adoption of a new Local Plan or 2029, whichever is sooner.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.	Delete proposed LGS designation
Landowner 1 (The Barton)	MDC's approach to LGS designation was unacceptably flawed	Noted; however the Neighbourhood Plan and MDC processes were separate exercises. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
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 LPP2 Inspector recommended a Main Modification *"Delete all LGS designations and indicate that they should be reconsidered within either Neighbourhood Plans or the Local Plan Review."* This is carried forward into paras 5.1 and 5.2 of LPP2. The Neighbourhood Plan contains a commitment to review the NP alongside the emerging Local Plan; this Plan does not now designate LGSs.	Delete proposed LGS designation
Landowner 1 (The Barton)	Incorrect boundaries	The boundaries of the LGS where it adjoins the extension of the Barton were checked and are considered correct following the 2019 amendments. The inclusion of the electric sub station does not conflict with Green Belt policy	Delete proposed LGS designation
Landowner 1 (The Barton)	Adopting NP would be in conflict with LPP2	LPP2 refers to NPs being an appropriate means to allocate LGS. This will be considered in the NP Review.	Delete proposed LGS designation

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

Landowner 2 response can be seen at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/landowner-2-lgs-004-redacted-1.pdf

	Summary of Representation	Response	Amendment
Landowner 2 (The Barn) *NB Ownership of The Barn has now changed from Landowner 2 to Landowner 3*	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 as 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.The PC acknowledges the objections to LGS designation raised by the landowner. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
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. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
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. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation

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

Landowner 3 Response can be seen at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/landowner-3-part-lgs004-ringwell-meadow.pdf
Landowner 4 Response can be seen at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/landowner-4-part-lgs004-ringwell-meadow.pdf

	Summary of Representation	Response	Amendment
Landowner 3 (The Barn)	[redacted] 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. The Neighbourhood Plan contains a commitment to review the NP alongside the emerging Local Plan; this Plan does not now designate LGSs.	Delete proposed LGS designation
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. The Neighbourhood Plan contains a commitment to review the NP alongside the emerging Local Plan; this Plan does not now designate LGSs.	Delete proposed LGS designation

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

Comment can be seen at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/landowner-part-lgs006-churchyard-and-paddock.pdf

LGS ref		Summary of Representation	Response	Amendment
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. Following strong objections from other landowners to the designation of LGSs the PC have decided to defer this to a NP Review	Delete proposed LGS designation
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 and will be clarified and included in the Plan's text in relation to OALS/Greenspace	Text to be included in proposed new section on OALS/Greenspace

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

Full response can be seen at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/lochailort-neighbourhood-plan-reg-14-reps-fv.pdf

	Summary of Representation	Response	Amendment
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 were reviewed in line with the criteria set in the NPPF. They were considered further following representations at Reg 14; the PC recognises that the strength of responses to the Reg 14 indicated that further legal action might delay or halt progress on the Plan. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
	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 previously recognised by the Court of Appeal as being "lawfully designated" were reviewed in the light of the District's Housing Supply position and the need to allocate the '505' dwellings. The Somerset Local Plan will address the Housing Supply and the PC is committed to working with the Council in bringing forward a Local Plan that delivers sustainable development across the county.	Delete proposed LGS designation
	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 in 2024.The PC fully supports the commitment that this site allocation exercise will be carried out according to the adopted spatial strategy.	Delete proposed LGS designation

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

	Summary of Representation	Response	**Amendment**
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. Deletion of the LGSs does not imply that the PC recognise that they are suitable for development.	Delete proposed LGS designation
	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 was submitted in October 2023	None
	e) new homes are needed in the District	The LPA have recently completed a "call for sites' in order to allocate the 505 homes required in LPP1. The Somerset Local Plan will address the Housing Supply and the PC is committed to working with the Council in bringing forward a Local Plan that delivers sustainable development across the county.	None
	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.	None

Landowner Representations in respect of LGS 010 (Shepherds Mead)

Full response can be seen at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2024/01/landowner-agent-lgs10-redacted.pdf

	Summary of Representation	Response	Amendment
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. 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 and the need to allocate the '505' dwellings. Following representations made by landowners, the PC have decided to defer the consideration of LGSs to a Neighbourhood Plan Review.	Delete proposed LGS designation
	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. The PC considers that this is not a matter for the NP but any proposal should be subject to the planning process.	None
	Possible legal action to follow if no agreement reached	Noted. The PC acknowledges the objections to LGS designation raised by the landowner. LGS designations will be considered afresh in a Neighbourhood Plan review.	Delete proposed LGS designation
	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 its response to any proposal formally and in public. It is not considered appropriate to take this offer forward through the NP.	None

Landowner comments on Policies other that LGS

Policy	Landowner	Summary of Representation	Response	Amendment
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.	Supporting text added
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 was submitted in October 2023. The PC has objected to this application as the proposal includes gardens within the OALS without adequate mitigation.	Amend development brief to strengthen criteria concerning landscaping.
2(Bell Hill Garage)	Lochailort Ltd	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 and includes retention of the garage business was submitted in October 2023. The PC has however objected to this application as the proposal includes gardens within the OALS without adequate mitigation.	None
2(Bell Hill Garage)	Stonewood Ltd	Welcomes allocation; confirm that planning application being prepared for 9 dwellings, construction of new commercial garage building.	The PC has objected to the application as it proposes gardens within the OALS without mitigation; the loss of the conditioned screening to the north and inadequate parking provision. Amendments are required to make the application acceptable.	Amend development brief to strengthen criteria concerning landscaping.

3rd Party comments

Historic England response is at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2023/12/historic-england-reg-14.pdf

Natural England response is at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2023/12/ne-comments-norton-st-

	Representation	Response	Amendment
Historic England	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. 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. We wish your community well in the making of its Plan.	Noted	None
Natural England	Development of Bell Hill Garage could result in a likely significant effect on the Bath and Bradford on Avon Bats SAC and the Mells Valley SAC, and a Habitats Regulations Assessment progressing to Appropriate Assessment is required.	The SEA/HRA Screening Report December 2023 (which included further advice from NE) concluded that a SEA/HRA was required. The PC have applied for a Grant from Locality who have progressed this with their partner organisation, AECOM. The SEA/HRA report is expected in late spring.	Amendments to the BHG site allocation may need to be considered on receipt of the SEA/HRA report.
Coal Authority	No specific comments	Noted	None