

14th March 2025

Dear Mr Slater

Norton St Philip Neighbourhood Plan; Response to Lochailort representation NSP24NP009

Somerset Council would like to make the following comments regarding response to Regulation 16 consultation ref NSP24NP009 submitted by Lochailort Investments Ltd, 17th January 2025.

The Examiner has confirmed that the plan is to be Examined with reference to NPPF December 2023. The representation references NPPF Dec 2024 and some paragraphs quoted in the response are not therefore relevant.

Para 13 is unchanged between the 2 version of the NPPF and it is agreed that

“Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies” (para13 NPPF Dec 2023).

Housing Requirement

Both Paragraph 67 of the Dec 2023 NPPF and para 69 NPPF Dec 24 set out an expectation that strategic plan making authorities will establish a housing requirement figure for the whole of their area and within that will set out a housing requirement for designated Neighbourhood Plan areas. Unless there has been a “significant change in circumstances” this figure will not require re-testing at the Neighbourhood Plan Examination.

Neighbourhood Plans should support the delivery of strategic policies contained in the Local Plan.

Para 28 (NPPF Dec 2023) sets out the role of non strategic policies, including Neighbourhood Plans. It says

“Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies”.

The Basic Conditions require that Neighbourhood Plans are in general conformity with the strategic policies contained in the development plan for the area (Basic Condition e) and that they

“should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies” (para 29 NPPF Dec 2023)

Plans should take into account “the most recently available planning strategy of the local planning authority” (para 68, NPPF Dec 2023)

Presumption in Favour of Sustainable Development and “Plan-Making”

Paragraph 33 of NPPF Dec 2023 is similar to Para 34 of NPPF Dec 2024 and suggests that Local Plans should be reviewed every 5 years.

However, Para 11 of both NPPFs makes a distinction between plan making and decision taking.

“For plan-making this means that:

a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” Para 11 NPPF Dec 2023

Footnote 8 sets out the specific circumstances where the policies most important for determining an application may be considered out of date.

“This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.”

Footnote 8 makes clear that it is intended only to apply to **applications** involving the provision of housing.

Para 67 (69 of NPPF Dec 2024) make clear that once a strategic housing requirement has been established for the whole of the Local Planning Authority area this will not require re-testing at the Neighbourhood Plan Examination unless there has been a “significant change in circumstances”.

5 Year Land Supply

It is agreed that the council is unable to demonstrate a 5 year housing land supply.

The 5 year supply was discussed at a recent appeal hearing and a Statement of Common Ground was agreed between Lochailort Investments (the appellant) and the Council. The LPA identified a 3.09 year land supply with a shortfall of 1,301 homes whereas the Appellant identified a 2.46 year land supply with a shortfall of 1,735 homes. It was agreed that on either basis the LPA is unable to demonstrate a minimum five-year land supply as expected by paragraph 77 of the NPPF and that the appeal would proceed on that basis. It was agreed that the appeal would proceed on the basis of a range between 3.09 and 2.46 years land supply. The Statement of Common Ground can be found at

[2023_0644_FUL-STATEMENT OF COMMON GROUND ON 5 YEARS HOUSING LAND SUPPLY ISSUES-1379843.pdf](#)

Adopted Strategic Policies

Notwithstanding the 5 year supply position, the strategic policies provide a clear Spatial Strategy and guidance on the level of development anticipated for the Neighbourhood Plan Area. There is no need to re-test the strategic policies at the Neighbourhood Plan Examination (see para 67 of NPPF Dec 2023).

The adopted Local Plan Part 1 sets out a minimum housing requirement for Norton St Philip, (which we are taking as the requirement for the Neighbourhood Plan Area) of 45 homes between 2006 and 2029. The Mendip Village Growth Monitoring Report April 2024 shows that 106 homes have been completed, with existing commitments to deliver a further 6. [Authority Monitoring Report](#)

General Conformity with the Strategic Policies

Policy 2 restricts development outside the development limit and Green Belt unless such development satisfies the requirements of policies in the NSP NP and adopted Mendip Local Plan.

Policy 2 is in broad conformity with and supports the delivery of Local Plan policy CP1. CP1 sets out the spatial strategy for the Plan Area. Paragraph 3 of the policy is phrased to inform subsequent stages of plan making and guides the process by which land is identified in the Local Plan. It reads “In identifying land for development, the Local Plan.....”

The Neighbourhood Plan is part of the subsequent plan making process and is guided by the spatial strategy. It could allocate sites on the edge of a sustainable settlement but is not required to work through a sequential approach seeking sites adjacent to the development limit. Policy 2 strictly controls development outside development limits, as guided by CP2.

Neighbourhood Plan Policy 2 is a non-strategic policy guided by the Spatial Strategy set out in CP1 and is in conformity with the Local Plan.

Important green space

In the judgement of the Court of Appeal delivered 2nd Oct 2020 para 57 relates to the designation of LGS and is clear that “each of the areas was lawfully designated as LGS”

[Norton St Philip Neighbourhood Plan](#)

The current draft Neighbourhood Plan takes a different approach to open spaces and Policy 7 identifies spaces that make a contribution to the green infrastructure and historic character of the area. Development proposals should respect the reasons each space has been identified. Appendix 2 sets out the reasons each space has been identified in more detail.

The policy is not a replication of LGS policy. Para 107 NPPF (Dec 2023) makes clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.

Greenbelt policy is set out in para 154 (NPPF Dec 2023) and states that

“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt”

It goes on to provide a list of exceptions to this, where development may be permissible.

NPPF Dec 2023 defines open space as:

“All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity” (glossary).

Additionally Para 132 of the NPPF (Dec 2023) envisages an important role for neighbourhood planning groups in identifying the special qualities of each area.

The open spaces identified and the analysis of their value set out in Appendix 2 contributes to the Neighbourhood Plan’s role, developing an understanding and evaluation of the area’s defining characteristics. It identifies open spaces that contribute to the green infrastructure and historic character of the village.

The approach to open spaces is in accordance with national policy.

Housing Development

There is an adopted Local Plan in place, and whilst the Plan is more than 5 years old, Neighbourhood Plans *“should support the delivery of strategic policies contained in local plans”* (para 13 NPPF Dec 2023).

Plans should take into account “the most recently available planning strategy of the local planning authority” (para 68, NPPF Dec 2023).

A new Local Plan for the whole of Somerset is in preparation and progressing but is at an early stage.

The Neighbourhood Plan has taken the opportunity to allocate a site at Bell Hill Garage, where brownfield land is becoming available. National guidance encourages Neighbourhood Plan groups to give particular consideration to opportunities for allocating small and medium-sized sites suitable for housing in their area (para 71, NPPF Dec 2023). The site represents an opportunity to enhance the Conservation Area and provide housing on a brownfield site within the development limits of the village.

Conclusion

The draft Neighbourhood Plan meets the basic conditions.

Yours sincerely

Jo Milling BA, MSc, MTRPI, CEnv

Senior Planning Policy Officer

Somerset Council East Team

Shape Mendip Offices, Cannards Grave Road, Shepton Mallet BA4 5BT

Tel; 0300 123 2224

Somerset Council
County Hall, Taunton
Somerset, TA1 4DY



Mobile; 07816 949588

Jo.milling@somerset.gov.uk



A Greener, More Sustainable Somerset

