

14th March 2025

Dear Mr Slater

Norton St Philip Neighbourhood Plan; Response to Examiner's Note

Thank you for your note of 18th Feb 2025. Please find below our responses to the questions directed to Somerset Council. I understand that the Parish Council have responded regarding the questions directed to them.

Comments on the representations made by Lochailort Investments at Regulation 16 consultation are made separately.

Examiner's Questions for Somerset Council

11. I note that the end date of this neighbourhood plan is 2029 which is in line with the existing local plan which was adopted in 2014. Does Somerset Council have a view whether the strategic policies in the Local Plan should be treated as out of date in terms of setting the policy framework for housing for the period up to 2029? Can it also identify which policies in the adopted local plan, both Part 1 and Part 2, are to be treated as strategic policies for the purpose of the basic conditions test?

The Examiner has confirmed that this Plan is being Examined in relation to the Dec 2023 NPPF. NPPF Dec 2023 requires that the planning system should be genuinely plan led and should include strategic policies to address Local Authority priorities. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places as well as making provision for sufficient housing (amongst other things).

The Somerset Council Local Development Scheme 2025 sets out the plans which make up the Development Plan for Somerset. It clarifies that former district plans remain in force until replaced by a Somerset wide Plan. The timetable in the LDS indicates this is estimated to take place in 2029. The scope of the Somerset Plan (as set out in the LDS) will contain strategic policies and site allocations. Other Plan policies may continue to be saved alongside the Somerset Plan beyond 2029.

The Neighbourhood Plan should support the delivery of the strategic policies set out in the adopted Local Plan (para 13 NPPF Dec 2023). The Spatial Strategy and Core Policies are set out in Section 4 of LPP1. The following strategic policies are the most relevant to the circumstances of the Neighbourhood Plan.

CP1 Mendip Spatial Strategy,
CP2 Supporting the Provision Of New Housing

CP4 Sustaining Rural Communities
DP9 Transport Impact of New Development
DP11 & DP12 Affordable Housing

Policies CP1, CP2, CP4 and DP9 of the LPP1 seek to enable the most sustainable pattern of growth, support the provision of new housing, sustain rural communities and maximise the use of sustainable forms of transport.

The strategic policies provide a clear Spatial Strategy and guidance on the level of development anticipated for the Neighbourhood Plan Area.

The basic conditions require that the Neighbourhood Plan should be in general conformity with the strategic policies in the development plan. The Core Policies of LPP1 are considered up to date for this “plan making” purpose.

The increased Local Housing Need does not represent a change in circumstances so significant that the strategic policies require re-testing at the Neighbourhood Plan Examination (see para 67 of NPPF Dec 2023).

12. Does Somerset Council have a view whether the publication of the December 2024 version of the NPPF and the accompanying changes to the standard methodology, constitute “a significant change in circumstances “that affect the housing requirement for the purpose of this examination” having regard to the advice set out in paragraph 239 of this latest 2024 version of the NPPF.

Para 239 of the Dec 2024 NPPF says that

“For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025”.

The Norton St Philip Neighbourhood Plan was submitted to Somerset Council on 14th November 2024 and NPPF Dec 2023 is the relevant Framework. The changes to the Standard Methodology and the Dec 2024 NPPF do not represent a “significant change in circumstances” for the purposes of preparation of the Neighbourhood Plan.

13. Can Somerset Council provide me with a note as to where it is in terms of the timeframe for the preparation of the new local plan, what stage has it reached, what is the time horizon for the new plan and is it intended that it will establish a specific housing requirements for villages such as

Norton St Philip and will it be seeking to make housing allocations as part of the local plan making exercise or is it to propose changes to the settlement boundary? Or will it be looking for the neighbourhood plan to be reviewed to address these new strategic requirements and for these plans to find the sites to deliver that quantum of housing

An updated Local Development Scheme (LDS) was published in February 2025. The LDS sets out the timeline below for preparation of the Somerset Local Plan.

- Commencement Apr 2023
- Evidence gathering and early engagement Apr 2023 – Dec 2025
- Regulation 18 consultation on Draft Plan Apr 2026
- Regulation 19 publication Oct 2027
- Submission for Independent Examination Jan 2028
- Inspector's Report Feb 2029
- Adoption March 2029

The Somerset Plan will have an end date of 2045

The Somerset Local Plan will make allocations to meet the appropriate level of housing need across the County. The distribution of development and the role of villages in the distribution has not yet been determined. A somerset wide call for sites has just been completed which, alongside other evidence, will inform options for a revised settlement strategy. No evidence base studies or topic papers are available at this stage and options for the strategy are unlikely to be discussed until later in 2025. The Council will be seeking to take a consistent approach across the County and cannot confirm whether it will set housing requirements for villages in the emerging Plan.

Neighbourhood Plans have so far only been prepared for a small proportion of settlements in Somerset. It has not yet been decided whether Neighbourhood Plans will be expected to address the housing requirements to deliver the relevant quantum of housing.

15. Can Somerset Council advise whether there was evidence submitted in respect of the 3 recently dismissed appeals as to whether the housing policies in the adopted local plan are out of date. I did not get that impression from reading the decision letters.

A Statement of Common Ground was agreed between 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](#)

Policies CP1, CP2 and CP4 set out the spatial strategy for housing in the area. The Council acknowledged in its statement of case that the presumption in favour of sustainable development applied as it was unable to demonstrate a 5 year housing land supply.

[2023_0644_FUL-STATEMENT_OF_CASE-1376144.pdf](#)

20. Can Somerset Council furnish me with the context and the full text of the comments made by Historic England as set out in paragraph 18.6.

The Parish Council has provided the Historic England comments referred to. They are attached.

21. I note that the definition of open space contained in the glossary of the NPPF refers to “open space of public value” which can, inter alia, include “a “visual amenity”. Para 102 of the Framework refers to a “network of high-quality open space which can deliver wider benefit for nature and support efforts to address climate change”. I am treating these important open spaces under the provisions of that part of the framework and these have a lower status than local green space, in that para 103 allows circumstances where they could be built upon and are not, as in the case of local green space, necessarily capable of enduring beyond the end of the plan period, which will then be in the context of a new local plan. Is that the understanding of the Parish Council.

NPPF Dec 2023 defined 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).

Neighbourhood Plan Policy 7 includes areas of open land that do not offer public access or a role in providing opportunities for sport and recreation. These spaces have visual value and value as green infrastructure.

Somerset Council would ask that the Examiner gives consideration to the value of these spaces as green infrastructure and the contribution of the Neighbourhood Plan to developing an understanding and evaluation of the area's defining characteristics. Para 132 of the NPPF Dec 2023

envisages an important role for neighbourhood planning groups in identifying the special qualities of each area.

23. Does Somerset Council have a view that now the net biodiversity gain provisions of the Environment Act are up and running, there is no ongoing requirement for the policy “to secure biodiversity net gain of at least 10% where required”

Agreed.

24. I am looking at whether the requirements re energy efficiency would meet the Secretary of State’s requirements as set out in a Written Ministerial Statement dated 13th December 2023. Could Somerset Council comment, possibly after consulting its Building Regulation colleagues, whether the energy performance standards of the Future Homes Standard form part of the existing or more likely planned building regulation standards, which are proposed in 2025?

I have consulted with Building Regulations colleagues. No date has been provided for the introduction of the Future Homes Standard but it is anticipated that Home Energy Model software will be available in the middle part of the year, with the introduction of standards to follow.

Given that significant uncertainty remains regarding the timescale for introduction of Future Homes Standard the reference to energy efficiency in Policy 8 does not represent duplication of policy.

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

Mobile: 07816 949588

Jo.milling@somerset.gov.uk



A Greener, More Sustainable Somerset

