

LOCHAILORT INVESTMENTS LIMITED

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Somerset Council
Planning Policy
Cannards Grave Road
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Somerset
BA4 5BT

28 May 2026

Dear Sirs

Norton St Phillip Neighbourhood Plan 2019-2029 Re-examination Consultation on Changes in Basic Conditions

I write on behalf of Lochailort Investment Ltd (LIL) in response to the Examiner of the Norton St Philip draft Neighbourhood Plan's letter of 1 May 2026.

LIL are large landholders in the village. An application for 8 units alongside a circa 1ha area of open space is currently being considered by Somerset Council planning team. A further 2 applications for circa 26 units in total will shortly be submitted on the Laverton Triangle and South sites to the south of Fortescue Fields. These sites have all been considered at appeal and were dismissed on ecology grounds only, with the planning balance firmly in favour of developing the site in all other respects. The necessary surveys are now complete, with 12 months of detailed bat surveys plus the required habitat surveys in place. Lochailort are confident that the detail provided is sufficient to overcome the appeal inspector's objections.

LIL have commented previously at all stages of the Neighbourhood Plan process.

In respect of the new Basic Condition requirement that,

"The making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made. Note: this replaces the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area."

I would draw the Examiner's attention to the court order approved on 31 December 2025 with statement of reasons as well as the claim bundle which was sent to the Examiner on 10th March 2026 from our solicitor, Sharpe Pritchard.

LIL note that the Council has now provided an indicative figure for Norton St Philip. This is welcome (albeit this figure is indicative and has not been subject to examination) and it is clear that the Neighbourhood Plan should either allocate sufficient sites to accommodate this indicative figure, in addition to Policy 3, or Policy 2 (Development within the Rural Areas beyond the Defined Settlement Boundary) should be amended accordingly, or deleted in its entirety.

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Any site allocation process would require a call for sites and consultation exercises. This would ordinarily be done at the outset however the draft NSP Neighbourhood Plan has reached Reg 16, notwithstanding the successful challenge. I note that the Parish Council has undertaken a consultation event based on the sites put forward as part of Somerset Council's Call for Sites and will issue the findings to Somerset Council in due course and LIL assume that it is not the intention of the Neighbourhood Planning Group to seek to allocate sites for the current draft Neighbourhood Plan.

LIL would ask that they are informed of how the NSP NP Group intend to address this matter as part of the Neighbourhood Plan.

Turning to sections 98 and 99 of the Levelling-up and Regeneration Act 2023 and (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, which were made on 2 March 2025, relating to neighbourhood plans. There is now a legal requirement that,

“So far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and

So far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.”

With regard to climate change, whilst Policy 7 contains a number of positive environmental aspirations, the Plan as a whole will need to demonstrate compliance with the amended statutory requirement introduced through sections 98 and 99 of the Levelling-up and Regeneration Act 2023.

In particular, the legislation now requires that neighbourhood plans should, where appropriate, be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change.

It is considered that further work to the Neighbourhood Plan is required in order satisfy the amended legal compliance requirements regarding climate change and additional evidence, policy wording and supporting justification is now required including in relation to carbon reduction, sustainable movement patterns, energy efficiency and climate resilience.

LIL would ask that they are informed of how the NSP NP Group intend to address this matter as part of the Neighbourhood Plan and note that the LIL sites are centrally located within the village with excellent accessibility to services and active travel opportunities enabling the reduction in reliance on private car use. In brief, the proposals will meet all relevant statutory requirements regarding energy efficiency and sustainability and include air source heat pumps and solar panels. SUDS are incorporated into the design as is 10% BNG.

Regarding the second arm of the Examiner's request in this regard, please find attached an accompanying letter prepared by Somerset Wildlife Trust Consultancy dated 28 May 2026.

This letter confirms that the Somerset LNRS is intended to identify opportunities for habitat enhancement and restoration and is expressly “not designed to be prescriptive”, nor intended to “place new restrictions on developing land” or “identify areas to be given legal nature protections”.

The advice further confirms that the three Lochailort sites promoted for residential development fall within Areas that Could Become of Particular Importance for Biodiversity (“ACBI”), where habitat enhancement and grassland restoration measures could deliver biodiversity benefits in alignment

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with LNRS objectives. The ecological advice concludes that development of these sites could itself provide the mechanism for habitat creation, enhancement, Biodiversity Net Gain delivery and long-term ecological management consistent with the aims of the LNRS.

In these circumstances, the LNRS cannot be relied upon to justify restrictive development policies or to resist development in principle. Rather, the evidence indicates that appropriately planned development may positively contribute towards the delivery of nature recovery objectives.

With regard to the Neighbourhood Plan, it is clear that further evidence gathering, policy amendment and potentially additional consultation is therefore necessary before the Plan can properly be considered compliant with the revised legal requirements, but it is crucial to note that this cannot be used as a method of restricting development.

Again, LIL would ask that it is kept up to date on how the NSP NP Group intend to address this matter as part of the Neighbourhood Plan.

We are grateful for the opportunity to make these representations, which we trust will be fully taken into account and that we will be informed of the next steps proposed for the Neighbourhood Plan.

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

Yours sincerely



Sarah Ballantyne-Way
Planning Director

CC. Andre Sestini – Somerset Local Plans

Enclosures:

Appendix 1 – Letter from Somerset Wildlife Trust Consultancy

LOCHAILORT INVESTMENTS LIMITED

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Sarah Ballantyne-Way

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28th May 2026

REF: AB127 Ecological consultation for Land off Fortescue Street, Norton St Philip, Somerset, BA2 7PE, ST 77354 55664, ST 77581 55597, ST 77467 55505.

To whom it may concern,

Somerset Wildlife Trust Consultancy have been commissioned to deliver a suite of ecological services relating to bat activity and/or Biodiversity Net Gain (BNG) on behalf of Lochailort Investments Limited for five sites within Norton St Philip (hereafter referred to as the 'Lochailort sites'). In connection with the ecological assessments pertaining to these locations, we have been asked to comment on the role of the Somerset Local Nature Recovery Strategy¹ (LNRS), specifically in relation to development proposals. Three of the Lochailort sites are being actively promoted for residential development, with one planning application currently live with Somerset Council and two further applications due for submission shortly. The fourth Lochailort site benefits from an extant planning permission for the development of allotments and a multi-use games area, with the fifth comprising the ponds country park area primarily accessed between 51-53 Fortescue Street.

The Somerset LNRS (published 26th March 2026) has been designed to guide and prioritise nature recovery within Somerset by identifying opportunities to enhance existing habitats and/or suitable areas for future habitat restoration or creation, as opposed to mapping constraints or functioning to preclude development, nor operate as a statutory protection mechanism for existing features. The LNRS delivers a landscape scale overview of the habitat creation and enhancement measures to focus on, and, where proposals are subject to BNG and align with the priorities identified within the LNRS, it enables the application of an additional 'strategic significance' positive multiplier within the post-intervention tabs of The Statutory Biodiversity Net Gain Metric calculator. There is no equivalent mechanism for the application of a negative multiplier for proposals that do not align with mapped areas and actions of the LNRS, and, similarly, within the baseline tabs of the calculator, all habitats are to be assigned 'low' strategic significance, re-iterating the purpose of the LNRS in identifying opportunities as opposed to constraints. The Somerset LNRS explicitly states on page 26 that it is "*not designed to be prescriptive*" and it will not be used to:

- *"Require owners of managers of land to make specific proposed land use changes (this will remain their choice)*
- *Place new restrictions on developing land*
- *Identify areas to be given legal nature protections that create restrictions on how land can be used or managed"*

¹ www.somerset.gov.uk/planning-buildings-and-land/somersets-local-nature-recovery-strategy/

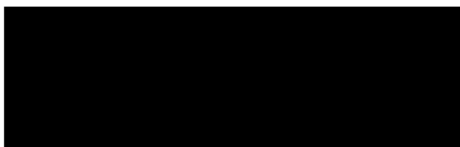
In relation to the three Lochailort sites being promoted for residential development, the published Somerset LNRS Local Habitat Map² identifies these sites as within an 'Area that could become of particular importance for biodiversity (ACBI)'. This designation covers 'areas of existing habitat which can be restored and enhanced to provide greater benefits to wildlife' and/or 'areas which could be suitable for new habitat creation'. Appendix B of the Local Habitat Map User Guide notes that ACBI *"high opportunity nature areas can be used to guide where efforts and funding are targeted in the next 10 years. Focusing on these areas could help deliver the most benefit for nature and the wider environment."* For these three Lochailort sites, the 'Habitat Potential Measures' layer (which provides further detail on the measures that have been identified for the ACBI) specifically relate to grassland habitat, for which the 'preferred actions' include G1 'maintain existing wildlife rich grasslands for nature' or G2 'creation and restoration of wildlife-rich grassland'. In these locations, the LNRS therefore suggests that, when targeting efforts and funding, the maintenance or enhancement of existing grassland habitat, or the creation of new grassland habitat could help to deliver the most benefit to biodiversity.

Wherever possible, the landscaping plans for the three Lochailort sites being promoted for residential development include the retention and maintenance of existing 'other neutral grassland' parcels and, where suitable, proposals also include for the enhancement and/or creation of other neutral grassland habitats in alignment with preferred actions G1 or G2. In such instances, relevant areas will benefit from application of the positive strategic significance multiplier within The Biodiversity Metric calculator representing the 'high' strategic significance of these actions in alignment with the LNRS.

In conclusion, the location of the Lochailort sites within the mapped ACBI of the Somerset LNRS does not preclude proposals for development of these sites, but rather provides guidance on the opportunities for suitable habitat actions in these locations for which the proposed development provides a mechanism for funding and long-term management. Delivery in alignment with the preferred actions would therefore meet the aims of the LNRS and maximise the delivery of biodiversity benefit where possible.

Should you require any further information, please don't hesitate to contact me.

Kind regards,



Stephanie Bentham-Green
Principal Ecologist

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Reviewed and authorised by Robyn Ablitt, SWT Consultancy, Senior Ecologist / Arboriculturist, on the 28th May 2026.

² www.somerset.gov.uk/planning-buildings-and-land/somersets-local-habitat-map/