

Norton St Philip Parish Council
Response to Consultation on Changes in Basic Conditions

Introduction

On 25 March 2026 sections 98 and 99 of the Levelling-up and Regeneration Act 2023 were brought into effect. These sections amended (respectively) section 38B of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) and Schedule 4B to the Town and Country Planning Act 1990 (as applied by section 38C of the 2004 Act).

Insofar as relevant to the present examination of the draft Norton St Philip Neighbourhood Plan, the combined amendments introduce the following new or revised requirements:

1. So far as the qualifying body (i.e. the parish council) considers appropriate, 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.
2. So far as the qualifying body (i.e. the parish council) considers appropriate, having regard to the subject matter of the plan, the plan must 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 area, including inter alia and in particular:
 - a. the areas identified in the strategy as areas which are, or could become, of particular importance for biodiversity;
 - b. the priorities set out in the strategy for recovering or enhancing biodiversity;
 - c. the proposals set out in the strategy as to potential measures relating to those priorities.
3. A new replacement ‘basic condition’ that the making of the 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*”.

This note sets out the comments of Norton St Philip Parish Council as to the impact of these changes on the draft neighbourhood plan and their implications for its on-going examination and, subsequently, referendum and making by the local planning authority.

In summary, the Parish Council considers that the draft plan:

- is appropriately designed to secure that the development and use of land in the neighbourhood area contributes to the mitigation of, and adaptation to, climate change;
- appropriately takes account of the Somerset local nature recovery strategy, with the draft plan’s policies and designations tallying well with the identified priorities and measures proposed in and around the neighbourhood plan area in the LNRS; and

- would not result in the development plan proposing that less housing is provided by means of development taking place than if the neighbourhood development plan were not to be made; it is in fact likely to facilitate an increase in the total provision of new housing in both the neighbourhood area in particular and the wider area of the local planning authority as a whole.

Mitigation of, and adaptation to, climate change

From the outset, the draft plan has been designed to secure that the development and use of land in the neighbourhood area contributes to the mitigation of, and adaptation to, climate change. This has been a key guiding principle for the Parish Council (as qualifying body) throughout the process of the plan's preparation, drafting and examination, including through extensive local consultation and detailed work undertaken by various working groups covering inter alia local green spaces and environmental sustainability.

This development work resulted in the inclusion of a specific plan objective of promoting energy efficient buildings and increasing resilience to climate change in support of the plan's over-arching vision to *"maintain the special character and built heritage of the Parish of Norton St Philip while promoting its development as a compact and sustainable community"*.

The plan seeks to deliver this objective by incorporating Policy 7: Promoting Biodiversity and Addressing Climate Change, which provides that development should demonstrate resilience to the likely impacts of climate change including increased flood risk and heat stress. This policy applies to proposals for all new development in the plan area.

This specific policy requirement – taken together with the plan as a whole – means that the Parish Council is satisfied that the plan is appropriately designed to secure that the development and use of land in the neighbourhood area contributes to the mitigation of, and adaptation to, climate change.

Local nature recovery strategy

Local Nature Recovery Strategies are a new, England-wide system of spatial strategies established by the Environment Act 2021. The main purpose of these strategies is to help reverse the ongoing decline of nature in England by establishing priorities for nature recovery, identify locations to create or improve habitat where this is most likely to provide the greatest benefit for nature and the wider environment, and in doing so contributing to the national nature recovery network.

The Somerset Local Nature Recovery Strategy ("LNRS") is the statutory, evidence-led framework for nature recovery across the county, prepared by Somerset Council, in collaboration with the Somerset Local Nature Partnership. The Somerset LNRS is a shared plan for helping nature across Somerset. It sets out where nature is now, what needs to improve, and where action will make the biggest difference. It brings together local knowledge, scientific evidence, and community views to guide nature recovery for years to come.

Finalised and published in March 2026, the LNRS sets out agreed priorities and spatial opportunities to halt and reverse nature's decline, protect, to enhance and restore Somerset's natural

environment, and identify where action will have the greatest impact for biodiversity, climate resilience and communities, while supporting sustainable land use, economic prosperity and the health and wellbeing of residents.

Somerset contains a diverse range of nationally and locally important landscapes and habitats, including the Somerset Levels and Moors, the Mendip and Quantock Hills, extensive farmland, river catchments, and a nationally important coastline and estuaries. These environments support significant biodiversity and provide vital ecosystem services, such as flood storage, carbon sequestration, food production and opportunities for recreation and wellbeing.

However, nature across the county is under increasing pressure from habitat loss and fragmentation, agricultural and land-use change, pollution, climate impacts, flood risk and development. Wildlife is disappearing at an alarming rate, and the LNRS responds by identifying where nature is most valuable and most vulnerable, and where targeted action can deliver the greatest benefits for biodiversity, ecosystem services and communities.

The LNRS has been locally led and is informed by a wide range of local interested parties, including environment professionals, farmers and growers, foresters, wildlife experts, local businesses and others through a series of workshops, surveys and events. It aligns with national environmental targets and provides a clear framework to support delivery of Biodiversity Net Gain, Environmental Land Management schemes, flood risk management, climate adaptation and improved access to nature.

The LNRS is formed of two key parts:

1. A written Statement of Biodiversity Priorities, which identifies the priorities for nature's recovery, and includes:
 - a. A description of the strategy area and its biodiversity.
 - b. Opportunities for recovering or enhancing biodiversity in the strategy area.
 - c. Proposals for potential measures to deliver the identified priorities.
2. A Local Habitat Map, which maps:
 - a. The most valuable existing areas for nature.
 - b. Specific proposals for creating or improving habitat for nature and wider environmental goals.
 - c.

The LNRS Map identifies "Areas that could become of particular importance for biodiversity" ("ACBI"). ACBIs are locations that do not currently qualify as core biodiversity sites, but have strong potential to support nature recovery. They are identified to target conservation, habitat creation, and ecological restoration efforts, helping to increase overall habitat network connectivity.

This is made up of:

- Non-statutory designations and irreplaceable habitats within the existing nature network
- Priority habitats which are not currently designated and should be retained and restored as part of any project or development
- Areas of existing habitat which can be restored and enhanced to provide greater benefits to wildlife
- Areas which could be suitable for new habitat creation

An extract from the LNRS Map showing the identified ACBIs in and around the neighbourhood plan area is provided at Appendix A.

Each ACBI on the map is accompanied by suggestions of the actions which should be considered in that location, with the LNRS setting out the proposed priorities and measures for different habitat types. An extract from the LNRS Map showing the identified priorities and measures in and around the neighbourhood plan area is provided at Appendix B.

Within the neighbourhood plan area, the key habitat typologies, priority outcomes and proposed measures include (but are not limited to) the following.

Freshwater

Freshwater habitats include rivers and streams, ditches, rhynes and drains, streams, brooks and still water, including ponds and lakes. These habitats typify some of Somerset's most unique landscapes. They provide freshwater habitats for plants, fish, invertebrates, birds, amphibians, reptiles and mammals and connection between habitats.

Identified pressures include:

- Pollution from nutrient enrichment (phosphates and nitrates) where excess nutrient inputs from inter alia wastewater treatment, combined sewer overflows, septic tanks and misconnections lead to eutrophication, algal proliferation and reduced dissolved oxygen.
- Organic and chemical pollution arising from intermittent sewage discharges, agriculture and urban contaminants (e.g. hydrocarbons and metals) which adversely affect invertebrate assemblages, fish recruitment and freshwater network functions.
- Urban and infrastructure pressures where urban run-off, impermeable surfaces, insufficient or poorly maintained SuDS, and drainage system overload lead to rapid pollutant transport, hydrological flashiness and habitat fragmentation.
- Invasive non-native species where species like Himalayan balsam and Canadian pondweed outcompete natives, alter food webs and reduce native biodiversity.

Specific measures proposed for the neighbourhood plan area include:

- to create, restore and manage habitat features to increase biodiversity and connectivity in waterways including through natural regeneration, tree planting and open-habitat management (preferred action FW1).

- to create ponds for wildlife across farmland, urban greenspaces, and other suitable landscapes to increase wetland habitat, enhance biodiversity, and improve landscape connectivity (preferred action FW8), including on the proposed Important Greenspace NSP012 Fortescue Fields South.

Grassland

Grassland habitats are a familiar, open habitat type, dominated by grasses and sometimes rich in wildflowers. Species-rich grasslands have huge importance particularly for invertebrate species including pollinators, as they provide nectar and larval food plants. Species-rich grasslands are highly vulnerable to human and environmental pressures. Historic losses have left them fragmented into small, isolated patches that are more prone to degradation, reflecting a wider national trend in which 97% of the UK's species-rich grasslands have disappeared since the 1930s.

Identified pressures include:

- Habitat Fragmentation and Isolation whereby species-rich grasslands continue to be lost or degraded through conversion to other use, such as road infrastructure and new development. Soil disturbance, reseeding and drainage alterations can permanently alter ecological character, and fragmentation reduces species dispersal, limits pollinator movement and increases the vulnerability of small populations.
- High nutrient runoff and atmospheric pollution which reduce botanical diversity by favouring competitive grasses and reducing niche space for wildflowers.
- Soil Compaction and Disturbance including from machinery use and informal access which create bare ground and reduce sward health, enabling coarse species or invasive plants to establish.

Specific measures proposed for the neighbourhood plan area include:

- to maintain existing wildlife rich grasslands for nature (preferred action G1), including on the proposed Important Greenspace NSP012 Fortescue Fields South.
- to create and restore wildlife-rich grassland (preferred action G2), including on the proposed Important Greenspaces NSP011 Fortescue Fields West, NSP013 Laverton or Mackley Triangle and NSP016 School Playing Field.

This could encompass:

- maintaining the ecological value of wildlife-rich grasslands, including management to prevent scrub encroachment, maintain structural diversity and support diverse plant species;
- protecting soil structure and fertility by avoiding over-compaction and nutrient enrichment, combined with retention of habitat features;
- creation of new areas of wildflower and species-rich grasslands through reseeding, reducing intensive inputs, and applying establishment techniques that encourage natural regeneration;
- increasing the size, diversity, and connectivity of existing sites;

- restoration of degraded grasslands through reintroduction of native plant communities using locally sourced wildflower seed mixes, translocation, plug planting of rare/endemic/target species (e.g. Cheddar pink and forage species of the shrill carder bee), or green hay from similar wildflower meadows;
- creation of grassland buffers along watercourses, field edges, hedgerows and road verges to link habitats, reduce nutrient runoff, and provide stepping-stones for pollinators and other wildlife, including aiming for floral biodiversity and through natural recolonisation or by planting native species; and
- integration of grassland creation and enhancement with other habitat types, such as woodland edges, to create transitional zones that are valuable for a range of species.

These priorities are clearly aligned with the draft neighbourhood plan, especially Policy 6: Important Green Spaces and Policy 7: Promoting Biodiversity and Addressing Climate Change. In particular, these policies:

- emphasise the important contribution to the Green Infrastructure and to the character of the historic village of Norton St. Philip made by the Important Greenspaces, and development proposals within them should respect the reasons for their identification which include the provision of ponds, grassland and wildlife habitat;
- confirm that development that would positively enhance these spaces, such as to retain and enhance biodiversity or their role as important green corridors leading from the open countryside towards the village centre, will be supported;
- seek to ensure that new planting and green infrastructure is robust, native and of high biodiversity value; and
- promote measures to minimise surface water run off through inter alia tree and hedgerow planting with native species.

In these circumstances, these specific policy requirements – taken together with the plan as a whole – mean that the parish council is satisfied that the plan appropriately takes account of the LNRS (notwithstanding the fact that the latter was published earlier this year), with the draft plan's policies and designations tallying well with the identified priorities and measures proposed in and around the neighbourhood plan area in the LNRS.

Replacement 'basic condition' concerning housing provision

The new replacement 'basic condition' which has now been introduced is such that the examiner and the local planning authority will need to be satisfied that the making of the neighbourhood 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"*.

This is a matter of planning judgment, exercised within the legal framework of the new legislation.

In this regard, the Parish Council draws attention to the following key elements of the new basic condition:

1. References to "*the development plan for the area*" mean the **adopted** development plan. This is comprised in the Mendip Local Plan Part 1 ("LPP1") (which sets out the strategic policies, including for new housing) and the subsequent allocations for additional housing made through the Mendip Local Plan Part 2 ("LPP2").

Whilst a new local plan with revised housing requirements is in the course of preparation, this does not form part of "*the development plan for the area*" and will not do so for some time.

Accordingly, any emerging proposals for new or additional housing are not relevant for the purposes of assessing compliance of the draft neighbourhood plan for the purposes of this new basic condition.

2. The exercise is a comparative one between the development plan as-is and the development plan should the draft neighbourhood plan be made. In this regard, it is to be assumed that the adopted development plan would otherwise remain the same without further alteration.
3. The question that falls to be answered is whether the effect of the making of the neighbourhood plan is such that "*the development plan*" (taken as a whole) would be "*proposing that less housing is provided*". Importantly, it is the level of housing proposed by the development plan itself which falls to be considered, and as set out above this is confined to the current adopted development plan.

Whilst other alternative or additional housing may well be proposed by third parties, this is not a proposition of the adopted development plan and, accordingly, is not relevant for the purposes of this before-and-after comparison.

Applying these principles to the draft neighbourhood plan, it is clear that it would not lead to any reduction in the amount of housing proposed by the development plan should it be made. The housing proposed by the development plan is set out on the face of LPP1 and LPP2, which provide a comprehensive list of allocations and targets.

The draft neighbourhood plan (if made) would leave all of these intact, noting in passing that the neighbourhood plan area (which is coterminous with the parish) has already significantly exceeded the target level of growth identified in LPP1.

Moreover, far from proposing that less housing be provided, within the neighbourhood plan area itself the plan would instead facilitate the delivery of more housing through a combination of the allocation of an additional site in Policy 3: Housing Allocation Site – Bell Hill Garage and a policy liberalisation for sites located adjacent the defined settlement boundary in Policy 4: Rural Exception Sites which would otherwise be subject to the existing more restrictive policies set forth in LPP1 and LPP2.

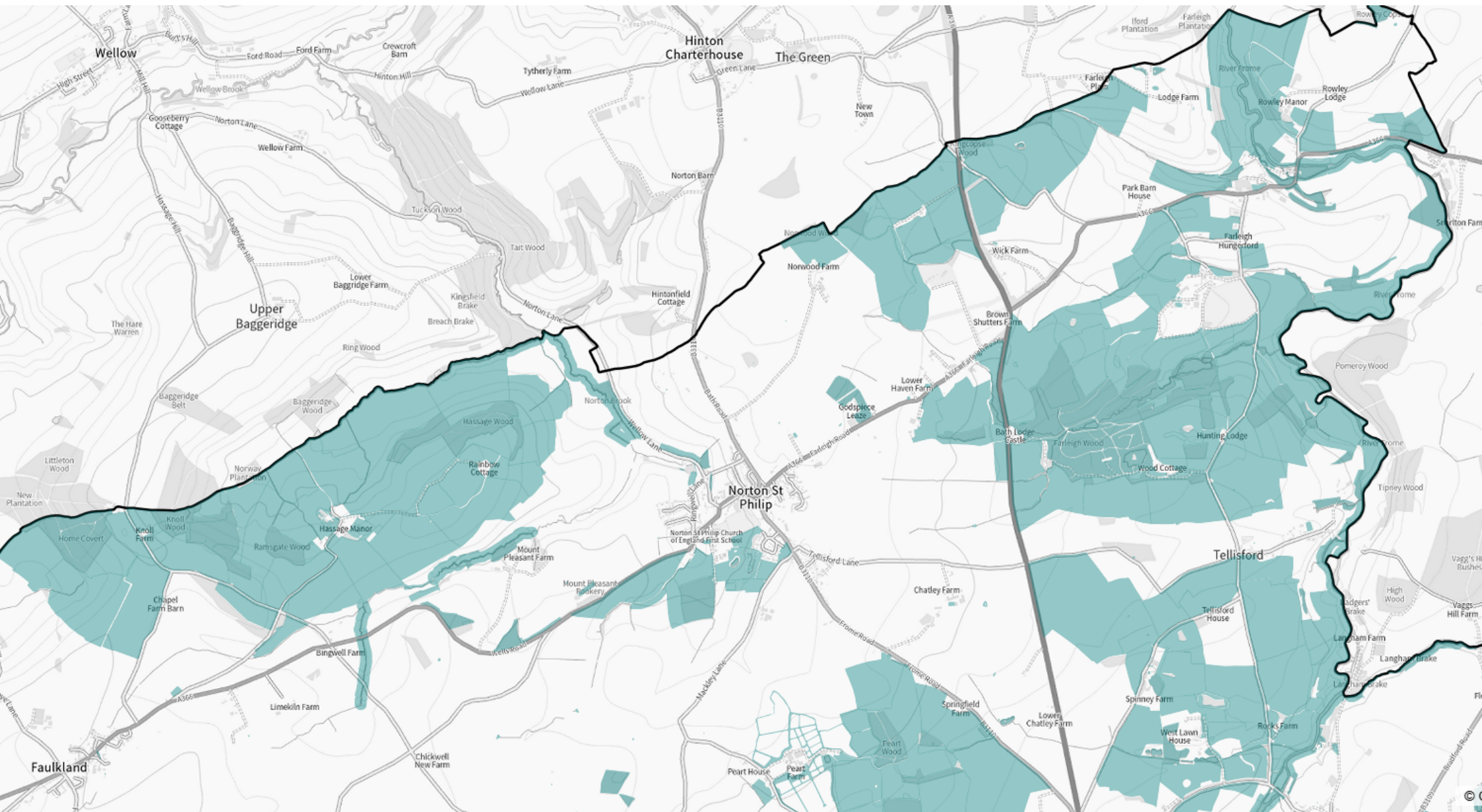
In these circumstances, the Parish Council is firmly of the view that the draft neighbourhood plan would not result in the development plan taken as a whole proposing that less housing is provided by means of development taking place than if the neighbourhood development plan were not to be

made. On the contrary, it is likely to increase the total provision of new housing consented and provided.

Norton St Philip Parish Council
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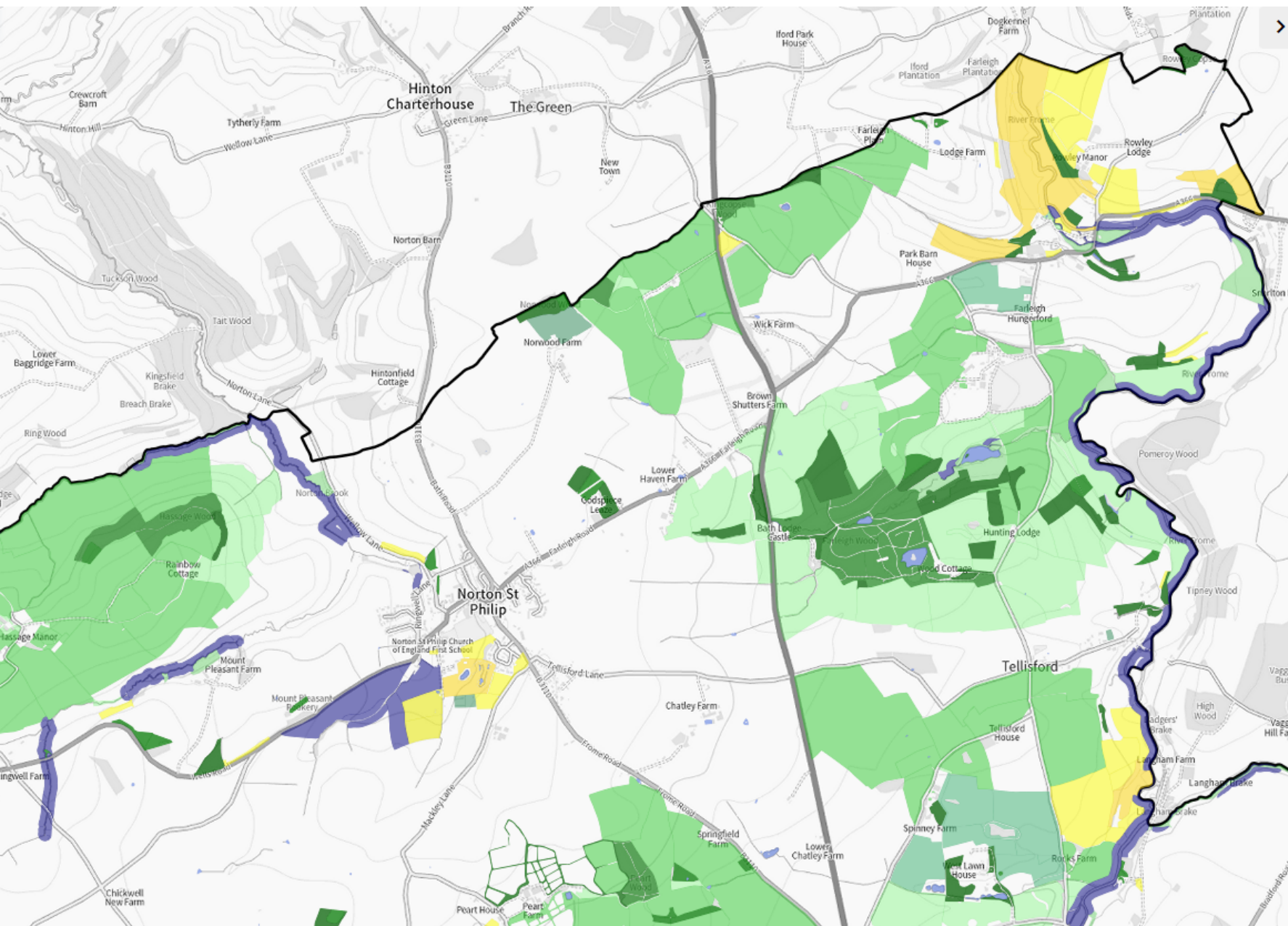
Appendix A

Extract from the Somerset Local Nature Recovery Strategy Map showing the identified “areas that could become of particular importance for biodiversity” (ACBIs) in and around the Norton St Philip neighbourhood plan area.



Appendix B

Extract from the LNRS Map showing the identified priorities and measures in and around the NSP neighbourhood plan area.



- ☐ **Areas of Particular Importance for Biodiversity**
 - ☐ APiB - Statutory Designations
 - ☐ APiB - Non Statutory Designations
 - ☐ Local Wildlife Site
- ☐ **Areas that Could Become of Particular Importance for Biodiversity**
 - ☐ Summary Layer
- ☒ **Habitat Potential Measures**
 - ☐ Coastal
 - ☒ Freshwater
 - FW1
 - FW2
 - FW3
 - FW8
 - ☒ Grassland
 - G1
 - G2
 - ☐ Moorland and Heath
 - ☐ Lowland Wetland
 - ☒ Woodland
 - W01
 - W02
 - W03
 - W04
 - W06
 - W07
 - W08
- ☐ **Species Requiring Additional Targeted Action**
 - ☐ Black Poplar
 - ☐ Bloody Whitebeam
 - ☐ Cheddar Pink
 - ☐ Cheddar Whitebeam
 - ☐ Cuckoo
 - ☐ Devon Whitebeam
 - ☐ European Eel

