

Norton St Philip Neighbourhood Plan

2019-2029

Response to representations made at Regulation 16

Introduction

- 1. The Norton St Philip (NSP) Draft Neighbourhood Plan (NP) was submitted by NSP Parish Council to Mendip District Council on 28th February 2019. A consultation in accordance with Regulation 16 was carried out by Mendip DC from 1st March to 12th April 2019. A total of 9 representations were received.**
- 2. Four of the representations are in the nature of 'no comment' or 'no further comment', but five raise more substantive matters. The response of NSP PC to these representations are set out in this document. We are grateful for this opportunity to respond.**
- 3. NSP PC have no comment to make on the other representations.**
- 4. We hope that the tabular form used, which is consistent with the Consultation Statement, will help reference our response to the issue raised.**

Norton St Philip Parish Council 26th April 2019

1.Lochailort Investments		
Policy	Representation	Comment
Policy 1 Settlement Boundary	1.1 Amend wording to reference February 2019 NPPF	<ul style="list-style-type: none"> • No need to reference the requirement to comply with national planning policy. • Development Plan policies are mentioned in the policy as direct guidance on what is permitted in the countryside in Mendip. • We would not wish to be date specific as new Guidance may be published to supersede this. New National Policy may be adopted.
Policy 2 Housing Sites	<p>1.2 Insufficient provision to meet objectively - assessed housing need.</p> <p>1.3 Does not comply with the strategic policies of the Development Plan.</p> <p>1.4 NSP has seen only a modest level of growth in the past decade which reflects brownfield site availability</p>	<ul style="list-style-type: none"> • NPs are not required to allocate sites for development. The NSP NP encourages and supports sustainable growth in the village compatible with the Plan's Vision. • The NP is complying with the Development Plan, which for the purposes of this consultation and examination is the Mendip Local Plan Part 1 (LPP1). The Plan has also had due regard to the emerging Local Plan Part 2 (LPP2) in line with advice in the NPPG [ID: 41-009-20160211], although LPP2 is not yet part of the Development Plan. • LPP1 passed examination on the basis of 15% growth in existing housing within primary villages. • MDC can currently demonstrate a 5 year Housing Supply and thus there is no need to alter its approach. • LPP1 is clear that planning for further growth in the rural communities would alter their character 'dramatically' and generate growth in unsustainable travel as well as placing great pressure on the limited local infrastructure. • The minimum target for Norton St Philip in the LPP1 was for 45 new dwellings to be provided from 2006 up to 2029. In fact there have been 113 completions and commitments for new dwellings in Norton St Philip. • This is a 35% increase in housing stock, more than double the minimum set out on LPP1. • Approximately 55 of these are on former greenfield or TPO sites. • This is not 'modest development' as characterised by the submission from Lochailort

Lochailort Investments		
Policy	Representation	Comment
Policy 2 Housing Sites (cont'd)	1.4 (cont'd) NSP has seen only a modest level of growth	<ul style="list-style-type: none"> • While offering much ‘new blood’ for the village this also provides challenges for developing new social links and maintaining and developing the existing strong sense of community. • This growth has placed pressure on environmental infrastructure • A period of consolidation is proposed for the village now, and the proposed settlement boundary in LPP2 is supported in the Plan.
	1.5 Does not contribute to the achievement of sustainable development	<ul style="list-style-type: none"> • The NP seeks to ensure that a high quality sustainable development within the settlement boundary comes forward, without harm to the historic village. • Additionally, recognising the social effect of recent development within the village, the plan includes an Exception Site policy to meet local need • Environmental aspects of sustainable development require that the green corridors and setting of the village are maintained as a key feature of the conservation area and the historic legacy of Norton St Philip. • The plan has a strong focus on socially, economically and environmentally sustainable development. These threads run through all its draft policies.
	1.6 Neighbourhood Plan provides mechanism for providing required uplift in new housing.	<ul style="list-style-type: none"> • The 2018 NPPF stresses that housing development should be in sustainable locations. • Housing in Mendip is planned to fully meet OAN in the towns. This is a sustainable approach. The NPPF does not permit building anywhere but specifies a Plan led approach. • Within the settlement development a brownfield site is allocated for residential development. This is proposed as sustainable development which will provide needed smaller market housing in a village where there is a greater than average supply of 4+ bedroom homes.

Lochailort Investments		
Policy	Representation	Comment
Policy 2 Housing Sites (cont'd)	<p>1.7 NP should allocate additional housing development sites, in particular</p> <ol style="list-style-type: none"> 1) Land at Laverton Triangle 2) Land west of Fortescue Fields 3) Land south of Fortescue Fields <p>1.8 Benefits including a car park, tennis courts and landscaping would come forward with these developments</p>	<ul style="list-style-type: none"> • These 3 sites are outside of the Development Boundary. All are unsustainable. One is proposed as Local Green Space • Development at 2 of these sites was refused at Appeal in 2015 (Q3305/A/14/2221776 & Q3305/A/14/2224073) • Development of the Laverton Triangle had previously been dismissed at Appeal in 2001 (APP/Q3305/A/01/1060390) • The Inspectors did not refuse these Appeals on the grounds of quantum of development. The principle of development on these sites was found unacceptable. • In 2001 the Inspector held that development of the Laverton Triangle would '<i>seriously harm the setting, character and appearance of this part of the village</i>'. The 2015 Inspector agreed, determining that development would be '<i>an incursion into the open countryside that would cause substantial harm to the character and appearance of the area</i>' with '<i>real and serious harm</i>' caused to the Conservation Area • In dismissing the 2015 Appeal for development on land west of Fortescue Fields, the Inspector concluded '<i>the development proposed would have a considerable adverse impact on the setting and significance of the Conservation Area.....the harm would be substantial</i>' • In summarising both decisions in 2015, the Inspector wrote '<i>the harm I have identified significantly and demonstrably outweighs any benefits that can be weighed in the planning balance and the schemes proposed cannot be considered as sustainable development.</i>' • These views are unchanged even by the reduced scale of development proposed • Prior to the 2015 appeal for housing development on 2 of these sites, a village wide survey was carried out to seek local opinion on the associated benefits offered ('Houses for Community Benefits'). 200 households responded (60% of households). • 95% of respondents rejected the benefits then on offer. • In determining the Appeal, the Inspector did not consider the benefits on offer were relevant to the planning application

Lochailort Investments		
Policy	Representation	Comment
Policy 3 Exception Sites	1.9 Policy should not specify that an exception site is supported by the Parish Council, as this is 'unnecessary'	<ul style="list-style-type: none"> • LPP1 states that the LPA will work with parish councils on exception sites and require them to be supported locally, as evidenced for example by 'an appropriate resolution of the relevant Parish Council' (para 6.116). The requirement is in line with the Development Plan and thus complies with the Basic Conditions. • LP Policy DP12 supports inclusion of market housing where there is '<i>clear evidence of support from the local Parish Council</i>'. Exception Sites are allowable if meeting local need as supported locally, and so the support of the Parish Council is a land-use issue where exception sites are concerned.
Policy 5 Local Green Space	1.10 Plan has over-used this designation, and is contrary to national guidance in that the designations have been used to sterilise land from development.	<ul style="list-style-type: none"> • Each of the proposed designations has been carefully considered and justified in an extensive appendix to the Plan. There are many places on the settlement boundary where land for future development is not 'sterilised' by an LGS designation, and we reject this accusation of misuse of the designation. • The NSP Conservation Area recognises the importance of the open spaces contrasting with the historic development of the village, noting '<i>one of the great assets is the visual and psychological contrast between 'urban' and rural elements</i>' (8.2) • There are three key green corridors into the village from the surrounding countryside, and the LGS designations help to maintain these, although they are not their only role. • To the north the historic village is characterised by cottages set in large gardens and surrounded by small fields that lead into open countryside. LGS is only included within a conservation area designation when it plays an essential part in the historic heritage to be conserved. • To the south a green corridor starting with the Church Mead recreation ground (LGS009) and continuing with Fortescue West (LGS008) and Fortescue South (LGS007) visually separates the two sections of the historic village as described in the Appraisal (para 4.2). • Finally to the west, LGS010 separates recent modern development from the historic village on the ridge (identified as 'Close-terraced cottages' in the Norton St Philip Character Assessment).

Lochailort Investments		
Policy	Representation	Comment
Policy 5 Local Green Space (cont'd)	<p>1.11 Scant regard has been had as to whether another designation (such as the Conservation Area) already offers a layer of protection and the test of particular importance has not been met.</p> <p>1.12 Object to the designation of land in their ownership at Fortescue Fields West as LGS008.</p>	<ul style="list-style-type: none"> • Of the 10 sites proposed as LGS, 7 are within the Conservation Area. Six are currently OALS. The Conservation Area does not provide adequate protection for these important green spaces which maintain the historic form of the village with its 2 distinct parts. • The remaining three proposed LGS lie outside of the Conservation Area but provide green corridors which flow into (the proposed LGSs within) the CA. • It seems that Lochailort are incorrectly suggesting that LGS008 is within the CA. • LGS designation would confirm the significance of these green spaces to the landscape setting of the historical village form. <ul style="list-style-type: none"> • This site merits designation as LGS. NPPF para 100 criteria are met. • The site contributes significantly to the sense of tranquillity and beauty surrounding Church Mead. It is a significant feature in views from Church Mead and The George Inn. The view across this area from the George has great cultural value to the village and is an iconic view. • The value of the open space was recognised in an earlier planning appeal (APP/Q3305/A/14/2224073) where the Inspector having noted that <i>'I am in no doubt that the open undeveloped nature of the appeal site has a positive role in the significance of the Conservation Area, allowing for an appreciation and understanding of the historic evolution of Norton St Philip.'</i> went on to conclude that development <i>'would have a considerable adverse impact on the setting and significance of the Conservation Area, completely altering its historic development pattern and plan form, with significant consequences for one of the most important and clearly cherished views into and out of the Area. To my mind, the scale of that harm verges on substantial. There would be corresponding harm to the established character and appearance of the area more generally.'</i>

2.Rocke Assocs for Bell Hill Garage		
Policy	Representation	Comment
Policy 2 Housing Development Site	<p>2.1 Supports the allocation of the BHG site for housing in Policy 2, but :</p> <p>2.2 1)objects to the allocation excluding Great Orchard on the grounds that the smaller site is not on its own viable given site constraints</p> <p>2.3 2) the proposal for the development to concentrate on 2 and 3 bedroomed properties is not viable on a small constrained site.</p>	<ul style="list-style-type: none"> • Great Orchard is an important open space within the conservation area, and has been designated a LGS for this and other reasons. • A previous planning permission for development on Great Orchard as well as the garage site (2013/2217/FUL) was refused on the 29th December 2014 for reasons that included the harm to local character and the conservation area and the failure to comply with planning policy in the NPPF and the LP1. • The development proposed did not have regard to the duty of the LPA to preserve and enhance the character and appearance of a Conservation Area. • The development of Great Orchard would result in harm to a designated heritage asset by reason of its inclusion in the Conservation Area <ul style="list-style-type: none"> • Rocke Associates claim that there is no viability evidence presented to support this assertion, beyond reference to the fact that previous planning permissions on it have not been built out. • As for any brownfield site, there are site clearance and other issues that will impact on viability, although it should be noted not all the allocated site is brownfield. • Previous planning permissions are not directly comparable, being on different parts of the site, sometimes envisaging the working garage to remain, with a few houses on a part of the site and having been made several years ago when market conditions were different. • Future development proposals on the allocated site will need to consider viability issues, but any alterations to the preferred dwelling mix will require robust and current viability evidence.

Rocke Assocs for Bell Hill Garage		
Policy	Representation	Comment
<p>Policy 5 Local Green Space</p>	<p>2.4 LGS designations are objected to on the grounds that the NP is repeating designations in the emerging LP2,</p> <p>2.5 The designations result in the designation of extensive tracts of land and are an anti-development tool</p>	<ul style="list-style-type: none"> • This refers to a requirement in the NPPF 2019 that Plans do not unnecessarily repeat Policies in other development plan documents. However the LPP2 is not yet part of the Development Plan document, and the proposals for LGS have been developed by both the Parish Council and the LPA. • It is entirely reasonable that the NP includes proposals for Local Green Space, as there are no such designations currently in the Parish. The NPPF (paras 99-101) gives the power to designate LGS to both neighbourhood and local plans. • As the Neighbourhood Plan is likely to be examined first, it is expected that any Inspector of the LPP2 will have regard to decisions made in the neighbourhood plan examination. The qualifying body and the LPA are mindful of the need for consistency between the two plans and understand decisions made in an earlier examination cannot be unmade in a later examination. • The assertion that the NP is ‘unsound’ due to the alleged repeat policy has not considered that it is the role of a neighbourhood examiner to test whether the Plan meets the Basic Conditions. • In the absence of adopted policy in the Local Plan designating LGS, Policy 5 in the NP is not a repeat policy. • The qualifying body are within their right to designate LGS as authorised by the NPPF, and we respectfully offer the suggested designations and their justification to the Examiner for consideration. <ul style="list-style-type: none"> • The argument that the proposed designations are aimed solely at preventing any future development has been dealt with at 1.10 (p5). • Planning Practice Guidelines, however, state that ‘<i>Local Green Space designation is a way to provide special protection against development for green areas of particular importance to local communities.</i>’ (Paragraph: 005 Reference ID: 37-005-20140306) • All the proposed designations meet the criteria set both in the NPPF and by MDC • The requirement that a LGS is not an extensive tract of land (NPPF para100) relates to one LGS, not a group of LGS. • Each proposed LGS has a distinctive character and is a defined area, designated for specific reasons. None amount to an extensive tract of land.

Rocke Assocs for Bell Hill Garage		
Policy	Representation	Comment
<p>Policy 5 Local Green Space</p>	<p>2.6 The proposals result in the designation of extensive tracts of land and are an anti-development tool <i>(cont'd from previous page)</i></p> <p>2.7 The designation of LGS003 is specifically objected to as not complying with the requirements of the NPPF with regard to designating LGS.</p>	<ul style="list-style-type: none"> • The designations in NSP are in all cases distinct sites with different features. • There are some boundaries in common, but where four designations are adjacent (LGS006-9), they are all different – while jointly defining the open space needed to keep visually separate the two parts of the historic village. • Church Mead (LGS009) is a stunningly attractive village green with established recreational space for organised sport and events. The views from this site to the church and surrounding countryside are iconic. • The Churchyard and adjoining paddock (LGS006) are historically significant, surrounding the listed church, and contribute to views across Church Mead. • Fortescue Fields West (LGS008) allows key views out to the open country beyond the village. It maintains the countryside link into Church Mead and gives an understanding of the historic evolution of the village. Great importance was given to this by the Appeal Inspector in 2015 (APP/Q3305/A/14/2224073) • Fortescue Fields South (LGS007)is important for its beauty and tranquillity. It allows views across open land to the important focal point of the church tower. Through its network of PROW's and permissive paths it has become an important amenity space. The links with the permissive path on Fortescue West and Vicarage Lane give a much used 'circular' walk. An important wildlife habitat is developing in and around the drainage ponds. It also allows an appreciation of the village's unique open aspect with its long views into Norton. • Shepherds Mead meets the criteria as set out below (p9) <ul style="list-style-type: none"> • The Mendip District Local Plan 2002-2011 designated this site as an Open Area of Visual Significance to which policy Q2 would apply. Policy Q2 says "Permission will not be granted for development which would harm the contribution to distinctive local character made by a space or open area of visual significance". • Great Orchard has an important visual significance within the wider historic village form and setting. It is considered special to the community for its role in preserving the historic form of the village. • It can be seen in views from the west of the village as a green area separating the upper and lower sections of the village as it climbs up the hillside. • Comments from the Conservation officers at Mendip DC and Historic England to the Planning Application for development on Great Orchard both refer to the importance of the site as open green space within the Conservation Area.

3. Roy Clarke on behalf of Bina Ford		
Policy	Representation	Comment
Policy 5 Local Green Space	<p>3.1 Designation of LGS010 (Shepherds Mead) is being used as a device in case an application for village green status was lost</p> <p>3.2 LGS010 does not meet the requirements of the NPPF with regard to designation of LGS.</p>	<ul style="list-style-type: none"> • Bina Ford raises many issues that we do not find relevant to the proposed designation of Shepherds Mead as LGS, and we will not deal with them here, beyond stating that the site is not proposed for designation because of its wildlife value, or that footpaths FR11/13, FR11/15 and FR11/16 do cross or border the site. • The designation is proposed because of the importance of the site in maintaining a rural boundary to the conservation area and historic village setting, in a prominent position on the ridge that the upper village is located on. • The site can be seen in views from the west of the village as greenspace on the crest of the ridge • There are also important views taken from the paths across Shepherds Mead, including panoramic views across the village to the west and towards Salisbury Plain to the east.

4. Cllr Linda Oliver		
Policy	Representation	Comment
Consultation Statement	4.1 Meetings not reported to SG	<ul style="list-style-type: none"> • Cllr Oliver became involved in the NP in mid-Nov 2018, and especially in Dec and Jan, by which time the NP Steering Group (SG) had signed off on the Draft NP and CA. There was only one Meeting between Cllr Oliver and a Member of the SG - the Chair - who sent a detailed response on 9/12/18. Cllr Oliver expressed her views at a PC meeting on 3/12/18, as minuted, and these were followed up. • The other meetings concerning the NP were with the Chair of the PC, especially from 11/11/18 onwards: he was not on the SG. Points raised were noted and many gratefully accepted (pre-Reg 14). The Chair's note of 16/1/19 listed 10 points: most were accepted as helpful improvements. The key issue of difference concerned the survey on which Cllr Oliver commented, and the PC responded, under Reg.14. The numerous e-mail exchanges, which underline the PC's full engagement with Cllr Oliver's points, are available for inspection.
	4.2 Sections (sic) 3.0 – 3.12 of the Consultation Statement are irrelevant to the pre-regulation 14 (Reg14) process,	<ul style="list-style-type: none"> • Section 3 paras 3.0 to 3.12 provides background to the decision to begin work on a neighbourhood plan. • We can see that this, being referred to as “Pre-Reg14 Consultation” might cause confusion, as it is a term normally taken to mean the consultation specifically undertaken on a neighbourhood plan before the formal Reg14 consultation is undertaken. Thus we would be happy for the Section 3 title to be changed to “Background to Planning Issues” and include paras 3.0 to 3.12. • A Section 4 would then start before Para 3.13, and use the title “Pre-Reg14 Consultation”. Further Sections would be re-numbered as required. • Extensive pre-regulation 14 consultation was undertaken, and it is not accepted that it was in anyway inadequate; it was not rushed.
	4.3 Further detail should be provided re Fortescue Fields Planning Application	<ul style="list-style-type: none"> • We don't consider that any further information is necessary.

Cllr Linda Oliver		
Policy	Representation	Comment
Consultation Statement (cont'd)	<p>4.4 Concerns about the consultation process on the Plan and details</p> <p>Given no opportunity to discuss concerns in person</p>	<ul style="list-style-type: none"> • The Consultation Statement has gone into detail about the process prior to the Reg14 Consultation. • Over 120 residents engaged with the SG at the 'Info and Awareness Days'. More than 100 residents came to the 'Display Weekend'. 65 people attended a public meeting in Nov 2018. • All Steering Group meetings were widely advertised, held in public and minuted. • There was extensive Parish consultation at every stage • As to discussing issues with the working groups, it was open to Cllr Oliver, or indeed anyone in the civil parish, to have engaged with the Steering Group or its working groups while their work was in progress. • The Working Groups have no recollection of Cllr Oliver attempting to engage with them.
Character Assessment	<p>4.5 Details aspects of the Character Assessment that she feels should be amended.</p>	<ul style="list-style-type: none"> • The survey and write-up work for the Character Assessment was undertaken by a team of about 20 volunteers under the supervision of Liz Beth MRTPI, our Planning Consultant. • Cllr Oliver was not involved in this work. • Four teams surveyed the village of Norton on the 28th May 2018, and the results of that survey were written up and checked by the teams and Steering Group. • There were several lengthy discussions with Cllr Oliver immediately before and during the Reg 14 period from which helpful changes resulted. Details are given in the Consultation Statement. Please refer to the PC's responses on pages 13-17 of the Appendix to that Statement which sets out the PC's rationale in relation to Cllr Oliver's comments. These relate to issues which were discussed with her on several occasions. Appendix is at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2019/02/resdc-comments-for-website-.pdf • The survey was not a formal landscape survey of the village and environs, it was of the built form as it appeared to the survey teams. The items to be surveyed included groups of mature trees (they were specifically instructed that not every tree could be recorded) and significant hedgerows • To further change details of landscape as Cllr Oliver wishes would go further than the level of survey undertaken.

	Cllr Linda Oliver	
Policy	Representation	Comment
Character Assessment	<p>Questions decision making process</p> <p>4.6 -Specific issues include:</p> <p>Fortescue 'Ponds' re-titled 'drainage ponds' <i>"only on p35 and not on all other references"</i></p> <p>Two photographs with inconsistent description</p> <p>Incorrect description of land</p> <p>Refers to figure 8:</p> <p>1)Not clear why trees in Laverton Triangle included in village survey</p> <p>2)Trees do not exist</p> <p>3) and 4)</p>	<p>The task of the Steering Group and its Working Groups was to consider and recommend. Decision making fell to the PC</p> <ul style="list-style-type: none"> • Only two references in Character Assessment. Other reference is title to a photo on p26. We would be happy to re-title this photograph • In the NP the photo illustrates the green corridor; in the CA as an important view • The photo (described as appendix 3 photo 2 but likely appendix 2 photo 2) could be described more accurately as 'Vicarage Lane with Church Green beyond'. • This important tree belt was a condition of the grant of planning permission for the Fortescue development. The original tree belt was removed and developed. Detail of this is given at https://nortonstphilipneighbourhoodplan.files.wordpress.com/2019/04/tree-belt-on-laverton-triangle.pdf • A drafting error. We would be very pleased to be given the opportunity to rectify • This was not a formal landscape survey but was undertaken by teams of village residents. Those teams did not survey the area of the village in which they live.

5. John Oliver		
Policy	Representation	Comment
<p>Policy 5 LGS</p>	<p>5.1 LGS007 and LGS008 have been misleadingly considered together</p> <p>5.2 Objects to the designation of LGS008 in Policy 5 and detail in the Character Assessment.</p>	<ul style="list-style-type: none"> • LGS 007 and 008 are designated individually; together with Church Mead (within the Conservation Area) they form a vital green corridor • As well as their individual qualities both LGS 007&008 have a crucial role in maintaining the historic setting of Norton St Philip as a village that grew up around two centres with the countryside coming into the village. • If the vital green separation between the village on the ridge along High Street and the more rural cottage village form around the church is to be maintained, the designation of LGS008 Fortescue Fields west is essential. • The comments from the Appeal Inspector given in para 1.12 are also relevant • The designation satisfies the criteria for LGS in both the NPPF and Mendip DC's "Designation of Local Green Spaces" document (https://www.mendip.gov.uk/media/17107/Topic-Paper-Local-Green-Spaces/pdf/Final_LGS_background_paper.pdf?m=636501511786800000)

John Oliver		
Policy	Representation	Comment
Character Assessment	<p>5.3 Laverton Triangle should not be part of a Green Corridor.</p>	<ul style="list-style-type: none"> • There is some misunderstanding here that the Character Assessment is in some way ‘designating’ green corridors; it is not. Figure 11 in the Character Assessment is indicative - not definitive - concerning borders. • The key to Figure 11 in the Character Assessment does not state that Character Area 3 includes some ‘edge of village’ fields as well as ‘green corridors’. It might be helpful if the key were altered to indicate this. • The character areas are helpful design guides, and Laverton Triangle is included within the green corridors because it separates Fortescue Fields from the more linear development along High Street/Frome Road and Tellisford Lane. • Laverton Triangle is not designated a ‘green corridor’ for reasons of the trees or views. • In the Appeal Decision APP/Q3305/A/011060390 from 2001 the Inspector stated (at Para 41) <i>‘I saw the impression of countryside as one approaches the village along Mackley/Laverton Lane is maintained right up to the junction with Town End. This is due to the presence of the Laverton triangle land which helps the countryside to flow into this part of the village. The hedges, glimpses of the field through a field gate and the impression of openness beyond all assist in giving the traveller along the lane the perception of being in the countryside. The houses on the southern side of the lane near to the junction are well screened by banks, hedges, shrubs and trees and so do not obviously intrude. The acoustic fence to the industrial site is hardly seen from the lane. In short, the land in question appears to me to be part of the countryside and not the village. Footpaths could be provided across the field without it being developed for housing’.</i> • And in the 2015 Appeals , the Inspector wrote that the above observations “<i>hold true today</i>” and that “ <i>I am in no doubt that the replacement tree belt remains necessary in the anticipated location in connection with Fortescue Fields development.</i>’