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Publication of further modifications to the Norton St Philip Neighbourhood Plan following Court of Appeal Judgement

Norton St Philip Parish Council submitted their Neighbourhood Plan to Mendip District Council for examination under Part 5 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2019.

The Neighbourhood Plan for Norton St Philip (the Plan) was considered by Cabinet on 2nd September 2019 with a recommendation that the modified Plan should proceed to a local referendum and Cabinet resolved to accept the recommendation.

This decision was subsequently challenged by way of a Judicial Review. Following hearings in the High Court and Court of Appeal, the Cabinet decision to approve the Norton St Philip Neighbourhood Plan and allow it to proceed to referendum was quashed on 2nd October 2020.

On 1st March 2021 Cabinet agreed to carry out consultation on further modifications to the Plan, together with the earlier modifications identified by the Examiner and at the Cabinet meeting of 2nd September 2019. These proposed modifications are attached to this letter as Appendix 1.

Comments are invited on the proposed further modification.

Consultation responses will be reported to Cabinet and carefully considered before Cabinet determines whether the Plan (as modified) meets the Basic Conditions, is compatible with Convention Rights and the requirements of legislation and should proceed to a referendum.

Any referendum can only take place once Covid 19 restrictions are lifted.

Extensive consultation has already been carried out by the Parish Council and Mendip District Council at earlier stages in plan preparation. Only comments on the proposed further modifications will therefore be accepted.

The consultation will run between **Wednesday 3rd March 2021** and **Wednesday 14th April 2021** and representations received outside this period may not be accepted.

The further modifications and other Neighbourhood Plan documents are available on the Council's website www.mendip.gov.uk/neighbourhoodplanning or available to view at the following location:

- Church Porch, Church Street, Norton St Philip

Representations may include a request to be notified of the Local Planning Authority decision under regulation 19 (decision on a plan proposal).

Please send comments to planningpolicy@mendip.gov.uk or by post to Planning Policy, Mendip District Council, Cannard's grave Road, Shepton Mallet, Somerset BA4 5BT.

Further information is available on the Council's website but should you have any queries or require any further information then please contact a member of the planning policy team by email planningpolicy@mendip.gov.uk or by telephone: 0300 303 8588.

Appendix 1: Schedule of Proposed Modifications

Modification Number	Policy number	Recommendation and changes	Report Page	Plan page	Reason for change
1.	throughout	Include a list of acronyms used throughout the plan	13	NA	To improve clarity
2	Para 1.8	Update the section as required and particularly para 1.8 on page 5	14	5	To reflect natural updating as the plan progresses
3	Policy 1	Change the title of Figure 4 “Development limit” to “defined settlement boundary”	16	15	For consistency throughout the plan
4	Policy 1	Change the title that reads “Fig 4; development boundary as proposed in policy 1” to “Fig 4; settlement boundary as defined by Policy 1”	16	15	For consistency throughout the plan
5	Policy 1	Change the word “the” to “this” in the second sentence of the policy so that it reads “Outside this defined settlement boundary...”	16	15	For clarity and accuracy
6	Policy 3	Change this section title to read “Entry Level Exception Sites”	18	19	.For clarity and accuracy
7	Policy 3	Change the phrase “...where a site would be permitted under normal policies...” to “where a site would normally be permitted...” in criterion b)	18	20	For clarity and accuracy
8.	Policy 3	Change the words “...this plan...” in criterion c) to “...the development plan...”	18	20	For clarity and accuracy
9	Policy 4	Change the reference to “section 10” in paragraph 11.1 on page 22 to “section 14”	19	22	For clarity and accuracy
10	Policy 4	Change both references to “CA” in the policy to “Character Assessment”	19	23	For clarity and accuracy
11	Policy 4	Add the words “...on figures 10 and 13...” before “...in the Norton St Philip Character Assessment...” in bullet point three of the policy	19	23	For clarity and accuracy

Modification Number	Policy number	Recommendation and changes	Report Page	Plan page	Reason for change
12	Policy 4	Change the spelling of “stories” in bullet point 4 of the policy to “storeys”	19	23	For clarity and accuracy
13	Policy 4	Change the ninth bullet point to read “Development should include satisfactory off street parking to Somerset County Council standards or, if superseded, any subsequent standards whilst not reducing existing on street car parking capacity”	19	24	For clarity and accuracy
14	Policy 4	Insert full stop at the end of the policy	19	24	For clarity and accuracy
15	Policy 5	<p>Delete para 12.3; “12.3. The emerging Mendip District Local Plan has also proposed these areas as LGS. Both Local Plans and Neighbourhood Plans can designate LGS and for consistency it is important both Plans show the same areas. Local feeling supported the designations and wanted to make them in this Plan. It was decided no other area required designation as LGS.”</p> <p>Add new para 12.3 to read;</p> <p><i>“Paragraph 101 of the NPPF sets out an expectation that Policies for managing development within a Local Green Space will be consistent with those for Green Belts (set out in paragraphs 143 – 147 of the NPPF).”</i></p>	Court of Appeal	26	To reflect the Court of Appeal Judgement
16	Policy 5	Change the reference to “Figure 2” in the policy to “Figure 5”	22	27	For accuracy
17	Policy 5	Delete:	Court of	27	To reflect the Court of Appeal Judgement

Modification Number	Policy number	Recommendation and changes	Report Page	Plan page	Reason for change
		<p>Development on Local Green Spaces will only be permitted if it enhances the original use and reasons for the designation of the space</p> <p>And replace with;</p> <p><i>“Development in an area designated as Local Green Space will be managed in accordance with national policy for Green Belts”.</i></p>	Appeal		
18	Policy 6	Change the word “Any” at the start of the policy to “All”	23	31	For clarity
19	Policy 6	Add the words “wherever possible or suitable replacement facilities are to be provided” after “...are to be retained...” in the second paragraph of the policy.	23	31	To insure the policy provides a practical framework or decision making
20	Appendix 4	Insert a reference to Appendix 4 in paragraph 6.3 of the Plan	23	11	For clarity

Trees to be removed from Fig 8, Character Assessment

