

Somerset West and Taunton Council

**West Monkton &
Cheddon Fitzpaine
Neighbourhood Plan
2021 - 2028
(Modifications Proposal)**

**Independent Examiner's Report
on the Neighbourhood Plan Review**

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21 July 2022

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Summary

I have been appointed by Somerset West and Taunton Council to carry out the independent examination of the review of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan (the Review Plan).

I firstly determined that the Review Plan includes modifications that are significant or substantial as to change the nature of the neighbourhood development plan which the plan would replace. This meant that the examination of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan Review should proceed under the provisions of Schedule 4B to the Town and Country Planning Act 1990 (as amended). In turn, this means a referendum would be required.

From my examination of the Review Plan, its supporting documentation and the representations made, and subject to a series of recommended modifications set out in this report, I have concluded that the revised policies in the Review Plan meet all the necessary legal requirements and the basic conditions and therefore can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

It is clear that the Review Plan has been the subject of careful thought in the light of changing circumstances which include the publication of a revised National Planning Policy Framework, the Garden Town status given to Taunton in 2017 and the climate and ecological emergencies declared by the local planning authority and the two Parish Councils, but also by the Parish Councils who have continued to work jointly together on the Review Plan. I consider the Review Plan reflects the aspirations and objectives of these communities and will help to guide the area's development in the future making a positive contribution to the future planning of the area.

Ann Skippers MRTPI
Ann Skippers Planning
21 July 2022



1.0 Introduction

I have been appointed by Somerset West and Taunton Council (SWT) with the agreement of West Monkton and Cheddon Fitzpaine Parish Councils, who have jointly produced this Review Plan, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The examination process and the role of the independent examiner

Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) Procedural Matters

The Review Plan was submitted for examination to SWT on 18 October 2021 on the basis that the two Parish Councils considered the proposed modifications were so significant or substantial as to change the nature of the Neighbourhood Plan made in July 2017. SWT also considered that the modifications fell into this category. Both parties had submitted statements regarding the proposed modifications.

My first task was therefore to make a determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Review Plan will need to be the subject of a referendum if it is to be made.

In this context, the Review Plan intends, amongst other things, to:

- Include new text in relation to the housing, employment and recreation and environment objectives
- In relation to the housing chapter, the four existing policies are revised and a new Policy H5 added
- In relation to the transport chapter, the existing policy is revised
- In relation to the employment chapter, four of the five existing policies are revised
- In relation to the recreation and environment chapter, four of the five existing policies are revised and a new Policy R6 added

Many of the proposed changes to existing policies include new text or rewording to

make policies clearer and more precise, reflect factual changes since the original Plan was made or add more detail or more detailed requirements. In relation to Policy R5 (Local Green Spaces), two sites designated as Local Green Spaces are removed and two new sites are proposed for inclusion in the Plan.

In relation to the two new policies proposed, Policy H5 deals with building and climate change and Policy R6 deals with trees and hedgerows.

SWT consider that the proposed modifications to the draft Review Plan in relation to Policies H2, H5, T1 and E3 are so significant or substantial as to change the nature of the made Plan. The Parish Councils' also consider that some of the proposed modifications are so significant or substantial as to change the nature of the made Plan.

I have considered the proposed modifications, the views of the local planning authority and the Parish Councils and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance (PPG). I also concluded that the modifications to the made Plan are so significant or substantial as to change the nature of the made Plan.

Accordingly, I requested the formal consent of the Parish Councils for the examination to proceed. This consent was duly given on 13 April 2022.

The Note I sent on these matters, Note E1, and dated 11 April 2022, is appended to this report as Appendix 2.

Scope of the Examination

It is important to recognise that the examination has considered the entirety of the Review Plan and not just those elements of the Review Plan that have been modified. Although my detailed comments focus on the changes to policies and text, I have considered the policies 'in the round'.

Role of the Examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case SWT. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

Examination Process

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Often representations suggest amendments to policies or additional policies. Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

After consideration of all the documentation and the representations made, I decided that it was not necessary to hold a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Councils chose to make comments which I have taken into account.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Ann Rhodes at SWT.

Modifications and how to read this report

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in **bold italics** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Review Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Review Plan's presentation made consistent.

3.0 Compliance with matters other than the basic conditions

Qualifying body

The Review Plan has been prepared and submitted by West Monkton and Cheddon Fitzpaine Parish Councils. Both Parish Councils, qualifying bodies in their own rights, have worked together to produce a Plan that covers both Parish areas. This requirement is satisfactorily met.

Plan area

The Plan area covers all of the Parish of West Monkton and most of the Parish of Cheddon Fitzpaine with the exception of an area which falls within the Staplegrove Urban Extension. The Plan area was designated by Taunton Deane Borough Council on 24 November 2015. Map 1 on page 12 of the Review Plan indicates the Plan area and the excluded area. The Plan relates to this area and does not relate to more than one neighbourhood area. It has not changed from the area covered by the made Plan. It therefore complies with these requirements.

Plan period

The Plan period is 2021 – 2028. This is clearly stated in the Plan itself. This requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development. This is also helpfully confirmed in the Basic Conditions Statement. The Plan therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹¹ Subject to any such recommendations, this requirement can be satisfactorily met.

4.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. This explains that the Parish Councils decided that a review of the Plan would be undertaken after the publication of the NPPF in 2019.

Engagement with the community and other interested parties was affected by the Covid pandemic.

A survey was sent to all households and businesses in the Plan area towards the end of 2019.

Before formal pre-submission consultation began, informal, but targeted and specific approaches were made to a number of organisations, including statutory bodies and individuals, to gauge their response to the proposed changes and draft policies.

The Consultation Statement includes extracts from the two Parish Councils' minutes across the timeline for the review. It is clear that work progressed despite the difficulties caused by the pandemic.

Pre-submission (Regulation 14) consultation took place between 26 February – 30 April 2021; a period of nine weeks.

During the pandemic, it was difficult to undertake engagement in the same ways that we are all familiar with. PPG confirmed that it was not mandatory for face-to-face

¹¹ PPG para 004 ref id 41-004-20190509

methods to be used, but important to recognise targeted methods may need to be used to engage those without internet access.¹² It also confirmed that it was not mandatory for copies of documents to be available at a physical location.¹³

I asked for more information on the engagement carried out. The Parish Councils confirm that in addition to online information, paper notices were posted on Parish Notice boards and articles published in the two Parish magazines which, I understand, are sent to all households. In addition the names and telephone numbers of the team leading on the Review Plan and Parish Councillors were published so that the option to speak to someone was available. Parish Council meetings remained open to the public through the pandemic and included a standing item on the Review Plan with the opportunity for the public to ask questions and raise any issues. Paper copies of the Review Plan were also available.

I consider, that given the difficulties, the publicity undertaken was sufficient and that there were other options available for those without internet access or knowledge. The consultation and engagement undertaken is therefore satisfactory.

Submission (Regulation 16) consultation was carried out between 5 November – 17 December 2021.

The Regulation 16 stage resulted in representations from 31 individuals, organisations or companies which I have considered and taken into account in preparing my report.

5.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 20 July 2021. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development outside of these strategic policies.¹⁴

¹² PPG para 107 ref id 41-107-20200925

¹³ Ibid

¹⁴ NPPF para 13

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹⁵ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁶

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁷

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁸

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁹

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous²⁰ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²¹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²² It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²³

Whilst this has formed part of my own assessment, the Basic Conditions Statement confirms that the Plan has responded to national policy and guidance.

¹⁵ NPPF para 28

¹⁶ Ibid

¹⁷ Ibid para 29

¹⁸ Ibid para 31

¹⁹ Ibid para 16

²⁰ PPG para 041 ref id 41-041-20140306

²¹ Ibid

²² Ibid para 040 ref id 41-040-20160211

²³ Ibid

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁴ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁵ The three overarching objectives are:²⁶

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁷

Whilst this has formed part of my own assessment, the Basic Conditions Statement refers to a Sustainability Audit which has been prepared and submitted by the Parish Councils to help demonstrate how the Plan contributes to meeting this basic condition.

General conformity with the strategic policies in the development plan

The development plan consists of a number of documents brought forward from the two merged local planning authorities when both Taunton Deane Borough Council (TDBC) and West Somerset Council were replaced by the newly formed Council of Somerset West and Taunton on 1 April 2019.

²⁴ NPPF para 7

²⁵ Ibid para 8

²⁶ Ibid

²⁷ Ibid para 9

The relevant development plan policies covering the area of the Review Plan are the saved policies of the Taunton Deane Local Plan (LP 2004) adopted in 2004, the Core Strategy (CS) adopted in 2012 and the Site Allocations and Development Management Plan (SADMP) adopted in 2016.

At the time of the examination into the made Plan, TDBC confirmed that there are no strategic policies in the LP 2004 of relevance to the Plan area. I have therefore taken all the CS and SADMP policies to be 'strategic'.

In 2017, Taunton was awarded Garden Town status. The Monkton Heathfield Urban Extension which falls within the Review Plan area, is identified as a garden community. The first phase has been substantially built out and the second phase is currently subject to a hybrid planning application. The Vision for the Garden Town included a section on new Garden Neighbourhoods alongside a number of other ideas and this has been one of the drivers for the review of the made Plan.

Another key driver for the review has been the declaration of climate and ecological emergencies by both the County Council and SWT and both Parishes themselves. Climate change was already recognised in the CS as being of local relevance and is a strategic objective, but there is arguably greater understanding now.

I am also aware that work had started on a new Local Plan to cover the new area of Somerset West and Taunton. However, in July 2021, the Government announced that a new unitary authority would be formed on 1 April 2023. There is no evidence prepared for any emerging documents that is relevant to this examination.

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG²⁸ confirms that it is the responsibility of the local planning authority, in this case SWT, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is SWT who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

²⁸ PPG para 031 ref id 11-031-20150209

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

SEA screening in July 2020 concluded that a SEA was not necessary. The SEA screening was updated in September 2021 and in December 2021. As before, both reached the conclusion that no further SEA related work was needed. The statutory consultees agreed with this conclusion.

However, HRA Screening in September 2021 concluded that an Appropriate Assessment (AA) was required and this was subsequently undertaken. This concluded that the Review Plan would have no adverse impact on the integrity of any European site, either alone or in combination. The statutory consultees agreed with this conclusion.

Where an AA is required under the Habitats Regulations, the SEA Regulations provide that an SEA must be undertaken. Following advice to this effect from Lepus Consulting, SWT commissioned Lepus Consulting to produce an Environmental Report (ER), which was then consulted upon between 26 January - 10 March 2022.

In my view, the ER deals with the issues appropriately for the content and level of detail in the Review Plan.

Invitations to make representations on the ER were sent to the statutory consultees, all persons on the SWT Neighbourhood Plan Consultation Database and all persons who submitted representations during the Regulation 16 consultation stage.

SWT received five representations in response to the consultation on the ER including responses from the three statutory consultees. The majority of the consultation

responses stated that they had no comments or agreed with the conclusions of the ER. One consultee responded with several recommendations of considerations to be included in the Review Plan with respect to future developments.

I have had the opportunity to carefully consider the consultation responses and the Regulation 16 consultation responses as part of my examination of the draft Review Plan.

Having regard, among other things, to the contents of the ER, the consultation responses, and to the consultation process undertaken on the draft Review Plan and in relation to the ER, I consider with respect to compliance with the relevant basic condition that SWT have, in my judgment, met their retained EU obligations in relation to the SEA process.

Turning now to HRA, on 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given that the AA concluded that the Review Plan would have no adverse impact on the integrity of any European site, either alone or in combination, the agreement of the statutory consultees and taking into account the nature and characteristics of the European sites and the nature and contents of this Review Plan, I consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.²⁹ In undertaking work on SEA and HRA, SWT has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a brief statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

²⁹ PPG para 031 ref id 11-031-20150209

6.0 Detailed comments on the Plan and its policies

In this section I consider the Review Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold or bold and italics text**.

Initial sections

The Plan begins with a helpful preface that explains the review. This is followed by a contents page and index of maps and photographs.

1. Introduction

This is a useful section full of information.

There is one correction to be made in relation to the status of the SADMP; it is not a supplementary planning document, but part of the development plan.

There is one update to be made throughout the document. This is the reference to the NPPF published in 2019; the most recent document was published in July 2021 (after the Review Plan was produced) and so these references should be updated.

- **Delete the words “...supplementary planning document (SPD)” from the third paragraph on page 7 of the Review Plan**
- **Update references to the NPPF throughout the Review Plan**

2. Area Profile

This helpful section describes the context for the Plan.

3. Vision and Objectives

The vision for the Plan remains unchanged from the original document. The clearly articulated vision is underpinned by four objectives.

Changes and additions have been made to the supporting text of the housing objective. These include references to building regulations and the Future Homes Standard as well as community aspirations and Masterplans. The Parish Councils have asked me to delete a part of this text as it has caused concern within the community. I do not delete it in line with this request, I recommend more of the text be deleted in the interests of clarity because it introduces a policy test within the objective and there is little explanation for it.

The transport objective has also been changed. However, this is to add some text. It meets the basic conditions as an addition that helps to clarify the desire for connected networks.

The supporting text to the employment objective has been added to. Again the addition helps to clarify what is sought. It meets the basic conditions.

- **Delete the paragraph on page 31 of the Review Plan which starts “In exceptional circumstances...”**

4. Policies

Retaining the same format as the made Plan, the Review Plan is divided into four topic areas reflecting the four objectives that lead on from the vision. Each topic section is preceded by a context section, reference to national and local policies considered to be of particular relevance to that topic and a justification and conformity with the NPPF and CS section for each policy. After every policy the question “What difference will it make?” is asked and this helps to focus on the intent of each policy.

Housing

Housing Policies H1 – H6

Policy H1, Housing for Older People, has been amended by the addition of a bullet point referencing support for supported living accommodation.

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government’s objective of significantly boosting housing supply.³⁰ PPG³¹ is clear that the need to provide housing for older people is critical.

It takes its lead from CS Policies CP 4 and CP 5 and will help to achieve sustainable development.

This policy seeks provision of a minimum 10% of dwellings on major (defined as 10 or more dwellings or on sites of 0.5 hectares) developments to be suitable for older people. One, two or three bedroomed single storey units within easy access of local facilities and services are sought. Whilst I accept that housing for older people does not necessarily have to be single storey, bungalows is evidenced as a popular choice and given the policy makes direct reference to viability and evidence of local need, I consider there is sufficient flexibility.

³⁰ NPPF para 60

³¹ PPG para 001 ref id 63-001-20190626

I note SWT support the policy given new evidence in the most recent Local Housing Needs Assessment of August 2021 which showed the only age range to increase will be those over 65 years of age and within that those over 85 will more than double by 2040.

The addition of the new bullet point further demonstrates the commitment to provide for this group of people.

However, I consider that the new bullet point should be a new paragraph to help with clarity.

Policy H2, External Materials for Residential Development, requires materials to be of a high quality, energy efficient, climate resilient and sustainable. It deviates from the policy in the made Plan which largely focused on the use of local and traditional materials.

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.³² It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.³³

It refers to design guides and codes to help provide a framework for creating beautiful and distinctive places with a consistent and high quality standard of design.³⁴

The NPPF continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.³⁵

At a more local level, it reflects Strategic Objective 1 (climate change) in the CS and is in general conformity with CS Policies SS 1 and DM 4 and SADMP Policy D7 as well as helping to achieve the positive relationship between new housing and existing communities referred to in CS Policies SS 1 and SS 2. The change reflects SWT's Climate Positive Planning Interim Guidance Statement and CS Policy DM 5 which requires all development to incorporate sustainable design features. It has regard to the NPPF's emphasis on the creation of high quality, beautiful and sustainable buildings³⁶ and the need for plans to take a proactive approach to mitigating and adapting to climate change.³⁷

It will help to achieve sustainable development.

³² NPPF para 126

³³ Ibid para 127

³⁴ Ibid para 128

³⁵ Ibid para 130

³⁶ Ibid para 126

³⁷ Ibid para 153

Policy H3, Refuse Bin Storage for Residential Development, is amended through the addition of a sentence regarding the sufficiency of bins. Overall the policy seeks a high quality of development and SWT confirms this reflects the Somerset Waste Partnership's latest practice.

Policy H4, Affordable Housing, adds a sentence on viability assessments helping applicants to justify when the policy might not apply adding clarity and flexibility. It also adds encouragement for self-build. It has regard to national policy in planning for a mix of housing, takes its lead from CS Policy CP 4 and TDBC's Affordable Housing Supplementary Planning Document (SPD) adopted in 2014 and helps to achieve sustainable development.

The principal modification to this section of the made Plan is a new policy, **Policy H5**, Building and Climate Change. The policy supports, subject to a viability assessment, measures that address the climate emergency. This reflects SWT's Climate Positive Planning Interim Guidance Statement which in turn supports CS Policies CP 1, CP 8 and DM 5. In particular CS Policy CP 1 requires development to demonstrate the issue of climate change has been addressed. The Interim Guidance Statement seeks to demonstrate how current SWT policies can be applied to ensure that new development includes measures to address climate change. It also reflects the Somerset Climate Emergency Strategy and SWT's Carbon Neutral and Climate Resilience Action Plan and parking strategies which expect all new dwellings to provide electric vehicle charging points.

It has regard to the NPPF's support to transition to a low carbon future³⁸ and its statement that plans should take a proactive approach to mitigating and adapting to climate change.³⁹ It references landform, layout, building orientation, massing and landscaping.⁴⁰ It takes account of local circumstances in relation to measures needed to address the unfavourable condition of the Somerset Levels and Moors Ramsar site.

However, I agree with SWT that the first paragraph of the policy could be clearer. A modification is made to address this.

The policy then goes into great detail and refers to the Building Regulations. The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁴¹ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. I also note the WMS states that neighbourhood plans should not be used to apply the national technical standard. This is echoed in PPG.⁴² Therefore modifications are made to reflect this position.

³⁸ NPPF para 152

³⁹ Ibid para 153

⁴⁰ Ibid para 157

⁴¹ Written Ministerial Statement 25 March 2015

⁴² PPG para 001 ref id 56-001-20150327

In addition some of the supporting text for the policies in this section has been changed or new supporting text added.

With these modifications, Policies H1 – H5 will meet the basic conditions for the reasons given above.

- **Change the third bullet point in Policy H1 into a new paragraph [retain wording as is]**
- **Rewrite the first paragraph of Policy H5 to read: “*New development, including extensions and restorations, should include appropriate measures both through design and materials that address the climate change emergency. Development proposals should provide information on performance and energy efficiency measures used. Proposals that are highly efficient and those which move towards zero carbon emission buildings will be supported.*”**
- **Delete the words “...in conformity with the national BR optional requirement of 110 litres per person per day (see ‘Building Regulations Approved Document G – Hot Water Safety,...” to end in bullet point three of Policy H5**

Transport

Transport Policy T1

Policy T1, Developing a Comprehensive and High Quality and Footpath Network, is changed by the addition of new wording. It adds further detail and new requirements in relation to the timing and development of such infrastructure, cycle parking and parking standards.

The revised policy has regard to the NPPF which promotes sustainable transport and particularly promotes the identification and pursuance of opportunities to promote walking and cycling.⁴³ It supports the provision of secure cycle parking.⁴⁴ It reflects CS Policy CP 6’s aim of reducing the need to travel and improving accessibility by walking and SADMP Policy A3 and will help to achieve sustainable development.

SWT suggest greater clarity on the timing for networks and I agree this would be beneficial.

SWT suggest the retention of “green wedge” in the policy as this is the existing designation that the green necklace and country park fall within. I agree this would be useful although note the list in the policy is not exhaustive.

⁴³ NPPF para 104

⁴⁴ Ibid para 106

The County Council suggest that map 9 which shows the transport network be updated. This is a useful suggestion and one that can be done in the interests of accuracy and clarity.

With these modifications, the policy will meet the basic conditions.

- **Change the wording in the first paragraph of the policy from “...in place before or soonest after first occupancy in the case of new developments” to “in place at the earliest opportunity”**
- **Add the words “green wedge” after “...associated green space areas such as...” in the first bullet point of the policy**
- **Update map 9 on page 51 of the Review Plan to include improvements to the A3259 corridor, routes through the Monkton Heathfield area and along the A38 relief road**

Employment

Employment Policies E1 – E5

Policy E1, Starter Workshop Units, has been updated to reflect the changes to the Use Classes Order introduced in September 2020. In general, the policy supports smaller units on employment or brownfield land subject to satisfactory parking and access arrangements and travel plans. This support for small business is in line with the NPPF’s aims of building a strong, competitive economy. The CS is an employment led strategy.

Policy E2, Sustainable Diversification of Rural Buildings for Other Employment Uses, has had a reference to another Plan policy, Policy R1, Dark Skies, included. The NPPF continues to support the diversification of the rural economy through the conversion of existing buildings.⁴⁵ I consider this policy is a local expression of CS Policy DM 2 which establishes a sequential approach to reuse of rural buildings with community and business uses as the preferred alternative use. A stray “;” at the end of the policy should be changed to a full stop.

Policy E3, Retain Existing Employment Land/Buildings for Employment Usage, has some additional text added in relation to marketing and includes a new requirement to provide an equivalent area of employment land in the Plan area if the loss of an employment site is only due to location.

This new addition therefore differs from District level policy and in particular CS Policy CP 2, and SADMP Policy EC1 neither of which have any requirement to provide replacement provision although the strategy of the CS is to retain existing employment

⁴⁵ NPPF para 84

provision to provide local opportunities for employment and economic growth and to react to changing circumstances.

The NPPF also places significant weight on the need to support economic growth and productivity, taking into account local needs and wider opportunities.⁴⁶

The latest available evidence at SWT level identified a surplus of employment land, but there is also demand for small-scale sites.

Nevertheless I cannot see how this new requirement is justified, particularly given it is based purely on location, despite the flexibility of the policy which uses the phrase “where practicable”, or how it might actually be achieved in practice. This is particularly so given the policy retains its two year marketing period which is stringent and a viability assessment is also needed to justify any loss of employment land. There is insufficient explanation in the Review Plan although the desire to retain sufficient employment land is clear. I therefore do not find this new requirement to have regard to national policy, be in general conformity with strategic policies or help to achieve sustainable development. This element should therefore be deleted.

Policy E4, Social Care Employment Opportunities, remains unchanged. I am satisfied that the policy continues to meet the basic conditions in that it supports residential, nursing or sheltered housing accommodation for older people subject to satisfactory access and parking arrangements. The policy will help to address an evidenced need for housing that is suitable for older people and specialised housing.

Policy E5, Wider Roll Out of Broadband Connectivity, has additional text added in relation to the expectation that all new dwellings will be supplied with fibre to the premises. This has regard to the NPPF which supports high quality communications including that policies should support and prioritise full fibre connections⁴⁷ and reflects CS Policy DM 1.

With the modifications set out below, Policies E1 – E5 will meet the basic conditions for the reasons set out above. The updated evidence or new evidence that has emerged since the Plan was made continue to support the policy direction taken.

- **Change the “;” at the end of Policy E2 to a full stop**
- **Delete the sentence that begins: “If purely due to location, where practicable...” from Policy E3**

⁴⁶ NPPF para 81

⁴⁷ Ibid para 114

Recreation and Environment

Policies R1 – R6

Policy R1, Dark Skies, has no amendment to the wording of the policy, but additional explanatory text has been added. I am informed this clarifies the type of lighting preferred by County Council ecologists. There has been no change to national policy in that the NPPF⁴⁸ continues to seek to limit the impact of light pollution intrinsically dark landscapes and nature conservation as well as local amenity. It remains in general conformity with CS Policies DM 1 and DM 5 in particular and will help to achieve sustainable development.

Policy R2, Green Space and Wildlife, requires major development to provide new areas of green space and wildlife areas to provide net gains in biodiversity “wherever practicable”. Since the making of the Plan, the NPPF has changed and is clear that policies should contribute to and enhance the natural and local environment including by minimising impacts on, and providing net gains for, biodiversity.⁴⁹ In order for the amended policy to have regard to the NPPF, a modification is made.

In addition, the revised policy includes a reference to the Somerset Pollinator Action Plan. This is something at County level, alongside other key documents on biodiversity, which has been produced since the Plan was made. The policy therefore recognises the most up to date locally available situation. It takes its lead from CS Policies SS 1, SS 2, CP 8 and DM 1 and SADMP Policy ENV1 and helps to achieve sustainable development.

Policy R3, Flood Attenuation, has been largely rewritten from the original version in the made Plan. As a result the supporting text has changed too. The changes reflect new evidence and documents that have emerged at national, regional and local levels including the Taunton Strategic Flood Alleviation and Improvements Scheme which was endorsed by SWT in 2020 and recognising the Somerset Levels and Moors Ramsar risk from the effects of eutrophication.

The NPPF is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.⁵⁰ The policy has regard to the NPPF’s encouragement to achieve multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.⁵¹

It provides a local and updated expression of CS Policies CP 1 and CP 8 in particular and will help to achieve sustainable development.

One change is subject to a modification in the interests of clarity in relation to the

⁴⁸ NPPF para 185

⁴⁹ Ibid para 174

⁵⁰ Ibid para 152

⁵¹ Ibid para 120

Somerset Levels and Moors Ramsar site.

Policy R4, Recreation and Community Facilities, includes new text which updates the policy. New major development is required, subject to a viability assessment, to provide or contribute to new play areas, open spaces and other such facilities. The changes made add clarification in line with CS Policy CP 5, SADMP Policies C2 and ENV5 in particular. The changes have regard to the NPPF which recognises access to a network of high quality open spaces and facilities is important for health and wellbeing as well as supporting nature and efforts to address climate change.⁵²

Policy R5 refers to Local Green Spaces (LGS). The changes to the original policy are the deletion of two LGSs and the addition of three green spaces.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁵³ The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁵⁴ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁵⁵ The NPPF sets out three criteria for green spaces.⁵⁶ Further guidance about LGSs is given in PPG.

The two deletions are Gadds Valley Local Nature Reserve and the Green Triangle at Upper Cheddon. The first deletion takes account of the fact that Gadds Valley has now been de-designated as a local nature reserve by SWT in 2019. It no longer has public access. It was designated as a local wildlife site enjoyed by the community for walking.

The Green Triangle at Upper Cheddon was designated as an important feature of the area contributing to its character and appearance. The de-designation reflects the wishes of new owners. To my mind this is not a robust reason for de-designation particularly given that one of the criteria is that the spaces should be capable of enduring beyond the Plan period and ownership or public access is not an issue. However, given the nature of the space, I consider that, on balance, this is acceptable.

The three additions are the Green Triangle at Hobb Lane/Bridgwater Road, the Green Triangle as part of the Western Relief Road at the bottom of Yallands Hill and Northwalls Grange play area.

The spaces have been constructed since the original Plan was made as part of the Monkton Heathfield Garden Town development. Maps of each Green Triangle space are provided on pages 118 and 119 of the Review Plan. The maps should also be cross-referenced in the policy for clarity and in the interests of consistency. In addition the

⁵² NPPF para 98

⁵³ Ibid para 99

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid para 100

first sentence of the policy needs to be aligned to include map 44. I also asked for photographs of each area which were duly provided.

I consider all three new LGSs meet the criteria set out in the NPPF. The Green Triangles are valued as part of the character and appearance of the area. The Green Triangle at Hobb Lane/Bridgwater Road has local historic significance as it marks the former junction of an ancient drover track and is valued for its open space. The Green Triangle as part of the Western Relief Road at the bottom of Yallands Hill is valued for its local character and history and as an area offering quietness before the Western Relief Road. The play area is valued for its recreational opportunity.

I have also reviewed the existing LGSs. In doing so, I find that in relation to the children's play areas, the original examination identified 14 areas. However, I see from the maps there are 15 areas. I regard this as a numerical error on my part and given that the 15 areas are clearly shown on maps and in photographs, I do not consider any lack of fairness or transparency has occurred because of my earlier error. I find that the LGSs continue to meet the criteria in the NPPF satisfactorily.

In addition, the photograph of the Northwalls Grange play area is located after Dyers Brook which I found confusing. This should be relocated within the document to follow on from the other play areas and a map included for clarity and consistency.

The policy states that "further recreational sites are expected to be delivered within the Monkton Heathfield 2 development". This phrase appears as part of the list of LGSs. Whilst it is correct, it is too imprecise and therefore lacks the clarity national policy and guidance seeks.

I see that Stoney Furlong appears twice on the list in the policy and so one reference should be deleted in the interests of accuracy.

Finally, I turn to the wording of the policy. The two sections of the policy, Green Triangles and Recreational Sites have different policy wording in relation to the management of development on the LGSs. Since the original Plan was made, a Court case has indicated that in setting out how new development might be regarded should take account of, and be consistent with, the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁵⁷ Therefore the policy needs modification to ensure that it takes account of national policy and is clear.

Policy R6 is a new policy titled Trees and Hedgerows. The Review Plan explains that trees are an important climate emergency measure.

The policy requires all new development to include tree planting or compensatory measures. The replacement tree ratio is in line with SWT's declared commitment to tackling climate change.

⁵⁷ NPPF para 101

The NPPF recognises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.⁵⁸ It continues that policies should ensure that new streets are tree lined (unless inappropriate), that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

The NPPF also resists the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient or veteran trees.⁵⁹

Whilst the policy is prescriptive, it is clear and given the support for trees and hedgerows in national policy and at SWT level, I consider this to be acceptable. The policy is a local expression of CS Policy CP 8 and SADMP Policies ENV1 and ENV2. It will help to achieve sustainable development.

I recommend one modification; I do not consider the use of the word “plentiful” in the policy to have sufficient clarity. With this modification, the policy will meet the basic conditions.

Changes are also made to the supporting text in this section. These include additional wording to some of the objectives and the inclusion of new objectives. I have assessed these changes and consider them to be appropriately made and that they meet the basic conditions. However, the changes to the objectives are not followed through in the vision and objectives section of the Review Plan. In the interests of clarity, they should be.

With these modifications, Policies R1 – R6 will meet the basic conditions for the reasons given above.

- **Ensure that the revised and new objectives on page 76 of the Review Plan are also included in the Vision and Objectives Chapter**
- **Delete the words “wherever practicable” at the end of the first paragraph of Policy R2**
- **Change the last sentence of the fourth paragraph of Policy R3 to read: “Given the proximity of the *Somerset Levels and Moors Ramsar Site*, compliance with Natural England’s phosphate’s planning advice will also be required.”**
- **Add the two map numbers (Maps 43 and 44) to the bullet point list of highway triangles for the two new LGSs in Policy R5**
- **Change the words “...maps 21 – 43...” in the first sentence of Policy R5 to “maps 21 – 44...”**

⁵⁸ NPPF para 131

⁵⁹ Ibid para 180

- **Insert the photographs of the two new Green Triangle LGSs into the Review Plan**
- **Move the Northwalls Grange play area information to be with the other play areas and insert a map of the play area into the Review Plan**
- **Delete the bullet points which read: “Further recreational sites are expected to be delivered within the Monkton Heathfield 2 development” and “Stoney Furlong public open space (Map 30)” from Policy R5**
- **Delete the paragraphs which begin: “Development on these designated areas will not be permitted...” and “Development on the designated areas listed above...” from Policy R5 and replace with a single paragraph at the end of the policy that reads: “*Development in the Local Green Spaces will be consistent with national policy for Green Belts.*”**
- **Delete the word “plentiful” in the first sentence of Policy R6 and replace with “*an appropriate and generous amount*”**

5. Action Plan

Some additions are made to this section including a new Community Action 2 on place marking information.

This section refers to regular reviews. Whilst this is not a requirement of neighbourhood planning, I consider this to be good practice and it is to be welcomed.

6. Appendices

This section details the CIL priorities for each Parish. The list has been updated.

NE has asked for a change in wording to a reference to a letter of 17 August 2020 in the “Other Matters” part of this section. In the interests of clarity, a modification is made.

A helpful glossary is included. The NHS Somerset CCG request an update to the glossary to reflect changes to the organisation type referred to. In the interests of accuracy, a modification is made.

- **Change the first sentence of the paragraph under “Other Matters” on page 168 of the Plan to read: “On 17 August 2020 SWTC received a letter from Natural England about high levels of phosphates in the *catchment of the Somerset Levels and Moors Ramsar Site.*” [retain remainder of paragraph as is]**
- **Replace the reference to, and definition of, primary care trusts in the glossary with “*Clinical Commissioning Groups*”**

7.0 Conclusions and recommendations

Other than the specific issues I have identified above, I have not found any further issues arising from other policies in the Review Plan which lead me to conclude any additional modifications are needed.

I am satisfied that the West Monkton and Cheddon Fitzpaine Review Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to SWT that, subject to the modifications proposed in this report, the West Monkton and Cheddon Fitzpaine Review Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the West Monkton and Cheddon Fitzpaine Review Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Plan should proceed to a referendum based on the West Monkton and Cheddon Fitzpaine Neighbourhood Plan area as approved by Taunton Deane Borough Council on 24 November 2015.

Ann Skippers MRTPI
Ann Skippers Planning
21 July 2022

Appendix 1 List of key documents specific to this examination

West Monkton and Cheddon Fitzpaine Neighbourhood Plan 2021 – 2028 June 2021

Basic Conditions Statement June 2021

Sustainability Audit June 2021

Consultation Statement June 2021 including table of response to comments received
Reg 14

Neighbourhood Plan Review Questionnaire 2019 final and report of responses

Strategic Environmental Assessment SEA Screening Document September 2021 (Lepus
Consulting)

Habitats Regulations Assessment September 2021 (Lepus Consulting)

SEA Environmental Report January 2022 (Lepus Consulting)

Monkton Heathfield Garden Town phase 2 ‘critical friend’ review and next steps
suggestions July 2020 (Create Streets)

Taunton Deane Borough Council Adopted Core Strategy 2011 – 2028

Taunton Deane Adopted Site Allocation and Development Management Plan
(December 2016) and maps

Saved policies of the 2004 Taunton Deane Local Plan

Affordable Housing Supplementary Planning Document 2014

Climate Positive Planning Interim Guidance Statement on Planning for the Climate and
Ecological Emergency Version 2 March 2022 (SWT)

Somerset Climate Emergency Strategy various documents (SCC)

Carbon Neutrality and Climate Resilience Action Plan September 2020 (SWT)

Taunton The Vision for Our Garden Town July 2019

List ends

West Monkton and Cheddon Fitzpaine Revised Neighbourhood Plan

Examination

Procedural Matters – Formal Determination

Note 1

Following the submission of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan 2021 – 2028 (Revised Neighbourhood Plan) for examination, I write to advise you on initial procedural issues.

Initial matters

I confirm receipt of the submission draft revised Neighbourhood Plan (the Plan) and accompanying documents including the statements from the local planning authority and the Parish Councils regarding the proposed modifications and whether they are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace, giving reasons why, and the Regulation 16 consultation responses.

This has provided sufficient information to undertake my initial determination under paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).

Determination under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

I am required to determine to whether the modifications contained in the draft Plan are so significant or substantial as to change the nature of the neighbourhood development plan which the draft Plan would replace. The purpose of this determination is to establish the appropriate examination process for the draft Plan which will, amongst other things, affect whether or not the draft Plan will need to be the subject of a referendum if it is to be made.

In this context, the draft revised Plan intends, amongst other things, to:

- Include new text in relation to the housing, employment and recreation and environment objectives
- In relation to the housing chapter, the four existing policies are revised and a new Policy H5 added
- In relation to the transport chapter, the existing policy is revised
- In relation to the employment chapter, four of the five existing policies are revised
- In relation to the recreation and environment chapter, four of the five existing policies are revised and a new Policy R6 added

Many of the proposed changes to existing policies include new text or rewording to make policies clearer and more precise, reflect factual changes since the original Plan was made or add more detail or more detailed requirements. In relation to Policy R5 (Local Green Spaces), two sites designated as Local Green Spaces are removed and two new sites are proposed for inclusion in the Plan.

In relation to the two new policies proposed, Policy H5 deals with building and climate change

and Policy R6 deals with trees and hedgerows.

The local planning authority, SWT, consider that the proposed modifications to the draft Plan in relation to Policies H2, H5, T1 and E3 are so significant or substantial as to change the nature of the made Plan. The Parish Councils' also consider that some of the proposed modifications are so significant or substantial as to change the nature of the made Plan.

I have considered the proposed modifications, the views of the local planning authority and the Parish Councils and the representations received as well as the advice on updating neighbourhood plans in Planning Practice Guidance. I have no reason to disagree with the views of the local planning authority and qualifying body. Therefore in my assessment, the modifications to the made Plan are so significant or substantial as to change the nature of the made Plan and I formally determine accordingly under paragraph 10(1) of Schedule A2.

Consequently, I consider the examination of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan Review should proceed under the provisions of Schedule 4B to the Town and Country Planning Act 1990 (as amended). In turn, this means a referendum would be required.

Accordingly, I therefore request the formal consent of the qualifying body (in accordance with paragraph 10(5) of Schedule A2) for the examination to proceed under the provisions of Schedule 4B, as set out above.

Subject to receipt of the formal consent of the qualifying body for the examination of the Review Plan to proceed under the provisions of Schedule 4B, I will issue a further procedural letter concerning the arrangements for the examination as well as any questions of clarification or other matters that may arise.

If the local planning authority or Parish Councils have any questions relating to the examination process, please do not hesitate to get in touch and I will do my best to answer any such queries.

Ann Skippers MRTPI
Independent examiner
11 April 2022