

Somerset West and Taunton

Statement setting out general information as to town and country planning (and neighbourhood planning) and the referendum (having regard to any guidance issued by SoS) as it applies to the West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan (WM&CF NDP)

Summary

Having considered the matters raised through the submission consultation and the Independent Examiners report on the WM&CF NDP, Somerset West and Taunton (SWT) confirms that the West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan (WM&CF NDP), as modified by the Examiners recommendations, meets the requirements of the relevant planning regulations, and will proceed to a Neighbourhood Planning Referendum.

Background information

SWT Local Planning Authority came into being on 1 April 2019 replacing the former LPA's of Taunton Deane Borough Council (TDBC) and West Somerset Council (WSC).

Designation

TDBC received an application from West Monkton and Cheddon Fitzpaine Parish Councils on 24 August 2014 for the designation of a neighbourhood area for West Monkton and Cheddon Fitzpaine Parishes with a view to preparing a Neighbourhood Plan following designation.

The proposals were subject to public consultation between Friday 18 September and 30 October 2015, in accordance with Regulation 6 of the Neighbourhood Plans (General) Regulations 2012. Under Section 61F of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) a parish council are authorised to act in relation to a neighbourhood area if that area consists of or includes the whole or any part of the area of the council. On the 24 November 2015 under Section 61G of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) TDBC designated the West Monkton and Cheddon

Fitzpaine Neighbourhood Area, minus the area of the Staplegrove Urban Extension falling within the joint Parish boundaries (less than 7% of the urban extension), as shown on the plan in the consultation documents.

Existing Made Neighbourhood Plan

The existing West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan was Made on 23 April 2018.

Submission

West Monkton and Cheddon Fitzpaine Parish Council as the Qualifying Body (QB) submitted the Revised West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan and associated documents to TDBC on 18 October 2021.

Following submission; the NDP and its associated documents, with details of how representations might be made was published. Representations were invited between 5 November and 17 December 2021.

Appointment of Examiner

In November 2021 West Monkton and Cheddon Fitzpaine Parish Councils and SWT appointed Ann Skippers to determine if the proposed modifications were so significant or substantial as to change the nature of the Made Neighbourhood Plan, and if they were to independently examine the Revised West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan.

The Examiner reviewed the Plan under Paragraph 10(1) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and determined that the proposed modifications were so significant or substantial as to change the nature of the Made Neighbourhood Plan.

Formal consent of the Parish Councils for the examination to proceed was given on 13 April 2022.

The Examiner reviewed the Plan in accordance with Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and in the Neighbourhood Plans (General) Regulations 2012.

Examination

Examination commenced in April 2022. The Independent Examiner decided that a hearing was not required, and the examination would be written representations.

During the course of the Examination the Independent Examiner submitted some additional questions to SWT and the QB. These questions and the responses to them are available on the SWT webpage for the WM&CF NDP.

SWT and the QB received the Independent Examiners report on 21 July 2022.

The report concluded that:

- West Monkton and Cheddon Fitzpaine Parish Councils are qualifying bodies; and

That the modified Plan, as published for the referendum:

- complies with the provision concerning neighbourhood development plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011):
 - relates to the development and use of land;
 - date for the period for which it is to have effect it is clearly indicated;
 - does not include excluded development;
 - relates to the designated Neighbourhood Plan Area.
- meets all the Basic Conditions (as set out in Schedule 4B to the Town & Country planning Act 1990):
 - has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to achieving sustainable development;
 - is in general conformity with strategic policies in the TDBC development plan;
 - is compatible with EU Obligations and does not breach European Convention Rights;

- prescribed conditions are met, and prescribed matters have been complied with;
- making of the Plan does not breach Conservation and Habitat Regulations.

Having considered each of the recommendations made in the Examiner's report, and the reasons for them, through an Executive Decision of a Portfolio Holder, SWT accepted Independent Examiners report and supported a modified Plan's progression to referendum. This decision and reasons for it was published on 8 August 2022 on the SWT website and sent to everyone who has previously commented on the emerging WM&CF NDP, asked to be kept informed of its progress or was a statutory consultee for neighbourhood planning.

Development and Use of Land

Policies in neighbourhood plans must relate to the development and use of land. This neighbourhood plan contains 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. Subject to modifications listed below, these are clearly delineated. The Plan therefore meets this requirement.

Plan Period

The Plan period is clearly stated in the Plan itself as 2021 – 2028. 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 confirmed in the Basic Conditions Statement. The Plan therefore meets this requirement.

Relates to the designated Neighbourhood Plan Area

The Plan relates to the Neighbourhood Area (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 – see designation note) 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.

National policies and advice contained in guidance issued by the Secretary of State

The Plan, as published for referendum, responded to national policy and guidance.

Contribute to the achievement of sustainable development

The Basic Conditions Statement submitted 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. The Plan, as published for referendum, meets this Basic Condition.

General conformity with the strategic policies in the development plan

The strategic policies of relevance to the Plan are those in the TDBC Core Strategy adopted 2012 and TDBC Site Allocations and Development Management Plan adopted 2016. The Plan, as published for referendum, meets this Basic Condition.

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water Matters. The Plan has been subject to Strategic Environmental Assessment, appropriate to the content and level of detail in the Review Plan. SWT does not have any concerns with regard to the SEA. The Plan meets this Basic Condition.

Conservation and Habitat Regulations

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 Plan has been subject to Habitat Regulations Assessment. The Appropriate Assessment concluded that the Review Plan would have no adverse impact on the integrity of any European site, either alone or in combination, with the agreement of the statutory consultees. SWT does not have any concerns with regard to the HRA. The Plan meets this Basic Condition.

European Convention on Human Rights (ECHR)

There is nothing in the Plan to indicate any breach or incompatibility with Convention rights. The Plan meets this Basic Condition.

Decision and Reasons

SWT has made the following modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions, for the reasons given:

Recommended change	Reason for Change
Delete the words "...supplementary planning document (SPD)" from the third paragraph on page 7 of the Review Plan.	Modification to meet Schedule 4B 10 (3) (e) 'Modification for correcting an error'; in this case a factual correction: The SADMP is a Development

	Plan Document not a Supplementary Planning Document.
Update references to the NPPF throughout the Review Plan to reflect most recent document published in July 2021.	Modification to meet Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance reference to the latest version of the NPPF
Delete the paragraph on page 31 of the Review Plan which starts "In exceptional circumstances..."	Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that a policy it should be concise, precise and supported by appropriate evidence PPG ID: 41-041-20140306, in this instance because text introduces a policy test within the objective and there is little explanation for.
Policy H1 - Change the third bullet point into a new paragraph [retain wording as is]	Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that it should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications, PPG ID: 41-041-20140306
Policy H5 - Rewrite the first paragraph to read: " <i>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.</i> "	Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that it should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications, PPG ID: 41-041-20140306
Policy H5 - Delete the words "...in conformity with the national BR optional requirement of 110 litres per person per day (see 'Building Regulations	Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this

<p><i>Approved Document G – Hot Water Safety,...</i> to end in bullet point three of Policy H5.</p>	<p>instance Written Ministerial Statement (WMS) of 25 March 2015 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. In addition, the WMS also states that neighbourhood plans should not be used to apply the national technical standard. This is referenced in PPG para 001 ref id 56-001-20150327</p>
<p>Policy T1 - Change the wording in the first paragraph of the policy from “...<i>in place before or soonest after first occupancy in the case of new developments</i>” to “<i>in place at the earliest opportunity</i>”</p>	<p>Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’, in this instance that it should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications, PPG ID: 41-041-20140306, providing clarity on the timing for networks.</p>
<p>Policy T1 - Add the words “<i>green wedge</i>” after “...<i>associated green space areas such as...</i>” in the first bullet point of the policy</p>	<p>Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’, in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306, in this instance “green wedges” are an existing designation that the green necklace and country park fall within.</p> <p>Modification to meet Schedule 4B 8 (2) (e), is in general conformity with strategic policies in the TDBC development plan document, adopted Core Strategy, in this instance the Green Wedge designation.</p>

<p>Update map 9 on page 51 to include improvements to the A3259 corridor, routes through the Monkton Heathfield area and along the A38 relief road.</p>	<p>Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306, in this instance providing clarity on improvements to the Somerset County Council road network.</p>
<p>Policy E2 - Change the “;” at the end of Policy E2 to a full stop.</p>	<p>Modification to meet Schedule 4B 10 (3) (e) 'Modification for correcting an error'; in this case grammatical, changing the “;” at the end of the policy to a full stop.</p>
<p>Policy E3 - Delete the sentence that begins: “<i>If purely due to location, where practicable...</i>”.</p>	<p>Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that a policy it should be concise, precise and supported by appropriate evidence PPG ID: 41-041-20140306, to ensure that policies provide a clear basis for planning decisions.</p> <p>Modification to meet Schedule 4B 8 (2) (e), is in general conformity with strategic policies in the TDBC development plan document, adopted Core Strategy.</p> <p>Modification to meet Schedule 4B 8 (2) (d), contributes to the achievement of sustainable development.</p> <p>In this instance the new requirement is not justified or sufficiently clear on how it might be achieved in practice. It places a requirement on development which is not justified. It also does not conform with</p>

	strategic policies Core Strategy Policy CP2 and SADMP Policy EC1, and it may hinder sustainable development.
Ensure that the revised and new objectives on page 76 of the Review Plan are also included in the Vision and Objectives Chapter.	Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306
Policy R2 - Delete the words "wherever practicable" at the end of the first paragraph.	Schedule 4B 8 (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance NPPF 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 (para 174 & 180).
Policy R3 - Change the last sentence of the fourth paragraph to read: " <i>Given the proximity of the Somerset Levels and Moors Ramsar Site, compliance with Natural England's phosphate's planning advice will also be required.</i> "	Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306, in relation to the Somerset Levels and Moors Ramsar site.
<p>Policy R5 Add the two map numbers (Maps 43 and 44) to the bullet point list of highway triangles for the two new LGSs.</p> <p>Change the words "...maps 21 – 43..." in the first sentence of to "maps 21 – 44..."</p> <p>Insert the photographs of the two new Green Triangle LGSs into the Review</p>	Modification to meet Schedule 4B 8 (2) (a) 'having regard to national policies and advice contained in guidance issued by the Secretary of State', in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306, in relation to the policy clarity, text consistency and cross referencing of maps and photos for LGS designations.

<p>Plan.</p> <p>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.</p>	
<p>Policy R5 - Delete the bullet points which read: <i>“Further recreational sites are expected to be delivered within the Monkton Heathfield 2 development”</i> and <i>“Stoney Furlong public open space (Map 30)”</i>.</p>	<p>Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’, in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306, Stoney Furlong appears twice, and removing imprecise information on possible future sites which at this stage are not quantifiable.</p>
<p>Policy R5 - Delete the paragraphs which begin: <i>“Development on these designated areas will not be permitted...”</i> and <i>“Development on the designated areas listed above...”</i> and replace with a single paragraph at the end of the policy that reads: <i>“Development in the Local Green Spaces will be consistent with national policy for Green Belts.”</i></p>	<p>Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’, in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306; and reflect the NPPF policy on development in LGS’s.</p>
<p>Policy R6 - Delete the word <i>“plentiful”</i> in the first sentence of Policy R6 and replace with <i>“an appropriate and generous amount”</i></p>	<p>Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’, in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306; to provide a definition of quantum of provision.</p>

<p>Appendices</p> <p>Change the first sentence of the paragraph under “<i>Other Matters</i>” on page 168 of the Plan to read: “<i>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.</i>” [retain remainder of paragraph as is]</p> <p>Replace the reference to, and definition of, primary care trusts in the glossary with “<i>Clinical Commissioning Groups</i>”</p>	<p>Modification to meet Schedule 4B 8 (2) (a) ‘having regard to national policies and advice contained in guidance issued by the Secretary of State’, in this instance that it should be drafted with sufficient clarity, PPG ID: 41-041-20140306, in this instance referencing the letter from Natural England about high levels of phosphates in the catchment of the Somerset Levels and Moors Ramsar Site.</p> <p>and</p> <p>Modification to meet Schedule 4B 10 (3) (e) ‘Modification for correcting an error’; in this case the name of an organisation.</p>
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TDBC has made the following modifications, not proposed by the examiner, these do not affect the draft plan’s compliance with the basic conditions, and for the reasons given:

WSC change not part of the IE recommendations	Reason for Change
Update the contents page.	To reflect the revised page numbers as a result of changes listed above.
Update the Index of Maps and Photographs	to reflect the revised page numbers and changes listed above.

The Independent Examiner, Ann Skippers, considered whether the area for the referendum should extend beyond the designated neighbourhood area. The recommendation was that the area for the referendum should not extend beyond the neighbourhood area to which the plan relates. SWT accepts the examiners recommendation as there is no know need to extend the referendum area beyond the designated neighbourhood area for the purpose of holding the referendum.

Referendum

To meet the requirements of the Localism Act 2011 a referendum which poses the question *Do you want Somerset West and Taunton to use the neighbourhood plan for West Monkton and Cheddon Fitzpaine to help it decide planning applications in the neighbourhood area?*

The date on which the referendum will take place is agreed as Thursday 22 September 2022.

08 August 2022