



# **South Petherton Neighbourhood Plan 2015 – 2028**

**A report to South Somerset District Council  
on the Examination of  
the South Petherton Neighbourhood Plan**

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Independent Examiner**

**3 April 2018**

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## Abbreviations

HELAA	South Somerset District Council Housing and Employment Land Availability Assessment, February 2017
LPA	Local Planning Authority (SSDC)
LPR	South Somerset Local Plan Review
NDP	Neighbourhood Development Plan
NP	Neighbourhood Plan
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SCC	Somerset County Council
SEA	Strategic Environmental Assessment
SPNP	South Petherton Neighbourhood Plan 2015-2028
SPNPSG	South Petherton Neighbourhood Plan Steering Group
SPPC	South Petherton Parish Council
SPPDS	South Petherton Parish Design Statement 2017
SSDC	South Somerset District Council
SSLP	South Somerset Local Plan 2006-2028 (adopted March 2015)
The Council	South Somerset District Council
The Framework	NPPF
The Parish Council	South Petherton Parish Council
The Steering Group	South Petherton Neighbourhood Plan Steering Group

### 1. Introduction

- 1.1 I have been appointed by South Somerset District Council (SSDC), with the consent of South Petherton Parish Council (SPPC), to carry out the independent examination of the South Petherton Neighbourhood Plan (SPNP), in accordance with the relevant legislation<sup>1</sup>. My appointment has been facilitated by the Independent Examination Service provided by Trevor Roberts Associates.
- 1.2 As required by the legislation, I am independent of SPPC and SSDC, I do not have an interest in any land that may be affected by the draft plan, and I have appropriate qualifications and experience. I am a chartered town planner and accredited mediator with wide experience in local and central government and private consultancy.
- 1.3 In carrying out this examination I have visited the locality, unaccompanied, and had regard to the following documents:
- South Petherton Neighbourhood Plan, Submission Version, September 2017
  - South Petherton Neighbourhood Plan, Basic Conditions Statement, September 2017
  - South Petherton Neighbourhood Plan, Consultation Statement, September 2017
  - South Petherton Neighbourhood Plan, Strategic Environmental Assessment and Habitats Regulations Screening Report, March 2017

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<sup>1</sup> Localism Act 2011

Town and Country Planning Act 1990 as amended

Planning and Compulsory Purchase Act 2004 as amended

The Neighbourhood Planning (General) Regulations 2012 as amended

- South Petherton Neighbourhood Plan, Statement of Reasons for not undertaking a Strategic Environmental Assessment (SEA), April 2017
- South Petherton Neighbourhood Development Plan, Sustainability Appraisal Report, August 2017
- Background and supporting documentation on the South Petherton Neighbourhood Plan website
- Individual Representations
- South Somerset Local Plan 2006-2028 (adopted March 2015)
- South Somerset Local Plan Review
- South Somerset District Council Housing and Employment Land Availability Assessment (HELAA), February 2017

- 1.4 Representations on the SPNP were submitted by Marine Management Organisation (MMO), Historic England, Natural England, Highways England, Somerset County Council Public Health, and South Somerset District Council. I have taken all these representations fully into account.
- 1.5 Some of the representations express support for various policies or make comments of a very general nature. I make no specific reference to these. I deal with the remaining representations under the appropriate policy headings below. In section 4, below, I list only those policies which require comment, either because of the representations or because I have identified matters which require modification.
- 1.6 Wherever possible, the examination of the issues by the examiner should be by consideration of the written representations. The examiner must cause a hearing to be held where it is necessary to ensure adequate examination of a particular issue, or where it is necessary to give a person a fair chance to put a case<sup>2</sup>. In this instance, the written representations are detailed, coherent, and supported by up to date evidence. In my view it was not necessary for a hearing to be held.
- 1.7 Throughout the process of preparing the SPNP between 2015 and 2017 the South Petherton Neighbourhood Plan Steering Group (SPNPSG) sought to inform and involve the community. The means of doing so included: public exhibitions, meetings and events; a community questionnaire sent to all households; discussion with local businesses; directly contacting strategic stakeholders with an interest in planning issues in the Parish; meetings with developers; making documents produced by the Neighbourhood Plan Steering Group available on the Neighbourhood Plan website; using social media; meetings with local groups and institutions; keeping the community informed of progress through the parish newsletter.
- 1.8 It is clear that a great deal of commitment and effort has gone into the production of the SPNP, and that it is founded on a desire to provide for future expansion whilst retaining the character of the Parish.

## **2. Location and characteristics**

- 2.1 The parish has a population of around 3600, concentrated in the village of South Petherton. The village is set in an agricultural landscape, with small areas of woodland. There are 113 listed buildings within the parish.

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<sup>2</sup> Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

### **3. The basis for this examination**

#### **3.1 *The basic conditions***

3.1.1 In brief, the basic conditions which must be met by the SPNP are:

- it must have regard to national policy and advice
- it must contribute to the achievement of sustainable development
- it must be in general conformity with the strategic policies in the development plan for the local area
- it must be compatible with EU obligations, including human rights requirements
- it must not have a significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010).

3.1.2 I shall deal in more detail with each of these conditions below.

3.1.3 The examination is meant to be carried out with a 'light touch'. I am not concerned with the 'soundness' of the plan, but whether it meets the basic conditions.

3.1.4 Strategic Environmental Assessment (SEA) Screening was carried out by SSDC, and it was concluded that the SPNP is unlikely to have any significant effects upon the environment or upon any European site.

#### **3.2 *Other statutory requirements***

3.2.1 When submitted to the local planning authority (LPA), a Neighbourhood Development Plan (NDP) should be accompanied by a map or statement identifying the area to which the plan relates, a 'basic conditions statement' explaining how the basic conditions are met, and a 'consultation statement' containing details of those consulted, how they were consulted, their main issues and concerns and how these have been considered and where relevant addressed in the plan.

3.2.2 The SPNP contains a map of the area to which the plan relates.

3.2.3 A basic conditions statement was submitted with the SPNP.

3.2.4 A consultation statement was submitted with the SPNP.

3.2.5 The SPNP must meet other legal requirements, including:

- that it is being submitted by a qualifying body (as defined by the legislation)
- that what is being proposed is a NDP as defined in the legislation
- that the SPNP states the period for which it is to have effect
- that the policies do not relate to 'excluded development'

- that the proposed SPNP does not relate to more than one neighbourhood area
- that there are no other NDPs in place within the neighbourhood area.

3.2.6 The requirements listed in paragraph 3.2.5 have all been met.

### **3.3 National policy**

3.3.1 National policy is set out in the National Planning Policy Framework (NPPF).

3.3.2 The Framework is supported by web-based Planning Practice Guidance (PPG).

3.3.3 I have also borne in mind the Written Ministerial Statement on Neighbourhood Planning (HCWS346) made on 12 December 2016, and the White Paper 'Fixing our broken housing market' of February 2017.

### **3.4 Existing development plan and proposed new local plan**

3.4.1 The existing development plan for South Petherton is the South Somerset Local Plan 2006-2028 (SSLP) (adopted March 2015). SSDC have embarked upon a Local Plan Review (LPR), but this is at an early stage.

3.4.2 PPG advises that a draft neighbourhood plan is not tested against the policies in an emerging local plan, although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

3.4.3 Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan, with appropriate regard to national policy and guidance.

3.4.4 At page 27 the SPNP recognises that sites for development in the Parish may be allocated through the Local Plan Review process. Appendix 1 of the SPNP reproduces a map and a table showing sites within the Parish, taken from the South Somerset District Council Housing and Employment Land Availability Assessment (HELAA) of February 2017. No indication is given of the likelihood of these sites being developed within the NP period. The HELAA says that 'the identification of potential sites within the HELAA does not imply that planning permission would be granted if an application were to be submitted'.

3.4.5 The LPR Issues and Options Consultation Document (published 26 October 2017) identifies a number of possible sites for new housing adjoining the village. There is some overlap with the HELAA sites. The Consultation document notes that 'The strength of the market and the potential housing sites identified in the HELAA suggest that [South Petherton] could continue to be an important settlement for the delivery of housing in the future'. However, this document marks only the beginning of a process of consultation and examination which will take at least two years. It is too early to say whether any of the sites will be allocated for development, or to say what the total of new dwellings might be. Nevertheless, Policy NE2 of the SPNP countenances the development of sites adjoining the village (see below).

3.4.6 In response to my written questions, SSDC say that they do not wish to see housing sites allocated by the SPNP. But at the same time they do not wish to see the possibility of housing development being restricted by the policies of the SPNP. I deal with these matters below.

#### **4. Policies**

##### **4.1 Policy NE1 - South Petherton Village Development Area**

- 4.1.1 South Petherton is classed as a Rural Centre in the SSLP. Market towns are expected to accommodate growth which has a wider than local significance, whereas Rural Centres are expected to accommodate growth catering more for local needs. The housing target for South Petherton in the SSLP plan period is 229. 219 dwellings had been completed by the end of March 2016, and 263 had been completed or were committed (by planning permissions) in January 2017 (see SPNP page 49, second paragraph).
- 4.1.2 Policy NE1 seeks to guide development to the defined South Petherton Development Area, the boundary of which is tightly drawn around the village. (See also paragraph 5.3 below).
- 4.1.3 SSDC say that the district has only a 4.2 year housing land supply, and that the amount of housing built in the larger towns has fallen short of the SSLP targets. They say that South Petherton could be an important settlement for the delivery of housing in the future and that SPNP policies NE1 and NE2 are too restrictive.
- 4.1.4 As I have said (see paragraph 3.4.1 above) the Local Plan Review is at an early stage, and there is no certainty that South Petherton will be identified as a location for growth beyond that which is already committed. When the Local Plan Review is complete, it may be necessary to review the SPNP to allow for further growth. For the moment, given the lack of certainty, it does not seem unreasonable for the SPNP to seek to locate development within and adjacent to the Development Area. Policy NE1 says only that the Development Area is the 'preferred location' for development, which to me implies that there might be circumstances where development might be justified elsewhere, and indeed Policy NE2 goes on to set out what those circumstances might be.

##### **4.2 Policy NE2 – Proposals on the Edge of the Village Development Area**

- 4.2.1 Policy NE2 says that proposals adjacent to the Development Area will only be supported where they are well-related, delivered at a rate of 12 dwellings a year, are a response to local needs, do not compromise landscape character and do not cause significant environmental effects.
- 4.2.2 The policy uses the words 'adjacent', which means 'near or touching', and 'contiguous' which means only 'touching' (and not 'well-related' as stated by the policy). This is contradictory and confusing. I **recommend** that the word 'contiguous' be deleted, and that the sub-paragraph should read: 'are well related to the ....'.
- 4.2.3 SSDC say that the rate of building is not within the control of either the Parish or the District Council, and is a matter for the developer. I understand the desire of the SPNP to achieve a rate of change which would feel 'comfortable' given the size and character of the village and the expectations of its residents. However, I do not see a practical mechanism for achieving such a specific rate of change, especially given the vagaries of the house building and house selling industry (including such issues as weather conditions, availability of labour and materials, financial constraints and market fluctuations). Sub-paragraph (ii) of Policy NE2 does include the

word ‘preferably’, which suggests that its authors were aware of these difficulties. Given that such a specific completion rate does not appear to be enforceable, it would in my opinion be appropriate to remove the aspiration from the policy and place it in the supporting text, and I so **recommend**. (See also paragraph 5.4 of this report, below). In reply to my written questions, SPNPSG said that the figure of 12 could be increased to 17, but in my opinion the same objections would apply to the inclusion of that specific figure in the policy itself.

- 4.2.4 As the policy is presently drafted, the words ‘preferably delivered’ in sub-paragraph (ii) apply not only to the proposed completion rate, but also to ‘a scale in line with design requirements set out in the Parish Design Guide’. Given the importance attached to the Parish Design Guide by the SPNP it appears unlikely that the application of the qualifier ‘preferably’ is intentional, and if that is the case, the sub-paragraph requires re-drafting, and I so **recommend**.
- 4.2.5 Sub-paragraph (iii) says that development should present a direct response to demonstrable local needs. SSDC say that there is little evidence of what constitutes such needs. However, the ‘Housing’ section of the SPNP sets out the authors’ understanding of the local needs position, citing in particular an independent Housing Needs Survey carried out in 2015. That survey identifies a need for affordable housing, and also for open market housing suited to the needs of older households who wish to remain in the parish. The SPNP, on page 49, says that there could be a shortage of dwellings with fewer bedrooms that would enable younger people and small families to access housing, or enable older households to downsize whilst remaining in the Parish. I consider that there is sufficient detail in the plan to give a developer a clear idea of its aspirations so far as local needs are concerned. Obviously, as the plan says on page 52, any particular scheme would be the subject of discussion and any evidence of change in the local needs position could be part of those discussions.
- 4.2.6 However, there is a problem with sub-paragraph (iii) of NE2 as presently drafted. It says that development proposals should represent a response to local needs ‘in accordance with policies H1 and H3’. Policy H1 is concerned solely with affordable housing and not with other local needs, for open market housing. In my view it would be wrong to overlook the needs of those local people with a need for open market housing identified on page 49 of the SPNP (see paragraph 4.2.5 above). I therefore **recommend** that sub-paragraph (iii) be altered to read: ‘represent a direct response to demonstrable local needs in accordance with Paragraph xx [see paragraph 5.2 below] and Policy H3 of this plan’.
- 4.2.7 The policy cites four documents which it says should be used as reference points to assess the impact of proposals. Of these, the South Petherton Peripheral Landscape Study is available on the SSDC website, and the South Petherton Parish Design Statement 2017 (SPPDS) forms part of the SPNP. A third is the ‘South Somerset Landscape Character Assessment’. SSDC say that this document has no formal status, not being a development plan document. However, they do not say that it has no relevance, or give any reason why it should not be used in concert with the other documents to assess proposals. They say that it is publicly available on the SSDC website. I note that the title of the document to which I am referred by SSDC is ‘The Landscape of South Somerset’. If this is in fact the same document as the ‘South Somerset Landscape Character Assessment’, then the title in the SPNP should be changed accordingly, and I so **recommend**. If it is not the same document, and the South Somerset Landscape Character Assessment is not publicly available, then it should not be used to assess the impact of proposals, the reference should be removed from the SPNP, and I so **recommend**.
- 4.2.8 The fourth document is the South Petherton Local Visual Landscape Study. In response to my questions, SPNPSG say that a hard copy of the South Petherton Local Visual Landscape Study is



on file having previously been openly available. If this document is to be used to assess the impact of development proposals, it should be made more easily accessible to the general public. Otherwise, it should not be used to assess the impact of proposals, the reference should be removed from the SPNP, and I so **recommend**.

#### **4.3 Policy H1 – Meeting the Demand for Affordable Housing in South Petherton**

4.3.1 On page 50 of the SPNP, in the introduction to the Housing policies, there is a summary of the SSLP polices dealing with affordable housing. These are now out of date as a result of a change in Government policy. This change is mentioned in a footnote to the SPNP. However, I consider that it would be more accurate and more helpful to a reader if the main text (in the third paragraph of page 50) were to be altered to reflect the present position, and I so **recommend**.

4.3.2 SSDC say that, in the policy, it is not clear what ‘the threshold for affordable housing requirements’ are. However, if the supporting text were to be modified as I recommend in paragraph 4.3.1 above, then there would be no doubt. A reference to the relevant paragraph could be added to the policy.

4.3.3 SSDC say that the words ‘within a reasonable period of time’ are rendered unnecessary by the operation of the local ‘Homefinder’ system. However, that system appears to cater only for rented properties, and some allocation mechanism is therefore required in the case of properties for sale. In the interests of clarity and precision, I **recommend** that an indication should be given, in the policy or in the supporting text, of what ‘a reasonable period of time’ might be.

#### **4.4 Policy H2 – Retaining Affordable Housing in Perpetuity**

4.4.1 SSDC say that the policy should underline the importance of section 106 agreements. I do not consider that this is essential to the operation of the policy, but the words ‘section 106 agreements’ (which are mentioned in the supporting text) could be added to the list of examples for the sake of completeness.

#### **4.5 Policy H3 – Housing Type and Size**

4.5.1 SSDC say that there is only limited justification for the choice of dwelling size mix set out in Policy H3. The evidence is limited, and partly anecdotal. However, it is the best that the local community has at present, and Policy H3 allows for considerable flexibility, including the words ‘... where feasible, viable and unless it can be demonstrated that other up-to-date evidence indicates alternative proportions’.

#### **4.6 Policies TT2 – Creating New Additional Off-Street Car Parking Capacity and TT3 – Parking in Residential Development**

4.6.1 Somerset County Council Public Health say that land for parking should be allocated at the edge of the village, with a transport interchange and undercover cycle parking, instead of the proposed additional car park allocations within the village, and that Policy TT2 should be amended and that Policy TT3 should be deleted. They say that s106 and CIL funding could be used to provide such a facility. They argue at length that providing additional car parking capacity within the village over and above County car parking standards will not reduce the impact of motor vehicles upon the community, and will make housing less affordable. In

answer to my questions, SCC say that the interchange should comprise car parking and a bus stop shelter incorporating cycle parking.

- 4.6.2 The Public Health case is forcefully argued, but SSDC and SPNPSG question the practicality, financial viability, extent of usage and effectiveness of the proposal. South Petherton is a small rural village and both residents and visitors rely heavily on car use for access. I recognise that both NPPF and the recently published 'NPPF – Draft text for consultation' encourage the fullest possible use of public transport, walking and cycling, but they also accept that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 4.6.3 Practical experience suggests that under-providing off-street car parking in residential developments may not in itself persuade occupiers to reduce car ownership or car use. Indeed this is recognised by the SCC Parking Strategy 2013 (for example: 'Too little parking leads people to park in inappropriate places, making our streets more dangerous, cluttered and congested' (paragraph 3.4)). Of course, a balanced package of measures, including improved public transport, park and ride facilities, cycleways and other initiatives, in combination with restricted off-street parking, can make a difference. But there is no convincing evidence before me that such a package would be financially viable or otherwise effective in the particular circumstances of South Petherton, a small rural village with heavy reliance on private car use. In my judgement, the SPNP is taking a pragmatic approach to the parking problems identified by the local community, given the resources currently available. The policies do not conflict with national policy and advice nor with the SSLP. Not catering fully for car ownership might be a workable strategy in a more sustainable urban location, but in this very rural setting the SPNP appears to me to be taking a justifiable and relevant approach.

#### **4.7 Policy D1 – Priority Projects and Action**

- 4.7.1 Policy D1 sets out a list of projects which the community would like to see implemented when funds are available. It is not a policy for determining how land should be used or developed. I therefore **recommend** that the 'Policy' heading and number be removed, and that the list and supporting text should become an Appendix to the plan.

#### **4.8 South Petherton Parish Design Statement 2017**

- 4.8.1 Although the SPPDS appears as an Appendix to the SPNP, it is clearly stated at page 41 of the plan that the SPPDS 'is an integral part of the Plan and will therefore be subject to the same scrutiny and consultation. Going through this process and making it part of the Plan itself gives it the weight required for it to be enforceable through the application of Policy BEH1'.
- 4.8.2 SSDC suggest that 'areas of high landscape sensitivity' referred to in the box on page 9 of the SPPDS might be identified and shown on a map. Whilst this might indeed be desirable, in my judgement the introduction of such a map at this very late stage in the plan making process would require full public consultation in the interests of openness and fairness. In my opinion there are sufficient examples in the text of the NP and the SPPDS, and also in Map E ('Important Views') to identify the main areas of concern.
- 4.8.3 SSDC say that the term 'sufficient parking' on page 11 of the SPPDS should be explained. Throughout the SPNP runs a theme highlighting the insufficiency of off-street parking within the village. The plan stresses the desirability of providing sufficient parking in new developments to avoid further on-street demand. The parking standards for Somerset are set by the County Council who are the Local Highway Authority. Their standards may be exceeded if there is local

justification in specific circumstances. I consider that the words 'sufficient parking' on page 11 of the SPPDS can be readily understood in the context of the SPNP as a whole. In particular, Policy TT3 and its supporting text clearly make the case for adequate parking provision.

- 4.8.4 Within the Conservation Area, the SPPDS (at page 12) encourages the use of natural stone, and timber or stone-mullioned windows. SSDC have reservations about this advice. I recognise that if the natural materials, or the design of the scheme, are of poor quality, then of course the Conservation Area will not benefit. But in principle I see no good reason not to seek design solutions which best suit the existing character of the Conservation Area.
- 4.8.5 Within the Conservation Area, the SPPDS (also at page 12) says that windows in new buildings or extensions should have a vertical emphasis. SSDC have reservations about this advice. During my visit I saw that there are many different styles of building within the Conservation Area. In some instances a vertical emphasis might not be the most appropriate solution. In my opinion the guideline concerning vertical windows is too sweeping a generalisation, and it requires expansion and justification if it is to remain. I **recommend** that this guideline should be redrafted.
- 4.8.6 Within the Conservation Area, the SPPDS (at page 12) seeks to prevent the loss of gardens which form characteristic gaps between buildings. SSDC question this, and also raise the issue of permitted development rights. In principle I see no harm in this guideline, since it aims to preserve the character of the Conservation Area. Side extensions would require planning permission within the Conservation Area, regardless of whether they lie within the Development Area. Outside the Conservation Area, such gaps might be more difficult to protect.
- 4.8.7 SSDC also criticise the detailed advice on the use of materials given for development outside the Conservation Area (SPPDS, page 16). This matter, and those set out in 4.8.4 to 4.8.6 above, are not issues which bear upon my consideration of the basic conditions, but for the most part are points of drafting which could and should be resolved by discussion between SSDC and SPNPSG, taking into account my conclusions set out in 4.8.4 to 4.8.6 above. I **recommend** that those discussions should take place, and revised text agreed where appropriate.

## 5. Other matters

- 5.1 There are a number of typographical, syntactical and other errors in the text of the SPNP. It is not appropriate or necessary for me to list them all in this report. However, where the errors concern aims, objectives or policies, I have listed them in Appendix 1 in order to improve the clarity and accuracy of the plan, and I **recommend** that these changes be made.
- 5.2 Users of the plan should be able to refer accurately and easily to specific paragraphs. I therefore **recommend** that the paragraphs of the plan, including paragraphs and sub-paragraphs within the policies, should be numbered.
- 5.3 A 'Development Area' for South Petherton is defined in the SSLP, and a map of the Development Area is reproduced for policy purposes in the SPNP. However, in the text and the policies of the SPNP the Development Area is referred to (not always consistently) as the 'Village Development Area'. This inconsistency is confusing, causing a reader to question whether there are in fact two differently defined development areas. To remove any doubt, I **recommend** that either 'Development Area' or 'Village Development Area' is used consistently.

- 5.4 The fourth and fifth sentences of the third paragraph on page 28 of the SPNP appear to imply that an additional 12 dwellings per annum would be acceptable for the remainder of the plan period. This is clearly not the intention of the SPNP. The intended meaning of the word 'cumulative' in the relevant sentence is unclear. The two sentences should be removed, or should be redrafted so that their meaning is clear, and I so **recommend**. (See also paragraph 4.2.3 of this report, above).
- 5.5 Map E on page 29 of the SPNP shows important views. The key says that viewpoint LV4 gives a view into the village centre, but the map appears to show two additional views from the same point. For clarity these should be identified in the key or deleted from the map, and I so **recommend**.
- 5.6 Throughout the SPNP, the words 'Highways (plural) Authority' are used. This is incorrect. Highways (plural) England are the authority responsible for trunk roads and motorways. Local Highway (singular) Authorities are responsible for other roads. The Local Highway Authority for South Somerset is Somerset County Council. Throughout the SPNP the words 'Highways Authority' should be replaced by the words 'Local Highway Authority', and I so **recommend**.
- 5.7 SSDC point to two small errors in the Basic Conditions Statement. These have no bearing upon my examination of the SPNP.
- 5.8 SSDC say that an updated Monitoring Report was published in October 2017, but this does not appear to have a significant bearing upon my examination of the SPNP.
- 5.9 At page 39 of the SPNP the number of Listed Buildings in the Parish is given as 114, and the number in the village is given as 63. At page 3 of the SPPDS the numbers are given as 113 and 64 respectively. According to SSDC the figure for the Parish should be 113, and I therefore **recommend** that page 39 should be amended accordingly.

## 6. Conclusions on the basic conditions

- 6.1 For the reasons set out above, I conclude that, subject to my recommended modifications, the SPNP has appropriate regard to national policy and advice.
- 6.2 There is no evidence before me to suggest that the SPNP is not in general conformity with any strategic policies of the development plan for the local area which are not out of date.
- 6.3 The targets for development set out in the SSLP have already been exceeded. The SPNP makes provision for further development within and adjacent to the defined Development Area. Therefore, as matters stand, I consider that the SPNP does contribute to the achievement of sustainable development. As the LPR rolls forward further development may be allocated to the Parish, in which case the NP will need to be reviewed.
- 6.4 There is no evidence before me to suggest that the SPNP is not compatible with EU obligations, including human rights requirements.
- 6.5 There is no evidence before me to suggest that the SPNP has any significant adverse effect on a 'European site' (under the Conservation of Habitats and Species Regulations 2010).

**7. Formal recommendation**

- 7.1 I have concluded that, provided that the recommendations set out above are followed, the SPNP would meet the basic conditions.
- 7.2 I therefore recommend that the SPNP, as modified, should proceed to a referendum.
- 7.3 There is no evidence to suggest that the area of the referendum should be anything other than the Neighbourhood Plan Area, as defined by the map on page 13 of the SPNP.

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3 April 2018

## APPENDIX 1 – SUMMARY TABLE OF RECOMMENDATIONS

Examiner's report paragraph	SPNP reference	Recommendation
4.2.2	Policy NE2	Delete the word 'contiguous'. The sub-paragraph should read: 'are well related to the ....'.
4.2.3	Policy NE2, sub-paragraph (ii)	Remove the reference to completion rates from the Policy, and place it in the supporting text.
4.2.4	Policy NE2, sub-paragraph (ii)	Re-draft so that the word 'preferably' does not apply to the issue of scale.
4.2.6	Policy NE2, sub-paragraph (iii)	Alter to read: 'represent a direct response to demonstrable local needs in accordance with Paragraph xx and Policy H3 of this plan'.
4.2.7	Policy NE2, sub-paragraph (b)	If 'The Landscape of South Somerset' is the same document as the 'South Somerset Landscape Character Assessment', then the title in the SPNP should be changed accordingly. If it is not the same document, and the South Somerset Landscape Character Assessment is not publicly available, then it should not be used to assess the impact of proposals, and the reference should be removed from the SPNP.
4.2.8	Policy NE2, sub-paragraph (c)	The South Petherton Local Visual Landscape Study should be made more easily accessible to the general public. Otherwise, it should not be used to assess the impact of proposals and the reference should be removed from the SPNP.
4.3.1	Page 50, third paragraph	Reword the paragraph to describe accurately current national policy on affordable housing.
4.3.3	Policy H1	An indication should be given, in the policy or in the supporting text, of what 'a reasonable period of time' might be.
4.7.1	Policy D1	Remove the 'Policy' heading and Policy number, and move the list and the supporting text to an Appendix.
4.8.5	SPPDS, page 12	Re-draft the guideline concerning a vertical emphasis for windows.
4.8.7	SPPDS, pages 12 and 16	SSDC and SPNPSG should discuss these guidelines, taking into account my conclusions in 4.8.4 to 4.8.6, and agree revised wording where appropriate.
5.1	Page 16, Footnote 6, line 4	Insert semi-colon between 'with' and 'the'.
5.1	Page 21, Vision, line 2	Insert 'in a way' before 'which'.
5.1	Page 22, Objective 11	'increase' should be 'increases'
5.1	Pages 22 and 57, Objective 14	Should read: '... the creation of small ... and by enabling ...'
5.1	Page 53, Policy H1	Alterations are required for syntactical purposes.
5.2	Pages 1-70	The paragraphs of the plan, including paragraphs and sub-paragraphs within the policies, should be numbered
5.3	Pages 1-70	Either 'Development Area' or 'Village Development Area' should be used consistently.

5.4	Page 28, third paragraph, fourth and fifth sentences	The two sentences should be removed, or should be redrafted so that their meaning is clear (see also 4.2.3).
5.5	Page 29, Map E	Either: identify in the key all three views from LV4; or: remove the two additional views from the map.
5.6	Pages 1-70	Throughout the SPNP the words 'Highways Authority' should be replaced by the words 'Local Highway Authority'.
5.9	Page 39	Change the number of Listed Buildings in the Parish to 113.

## APPENDIX 2

### EXAMINER'S QUESTIONS AND SSDC/SPNPSG RESPONSES

<b>EQ1</b>	SSDC say that the South Somerset Landscape Character Assessment 'has no formal status'. However, they do not say that it has no relevance, or give any reason why it should not be used in concert with other documents to assess the impact of proposals. Is there any such reason?
<b>RESPONSE</b>	See EQ2 below
<b>EQ2</b>	Is the South Somerset Landscape Character Assessment publicly available?
<b>RESPONSE</b>	<p><b>SSDC</b> – 'The Landscape of South Somerset' was published in October 1993. It is available on the District Council's website for information, but it does not constitute a Development Plan Document.  <a href="https://www.southsomerset.gov.uk/media/410701/the_landscape_of_south_somerset.pdf">https://www.southsomerset.gov.uk/media/410701/the_landscape_of_south_somerset.pdf</a></p> <p>The more recently published Peripheral Landscape Study for South Petherton (June 2008) is also available and forms part of the evidence base for the current Local Plan Review.  <a href="https://www.southsomerset.gov.uk/media/321290/peripheral%20landscape%20study_south%20petherton.pdf">https://www.southsomerset.gov.uk/media/321290/peripheral%20landscape%20study_south%20petherton.pdf</a></p>
<b>EQ3</b>	Is the South Petherton Local Visual Landscape Study publicly available?
<b>RESPONSE</b>	<p><b>SSDC</b> – It is not known whether the Local Visual Landscape Study is available. It does not appear to form one of the evidence documents on the Neighbourhood Plan website. <u>Evidence Base Reports – Neighbourhood Plan</u></p> <p><b>SPNPSG</b> - The SSDC documents are publicly available in the SP library in the LIC touchscreen computer and a map of Local Visual Landscape Study in hard copy is on file having previously been openly available.</p>
<b>EQ4</b>	Does Policy H1 apply to rented housing only, or to rented housing and housing for sale?
<b>RESPONSE</b>	<b>SSDC</b> – Unsure of intention. The Policy does however refer to affordable housing being available for persons who do not have access to open market housing.
<b>EQ5</b>	SSDC say that in Policy H1 the words 'within a reasonable period of time' are rendered unnecessary by the operation of the local 'Homefinder' system. Does that system cater for properties for sale as well as rented properties? If not, what is current mechanism for allocating affordable properties which are for sale?
<b>RESPONSE</b>	<b>SSDC</b> – the Homefinder system does not apply to properties for sale. SSDC do not get directly involved in allocating, for example, shared ownership properties; and this can be managed through a number of other agents.
<b>EQ6</b>	Is it correct to say that domestic side extensions would require planning permission within the Conservation Area?
<b>RESPONSE</b>	<b>SSDC</b> – It is correct.



<b>EQ7</b>	Is the Somerset County Council Parking Strategy of 2013 the most up-to-date source of car parking standards for South Somerset?
<b>RESPONSE</b>	<b>SSDC</b> - It is.
<b>EQ8</b>	At page 39 of the SPNP the number of Listed Buildings in the Parish is given as 114, and the number in the village is given as 63. At page 3 of the SPPDS the numbers are given as 113 and 64 respectively. Which figures are correct?
<b>RESPONSE</b>	<b>SSDC</b> – The Somerset Historic Environment Records have 113 entries for Listed Buildings in the parish of South Petherton. They do not differentiate between those in the village and those elsewhere.
<b>EQ9</b>	SSDC say that ‘South Petherton could be an important settlement for housing in the future and it would not be appropriate to restrict this as set out by these Neighbourhood Plan policies [NE1 and NE2]’. Do SSDC wish to see specific housing sites allocated by the NP? If not, how would they wish to see policies NE1 and NE2 modified to facilitate future development?
<b>RESPONSE</b>	<p><b>SSDC</b> – The distribution of new housing and allocation of specific sites at various settlements will be considered through the Local Plan Review. Several options for South Petherton have been included in the Review Issues and Options Consultation Document, but no decisions have yet been taken, the consultation period having only ended in January 2018.</p> <p><a href="https://www.southsomerset.gov.uk/media/900905/early_review_local_plan_issues_and_options_merged_v12_-_final.pdf">https://www.southsomerset.gov.uk/media/900905/early_review_local_plan_issues_and_options_merged_v12_-_final.pdf</a></p> <p>The District Council do not wish the Neighbourhood Plan to include allocations.</p> <p>The Policies in the Neighbourhood Plan should not seek to restrict the location and number of new dwellings. Planning applications will be considered in the context of Policies SS1 and SS5 of the current Local Plan. It is difficult to see how Policy NE2 of the Neighbourhood Plan can seek to [determine] the delivery of a specified number of dwellings per year.</p> <p>Policy NE2 should omit section ii; and a clearer definition of ‘local needs’ is required in relation to section iii - this should not seek to limit open market housing. Affordable housing should meet the requirements of people who qualify on the Housing Register and through the Homefinder mechanism.</p> <p><b>SPNPSG</b> – <b>In relation to the Examiner’s question EQ9</b>, and as a general comment, there is no legal requirement to allocate development sites in the NP and at no time is it recalled that SSDC officers suggested that the NP really must allocate sites. A number of options for housing growth have been identified in South Petherton in the Local Plan Review Issues and Options which went out for consultation – but at the current time we are not aware of the results of the consultation or decisions made by SSDC.</p> <p><b>In relation to SSDC’s response to the Examiner’s question EQ9</b>, it should be understood that the Neighbourhood Plan is an expansionary document focusing on meeting the housing needs of a growing population within a thriving community. The extent of future housing development is highlighted in the Preface to the Plan in the</p>

section PACE OF HOUSING CONSTRUCTION, which states: "Such a policy should enable housing targets to be met comfortably."

The Plan is not intended to restrict delivery to a specified number of dwellings a year but gives due regard to the Parish's wish to preserve the special nature of South Petherton and in particular the atmosphere of a village. Thus there is the wish to meet housing targets by the continuous process of infilling.

NE2 is not unduly restrictive - it sets out all of the criteria important in SP that developers should take into account. It does not say "cannot" or "must" but helpfully guides development to appropriate locations. The supporting text is clear that SP is not anti-development. It signposts the evidence base and guidance material that should be considered by developers. It does not say it all has to be stuck to like glue (it cannot) and the policy is positively framed in line with national guidance.

NE2 ii) does not say that only 12 per year have to be delivered and no more - it's just an indication of an annualised rate that would be appropriate and which is in line with the existing Local Plan figures and remaining residual at that point. Therefore it is, as it says, a preference. Of course we are aware that development isn't delivered via a specified annualised number and so it's a guide in relation to scale across the Plan period.

Further in relation to any removal of the figure of 12 houses in NE2 ii), it should be appreciated that in 2017, when there were no larger scale developments, 13 applications were approved (including outline permission for 3 bungalows). The current rate of new housing has far exceeded the target in the existing Local Plan and due regard should be paid to the significant risk to South Petherton "Village's" status as a rural centre from the impact of additional development.

In examining this crucial point further, regard should be had both to the original context within which the Neighbourhood Plan was formulated and the new context within which SSDC appears to be viewing the Neighbourhood Plan.

One of the Steering Group's members has produced a comment and supporting information to answer SSDC's comment from the perspective of the original context within which the Steering Group operated. Please see the attached comment and the graph which dramatically shows the overshoot of the target under the current Local Plan. Due consideration should be given to the attached, especially as the points it makes are developed below.

With regard to the new context within which SSDC appears to be viewing the Neighbourhood Plan, please see the following:

The new Local Plan Review for the period 2014 to 2034 points out that the current Local Plan's target of 229 new homes for South Petherton has already been surpassed by the 232 new houses already built. An additional 28 houses being built right now or with planning permission and current applications mean that the new Plan period has got off to an already accelerated start. More if planning applications in the pipeline are approved. The new Plan has a target of 340 new dwellings. Over 20 years that would mean 17 a year.

**On that basis we would retain the wording for Policy NE2 but would reluctantly change the number 12 to 17 with a reservation that circumstances may change and be reflected.** Bearing in mind the accelerator impact of even just one larger scale development on the rate of housing delivery, otherwise by infilling or smaller scale development, this should be regarded as an expansionist rather than a limiting approach. One which preserves the special nature of South Petherton Parish and “Village”.

Local needs are determined by the demand and demographics of the local population. In the Parish there is the housing need of young low waged singles and couples. South Petherton Parish has a high proportion of senior citizens, many with a requirement for smaller, more easily manageable properties. The size of properties mentioned in Policy H3 i) and ii) would, in principle, suit both groups. For the latter group in particular there is the need not to be too far away from health, retail and leisure facilities, and to have access to transport. For people of all demographics, where they have cars, there is a need for adequate parking. All helping to sustain the Parish as an active, lively community, not simply as a dormitory as many feared in their comments during consultations.

There is a need for local people to have access to open market housing, which really means that such housing should be within their budgets. This is key. Of course, pricing finds its own level, and anyway developers catering for a local or neo-local market will have to pitch prices at realistic levels. But if developers build houses specifically for non-local people or an affluent market this will lead to a disconnection with local personal financial resources. So, in principle, there is a local need for open market housing to be priced reasonably and realistically. In terms of the local need for affordable housing; this is spelt out in the findings of the independent Housing Needs Survey as described in the Plan.

**Further in relation to section iii),** there is an overall responsibility to facilitate housing opportunities for all people and while of course access to open market housing should not be limited, there is a responsibility to enable provision for people who do not have access to open market housing. Hence our recognition of the importance of affordable housing and also of the potential for the Community Land Trust concept to operate as an alternative to other affordable housing mechanisms. Indeed, we are pleased to be able to report that informal discussions with developers have revealed a willingness by them to incorporate arrangements with the South Petherton Community Land Trust in proposals.

For the immediate future, the intention would be that a role be considered for the Community Land Trust in housebuilding proposals, where appropriate.

**Considering SSDC’s comments on number of new dwellings from the perspective of the original context within which the neighbourhood plan was formulated and submitted**

EQ9. It is Important to recognise that SSDC are proposing that documents that are being developed for the new Local Plan, and that did not exist when the SPNP was developed, should be considered relevant to an examination of the SPNP.

SSDC's response is inconsistent with SSDC action during the preparation of the SPNP. SSDC took cognisance of the emerging NP in their formal responses to developers, including specifically Persimmon who informally made the response available to SPNP.

The NP does not seek to restrict development, but it reflects the Local Plan in existence when it was prepared, and still in force today. The review and options document for the planned revision to the Local Plan cannot be considered as relevant to the SPNP as the NP was reviewed and commented on by SSDC before it was lodged, and before the new options documents from SSDC were presented.

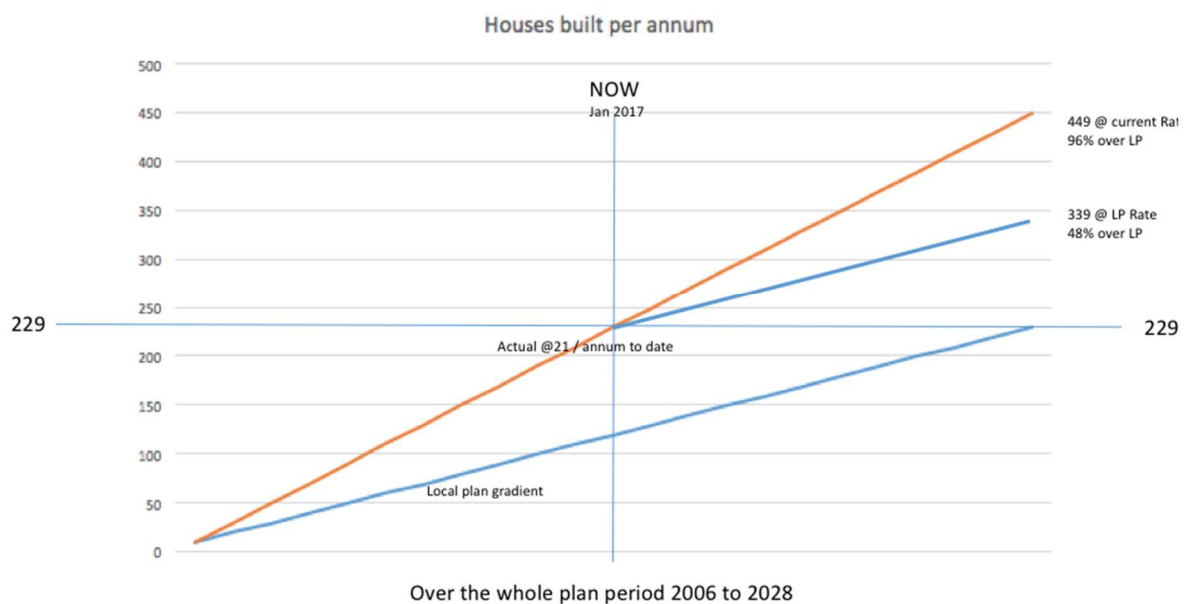
The view of the SPNP group was that various decisions by inspectors during the NP creation period reflected the manner in which development in rural centres should be assessed - unlike towns where inspectors considered that 50% (or so) additional development over the LP period was to be expected, but not much more than that. The trajectory of development up to the submission of the plan, if followed through, would create a 100% plus over development, and the NP considers this to be excessive and unwarranted.

### **Development Trajectory extract from meeting with major potential developers January 2017**

Whether or not one of the major developments comes to fruition within the Local Plan period 2006 – 2028 the housing numbers in South Petherton will exceed the Local Plan 2028 estimate (229).

At the current run rate by 2028 there will be 463 houses, 96% over target.

If from now on the run rate is that predicted in the Local Plan then 339 houses will have been completed by 2028, 48% over target.



<b>EQ10</b>	In response to my question EQ2, SSDC say that the ‘South Somerset Landscape Character Assessment’ is publicly available on the SSDC website. However, the title of the document to which I am referred by SSDC is ‘The Landscape of South Somerset’. Is this in fact the same document as the ‘South Somerset Landscape Character Assessment’?
<b>RESPONSE</b>	<p><b>SSDC</b> – When the Neighbourhood Plan refers to the ‘South Somerset Landscape Character Assessment’ it is assumed that the reference is actually to ‘The Landscape of South Somerset’ - the 1993 document - as the former title does not actually exist.</p> <p><b>SPNPSG</b> - The SPNPSG clearly failed to notice the title difference but the plan focused on a common issue.</p>
<b>EQ11</b>	<p>Somerset County Council Public Health say that land for parking should be allocated at the edge of the village, with a transport interchange and undercover cycle parking, instead of the proposed additional car park allocations within the village, and that Policy TT2 should be amended and that Policy TT3 should be deleted. They say that s106 and CIL funding could be used to provide such a facility. They argue at length that providing additional car parking capacity within the village over and above County car parking standards will not reduce the impact of motor vehicles upon the community, and will make housing less affordable.</p> <p>What is the response of SSDC and SPNPSG to these proposals? In particular, do they have a view on the financial viability, practicality and effectiveness of these proposals?</p>
<b>RESPONSE</b>	<p><b>SSDC</b> – The practicality, financial viability, extent of usage and effectiveness of such a proposal is probably highly dubious. Given the proximity of the A303 and distance to employment facilities and services, it is unclear who would find such a facility useful. The settlement is a rural settlement serving a wide hinterland of smaller villages; and the majority of residents can only access the South Petherton facilities by car.</p> <p><b>SPNPSG</b> - This notion although not prompted by SCC Public Health was well discussed in the SG. The research we carried out, although limited to one week between 8 am and 8 pm and one day of street parking till midnight, showed that existing parking was seldom full and parking for people with a disability seldom used. Given the cost and poor value for money of such an idea we took it no further.</p> <p><b>SCC Public Health</b> - No doubt you will have picked up on the significant changes in the draft revised NPPF which I suggest would tend to support my submission, in particular paragraphs 105 &amp; 110. Just for clarity the examiner refers to a transport interchange, which in the mind’s eye sounds rather grand. In my submission I referred to a simple transport interchange, which in reality is car parking and a bus stop shelter incorporating cycle parking.</p>