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# **Report on East Coker Neighbourhood Plan 2018 - 2028**

**An Examination undertaken for South Somerset District Council with the support of the East Coker Parish Council on the April 2018 submission version of the Plan.**

Independent Examiner: Mary O'Rourke BA (Hons) DipTP MRTPI

Date of Report: 10 August 2018

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## **Main Findings - Executive Summary**

From my examination of the East Coker Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the East Coker Parish Council;
- The Plan has been prepared for an area properly designated – the Parish Council area as shown on the map on page 4;
- The Plan specifies the period to which it is to take effect – 2018 to 2028; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *East Coker Neighbourhood Plan 2018 - 2028*

- 1.1 The rural parish of East Coker lies to the south west of Yeovil, close to the Somerset/Dorset border. With the A30 to the north, it is criss-crossed by a number of small roads and lanes that connect the villages of East Coker and North Coker to the smaller settlements of Burton, Nash, Holywell and Lyatts. The rural landscape is defined by the historic parkland of Coker Court and the Coker ridge to the south whilst, to the north, open farmland gently rises towards the built edge of Yeovil and the crest of the dip-slope at Keyford. In 2011, the Census data showed a resident population of just under 1,700 people in the parish of which just over 30% are aged over 65 years, higher than the national average.
- 1.2 There is evidence of a strong Roman influence in the area with the remains of two villas and Roman roads, including the A37 bounding the parish on its eastern side. The Exeter Domesday Book notes a Manor of Cochra and the thirteenth century Parish Church is known to be sited on earlier Saxon foundations. There are more than 90 listed buildings in the parish, many dating from the 16<sup>th</sup> and 17<sup>th</sup> centuries. The 20<sup>th</sup> century American poet T S Eliot felt a strong connection with the area, choosing to have his ashes

interred in the village church, and the second poem of his Four Quartets is named 'East Coker'.

- 1.3 The decision to prepare a Neighbourhood Plan was taken in 2013 and the formal application for designation as a Neighbourhood Plan Area was approved by South Somerset District Council in September 2013. The Plan has been prepared by a Steering Group, comprising parish councillors and other interested local people, with input from various consultants to assist the Group with particular tasks. The Consultation Statement, which accompanied the submitted Plan, details the consultation strategy, the evidence gathering and community engagement exercises undertaken and discussions held with key stakeholders over the 4-year period since the Plan's inception.
- 1.4 The Vision for the Plan, set out in Chapter 4, reflects public consultation and provides for an appropriate level of development and growth to meet local needs, whilst maintaining an attractive environment with a strong sense of community that continues to protect its heritage. This is refined in nine Objectives that include encouraging housing delivery to meet local needs, supporting existing and future businesses, and protecting high grade agricultural land to increase food supply sustainability. Beginning with General policies, the Plan addresses a number of relevant topics, putting forward planning policies designed to achieve the underlying Vision and Objectives. Generally, the Plan has a clear structure and is easy to navigate and read.

#### *The Independent Examiner*

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the East Coker Neighbourhood Plan by South Somerset District Council, with the agreement of the East Coker Parish Council.
- 1.6 I am a chartered town planner and former government Planning Inspector, with some 40 years of experience in the public and private sector, most recently determining major planning appeals and examining development plans and national infrastructure projects. I have previous experience of examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

#### *The Scope of the Examination*

- 1.7 As the independent examiner I am required to produce this report and recommend either:
  - (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 ('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;

- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of South Somerset District Council, not including documents relating to excluded minerals and waste development, is the South Somerset Local Plan 2006-2028 (SSLP), adopted in March 2015. Appendix 2 of the Plan lists 3 policies, relating to hazardous installations and disused railway lines, that continue to be saved from the earlier Local Plan but none is relevant to the examination of this Neighbourhood Plan. The SSLP provides the relevant strategic background for assessing general conformity. The District Council is progressing a Local Plan Review. It is at an early stage in the process with an Issues Paper published in October 2017.
- 2.2 Yeovil is identified in the Local Plan as the principal settlement in the district, a Strategically Significant Town and the prime focus for development. At the heart of the Local Plan's settlement strategy is the identification of two Sustainable Urban Extensions (SUE) to Yeovil, and that to the south of the town at Keyford, for approximately 800 dwellings, includes land within the Neighbourhood Plan Area.
- 2.3 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF<sup>1</sup> was published during this examination on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides 'The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019'. A footnote clarifies that for neighbourhood plans,

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<sup>1</sup> <https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
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'submission' in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The East Coker Neighbourhood Plan was submitted to South Somerset District Council by letter dated 7 December 2017. Thus, I have used the policies in the previous NPPF in my examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

### *Submitted Documents*

- 2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft East Coker Neighbourhood Plan 2018-2028, [April 2018];
  - the map on page 4 of the Plan which identifies the area to which the proposed Neighbourhood Development Plan relates;
  - the Consultation Statement, [April 2018];
  - the Basic Conditions Statement, [December 2017];
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the Strategic Environmental Assessment (SEA) and Habitats Regulations Screening Report (HRA) prepared by South Somerset District Council [April 2016].

### *Site Visit*

- 2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area on 20 June 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

- 2.6 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.7 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The East Coker Neighbourhood Plan has been prepared and submitted for examination by East Coker Parish Council, which is a qualifying body for an area designated by South Somerset District Council in September 2013.
- 3.2 It is the only Neighbourhood Plan for the Parish of East Coker and does not relate to land outside the designated Neighbourhood Plan Area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2018 to 2028, to align with the end date of the Local Plan.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The Consultation Statement (April 2018) provides full details of the public engagement that has taken place in the evolution of the Plan. The Parish Council decided to prepare a Neighbourhood Plan early in 2013 and, following designation of the Neighbourhood Plan Area, established a Steering Group of councillors and local people. The composition of the Steering Group has understandably changed over the 4-year period of Plan preparation during which time the Parish Council and residents have also been involved in the examination of the South Somerset Local Plan and the proposal within the parish for the major growth area at Keyford on the southern fringe of Yeovil.
- 3.5 The Plan at page 12 sets out details of community engagement in the planning process and the key themes and issues that emerged. To engage with local residents and businesses, the preparation of the Plan was widely publicised through exhibitions and open meetings, postal information, newsletters and through a dedicated and updated page on the Parish Council's website. An initial Parish Survey was distributed to every household between October 2013 and January 2014 and an Evidence Base report prepared. During 2014 work proceeded on the development of the draft Vision and Objectives and in June 2015 the District Council was informally consulted on 'policy intents'.
- 3.6 Subsequently, due to the time lapse since the first detailed survey and questionnaire and the appointment of new consultants, a second survey was carried out in September 2015 to ascertain if local opinions had changed. A major consultation open day event was held in October 2015 attended by more than 150 local people, including local District Councillors and the local MP, with positive feedback on the suggested issues and Vision and Objectives. There was a similar response to the separate questionnaire sent out to 38 local businesses. A further 'drop in' consultation event in March 2016 was also well attended.
- 3.7 Throughout 2016, the Steering Group continued to work up the Plan and the Pre-Submission Plan was agreed by the Parish Council in December 2016. It was widely publicised in the area through a newsletter delivered free to all households, posters displayed at key locations, and downloads of



all the documents on the Neighbourhood Plan website with hard copies available at local community venues, including the local public houses and the Village Café. A further public consultation event was held in March 2017. Some 100 responses were received to the Regulation 14 consultation from the public and statutory consultees.

- 3.8 Those consultation responses were taken into account, where appropriate, in revising the submitted Plan which was subject to a further 6-week consultation in April and May 2018 under Regulation 16. I have taken account of the 29 responses received in writing this report, as well as the earlier Consultation Statement. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan, having due regard to the advice in the PPG on plan preparation and in procedural compliance with the legal requirements.

#### *Development and Use of Land*

- 3.9 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. However, parts of policy ECT2 do not relate to the development or use of land and I have recommended modifications in paragraph 4.68 to make it legally compliant.

#### *Excluded Development*

- 3.10 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.11 The Basic Conditions Statement at section 6 states that the Neighbourhood Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998. Neither South Somerset District Council nor any other interested party has alleged that the Plan breaches Human Rights (within the meaning of the Human Rights Act 1998). I have considered this matter independently and I have found no reason to disagree with that position.

## **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 The Plan was screened for SEA by South Somerset District Council. This is a legal requirement and accords with Regulation 15(e)(1) of the 2012 Regulations. The Council found it was unnecessary to undertake SEA and neither Natural England nor Historic England have disagreed with that assessment. Having read the SEA Screening Opinion and considered the matter independently, I agree with that conclusion.

4.2 The Plan was further screened by the District Council for HRA. Whilst there is no European or nationally designated nature conservation site in the Plan area, the Bracket's Coppice Special Area of Conservation (SAC) lies some 6 to 8 miles to the south west. The Neighbourhood Plan does not propose any development allocations. The Local Plan allocates land within the Parish for a SUE, and the Screening Report notes that the effects of that on the SAC were assessed as part of the HRA of the Local Plan. The conclusion of the District Council in the Screening Report is that the Neighbourhood Plan is unlikely to have a significant adverse effect on the environment or on the integrity of any European site. Having reviewed the Pre-Submission Plan, National England concurred that HRA was not required. On the basis of the information provided and my independent consideration, I agree that HRA is not necessary.

### *Main Issues*

4.3 Having regard for the Submission Version of the East Coker Neighbourhood Plan, the consultation responses and other evidence, and the site visit, I consider that there are 4 main issues relating to the Basic Conditions for this examination. These are:

- whether the overarching, housing, employment and community services and facilities policies in the Neighbourhood Plan provide an appropriate framework to shape and direct sustainable development, having regard to national policy and guidance, and are in general conformity with the strategic policies in the Local Plan;
- whether the policies for the built and natural environment will secure high standards of design and protect heritage and environmental assets in line with national policy and are in general conformity with the strategic policies in the Local Plan;
- whether the Plan appropriately provides for the designation and protection of local green spaces, having regard to national planning policy and the need to be consistent with the local planning of sustainable development; and
- whether the traffic, transport and infrastructure policies in the Plan meet the Basic Conditions, particularly in relation to having regard to national policy and guidance.

### *Introduction*

4.4 The Neighbourhood Plan for East Coker begins with the background and an introduction to the Plan, setting it in the national and district policy context. Section 3 describes the area and local engagement in the plan making process before setting out in Section 4 the Vision and Objectives for the area to 2028, which emerged from the consultation exercises and from

which the policies have been developed. These introductory sections set out a clear structure for the planning of the area over the next 10 years, based on consultation with the local community and due regard to national and local policy.

- 4.5 Before turning to address each of my four main issues, I have considered those representations made both at the Regulation 14 and Regulation 16 consultation stages that the general decision to proceed with the Neighbourhood Plan should be reviewed and that it would be prudent to consider a pause in the process to await the outcome of the recent Local Plan Review Issues and Options consultation and proposed changes to the NPPF. However, I am not persuaded that such a delay is necessary or desirable. It has taken the local community some years to get to the current stage, during which time the Parish Council was also engaged with the Local Plan process and the allocation of land in the parish as a SUE. There is now a strong impetus in the community to complete the Neighbourhood Plan. Although the District Council is committed to an early review of the Local Plan, and has made some progress with consultation between October 2017 and January 2018 on Issues and Options, its Local Development Scheme 2017-2020 (LDS) recognises that it is a challenging programme of work. It seems to me that there is considerable potential for the suggested adoption date of late 2020 to slip back.
- 4.6 It is clear from the LDS that the District Council is fully aware of the implications for Neighbourhood Plans of progressing an early Local Plan review. Paragraph 5.7 confirms that should a Neighbourhood Plan be made prior to adoption of the reviewed Local Plan, the Council will take it into account in its strategic policies and avoid duplicating policies that are in the Neighbourhood Plan. I accept that a new Local Plan might well look very different to the 2015 Local Plan, having regard also to proposed changes to national policy. However, I see no advantage to either the District Council, undertaking its Local Plan review, or to the Parish Council and the local community in delaying the examination of the East Coker Neighbourhood Plan. Although the Plan does not allocate specific sites for development, it may be that the Parish Council decide, at the time of the Local Plan Review, to undertake its own review. The circumstances where this might be necessary are discussed at paragraph 2.18 of the Plan and Section 11 of the Plan deals with implementation, monitoring and review. Therefore, I am not persuaded that the possibility of an early review is, of itself, reason to pause the plan process now.
- 4.7 Representations have been made about various factual errors in the Plan. I do not address these in my report but leave them for subsequent consideration when the Plan is updated, should it proceed to referendum. The Proposals Map would be easier to read if it were on one page only and had a title and in the interests of clarity, I am making a modification accordingly (**PM1**). I now turn, in the following paragraphs, to address each of my four main issues.

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Overarching policy

- 4.8 The Vision for the Parish of East Coker is to make provision for an appropriate level of housing and employment growth, together with community facilities to meet local needs, whilst maintaining an attractive environment with a strong sense of community that continues to protect and celebrate its unique history and heritage and will seek to pursue developments that contribute to the health and wellbeing of the community. Objectives of the Plan include encouraging the delivery of housing to meet local need, supporting the retention, improvement and expansion of existing employment space and encouraging further businesses, and retaining a range of service and community facilities to support sustainable growth.
- 4.9 Overarching policy EC1 sets out the presumption in favour of sustainable development and adds local specific detail to Local Plan policy SD1. In requiring applicants to demonstrate how they have proactively engaged and consulted the Parish Council and local community, it accords with the NPPF and with Local Plan policy SS2 on development in rural settlements, which requires that proposals should be consistent with relevant community led plans and should generally have the support of the local community following robust engagement and consultation. I see no need for there to be further definition in the Plan on the form this engagement might take, by either party, which will depend on the scale and type of scheme.
- 4.10 Policy EC2 deals with contributions secured through the Community Infrastructure Levy and/or Section 106 agreements and is in general conformity with Local Plan policy SS6 on infrastructure delivery providing locally specific detail on potential future projects that are seen as capable of providing community benefits. However, I have concerns at the inclusion in the policy of what is in effect a *'wish list'* of projects. Some detail is provided in Appendix 1. However, the projects are not prioritised, do not appear to have been costed and it is not clear as to how and when they might be delivered. Having regard to the advice in the PPG<sup>2</sup>, I am therefore proposing to modify policy EC2 by deleting the list of potential future projects and instead refer in the first sentence to contributions being used *'to improve or provide community infrastructure requirements or improvements, examples of which are identified in Appendix 1'* (**PM2**). This will still provide useful information to developers as to community issues, whilst giving flexibility in the event other needs are identified during the Plan period. In respect of the Tellis Cross play area, this land is privately owned and any discussions about its future should include the landowner and the District Council as lessee (**PM3**). Subject to these modifications, I

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<sup>2</sup> PPG Reference ID: 41-045-20140306.

am satisfied that overarching policies EC1 and EC2 have regard to national policy and guidance, are in general conformity with strategic policies in the Local Plan and would contribute to the achievement of sustainable development.

- 4.11 Representation has been made that the Plan should include a policy on flood risk. Paragraph 5.4 notes that this was considered but it was concluded that existing policy addressed the community's concerns. I agree. The PPG is clear that neighbourhood plans are not obliged to contain policies addressing all types of development<sup>3</sup>. In respect of flood risk, Section 10 of the NPPF sets out policy on meeting the challenge of climate change, flooding and coastal change. Along with Local Plan policy SD1 on sustainable development, policy EQ1 addresses climate change and refers to the South Somerset Strategic Flood Risk Assessment as the basis for applying the Sequential Test to new development. I am not persuaded that a case has been made in respect of local circumstances to warrant me recommending a modification to the Plan to include a policy on flood risk.

### Housing

- 4.12 The settlement strategy for South Somerset is set out in Local Plan policy SS1 which identifies Yeovil as a Strategically Significant Town and the prime focus for development. The Local Plan identifies the north east corner of East Coker parish, at Keyford, as the location for the southern Yeovil SUE where policy YV2 provides for approximately 800 new dwellings and around 2.5 hectares of land for economic development, to be developed on garden city principles. Other than named Market Towns and Rural Centres, none of which are in East Coker parish, paragraph 5.11 of the Local Plan identifies all other settlements as 'Rural Settlements' which policy SS1 advises '*will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)*'. Whilst the parish extends to the urban edge of Yeovil, the Local Plan is clear that, outside of the designated SUE, the appropriate framework for the consideration of development in East Coker is provided by policy SS2.
- 4.13 There is a presumption in the Local Plan against development in the Rural Settlements unless key sustainability criteria can be met<sup>4</sup>. However, paragraph 5.24 clarifies that '*this approach does not preclude development; indeed the NPPF promotes sustainable development in rural areas, with housing and employment to be located where it enhances or maintains the vitality of rural communities.*' More particularly, Local Plan policy SS2 limits housing development to that which meets identified housing need, particularly for affordable housing, and where the Rural Settlement has access to two or more key services listed at paragraph 5.41 of the Local

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<sup>3</sup> PPG Reference ID: 41-040-20160211.

<sup>4</sup> Paragraph 5.23 of the South Somerset Local Plan.

Plan. In that regard, key services in East Coker include the primary school, village hall, play area/sports pitch, a pub and the church.

- 4.14 In terms of delivering new housing growth, policy SS5 of the Local Plan provides for at least 15,950 dwellings in the Plan period 2006-2028 of which around 14% (2,242 dwellings) are expected to be built in the Rural Settlements, with decisions on how much, and where to be determined in conjunction with the aims of policy SS2<sup>5</sup>. This figure has been used in the East Coker Parish Housing Technical Paper<sup>6</sup>, along with Office of National Statistics 2014 projections and the District Council's 2016 Annual Monitoring Report and 2016 Strategic Housing Market Assessment, to arrive at a housing requirement for East Coker of at least 54 additional new dwellings in the Plan area, outside of the SUE, over the period April 2011 to March 2028. Of these 54 dwellings, 44 units already have permission.
- 4.15 In arriving at this figure, the Technical Paper makes some general assumptions on the apportionment of district growth and extrapolates household change and migration trends down to parish level. It implies that further growth should be restrained within the Plan area, even though East Coker abuts Yeovil, the largest and most strategically important town in the District. Having said that, in the absence of any evidence to support an alternative housing provision, the Plan's figure is the best available and being expressed as a minimum, the policy does offer some flexibility to allow for more development to come forward in accord with strategic Local Plan policy SS2. The policy also refers to the housing provision figure being subject to any change in higher level policies as a result of the Local Plan Review, which when adopted will take precedence as the more recent plan policy<sup>7</sup>. In that the development plan, which will include both the Local Plan and the Neighbourhood Plan, when made, should be read as a whole, the final sentence of policy ECH1 is unnecessary and, as written, inadequately summarises the nuanced approach to development in the Rural Settlements set out in Local Plan policy SS2 and in housing policy HG5.
- 4.16 I conclude that policy ECH1 by providing for a minimum housing provision is in general conformity with the strategic policies of the Local Plan, has regard to national policy and guidance and would contribute to the achievement of sustainable development. Subject to the deletion of the last sentence (**PM4**), I am satisfied that policy ECH1 would meet the Basic Conditions.
- 4.17 General housing considerations are set out in policy ECH2. In referring to the provision of a mix of housing types, size and tenure and providing for housing for older people, the policy accords with national policy, in

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<sup>5</sup> South Somerset Local Plan paragraph 5.64.

<sup>6</sup> Version 5.1 dated 2 May 2017.

<sup>7</sup> PPG Reference ID: 41-084-20160519.

particular paragraphs 50 and 54 of the NPPF. In requiring a high quality of design compatible with the character of East Coker, and the use of materials and detailing to reflect local distinctiveness, policy ECH2 reflects the great importance attached by the Government to the design of the built environment<sup>8</sup> and to conserving and enhancing the historic environment<sup>9</sup>. However, in order not to preclude innovative designs coming forward both within and outside the Conservations Areas, I propose to modify the third bullet point by the inclusion of the words '*where appropriate*' (**PM5**). As modified, the policy will be in general conformity with Local Plan policies HG5, EQ2 and EQ3 which seek to achieve a mix of housing types and sizes that contribute to the provision of sustainable, balanced communities, promote a high quality of design which promotes local distinctiveness, and make a positive contribution to the character of the historic environment. Subject to the minor modification outlined above, I am satisfied that policy ECH2 meets the Basic Conditions.

- 4.18 Policy ECH3 of the Neighbourhood Plan is headed provision of amenity space, but as drafted it also deals with internal space standards and public open space. Dealing first with part 1, it requires that all new development meets nationally described internal space standards. Whilst the PPG advises that local planning authorities have the option to set additional technical requirements and an optional nationally described space standard, this will need to be supported by evidence and justification provided for requiring internal space policies, taking into account the implications in terms of need, viability and timing. I have not found any evidence to indicate that these matters were considered in the preparation of the Neighbourhood Plan and in the drafting of policy ECH3. In the absence of any specific local justification for the imposition of internal space standards for all new housing development in East Coker, the first part of the policy fails to have regard to advice contained in guidance issued by the Secretary of State and should be deleted.
- 4.19 As to part 2 of policy ECH3, it requires all new development to provide for 'an appropriate level' of external amenity space. In the absence of any explanation as to what would be 'appropriate', this part of the policy lacks the necessary clarity and should be deleted. However, I consider that it is reasonable to require that account is taken of the accessibility, orientation, functional shape and context of any external amenity space.
- 4.20 Dealing finally with the provision of public open space, part 3 of the policy is unacceptably vague, referring to '*different types of open space*' being provided based on '*local need*'. With no explanation as to what is meant by these terms such that a developer would know what was required of them, it is unduly onerous. In the absence of any specific local justification, the policy is unclear, adds nothing of value to the District Council's agreed

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<sup>8</sup> NPPF paragraph 56.

<sup>9</sup> NPPF paragraph 131.

strategy and standards set out in the Local Plan, and I am recommending the Plan is modified to delete the whole of part 3. Subject to the modifications set out in the Appendix, I am satisfied that policy ECH3 complies with the Basic Conditions (**PM6**).

- 4.21 Work on the evidence underpinning the affordable housing policies in the Local Plan predated the Written Ministerial Statement of 28 November 2014, which advised that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). Paragraph 10.24 of the Local Plan noted the change in national policy and commented that this may result in the Council needing to raise the threshold from which to seek affordable housing contributions. I understand that the District Council has not been seeking to secure affordable housing contributions from sites of 10 dwellings or less, and thus has been abiding with the Ministerial statement.
- 4.22 Work on the evidence underpinning the affordable housing policies in the Local Plan predated the Written Ministerial Statement of 28 November 2014, which advised that contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)<sup>10</sup>.
- 4.23 Policy ECH4 of the Neighbourhood Plan deals with affordable housing. Paragraph 6.26 of the Plan refers to the recent Government changes in policy and the Basic Conditions Statement gives as the reason for policy ECH4 that it *'adds up to date targets against Local Plan housing policies which are considered to be out of date'*. The local community when consulted wanted more affordable housing provided in the parish
- 4.24 However, as drafted, parts of the policy are unclear. The first part is ambiguous in its use of the word *'or'* implying that affordable housing should be provided if either criteria is met. Yet the Ministerial Statement used the word *'and'*, implying that schemes should meet both criteria. I understand that the District Council has been applying the former threshold since May 2016, and also asked for a third criterion to be included in policy ECH4 on site area. However, given that the Local Plan affordable housing policy is accepted to be out of date and the Local Plan Review is at an early stage, I consider that it is more appropriate for the Neighbourhood Plan policy to follow the most recent national policy. The second sentence of policy ECH4 refers to development providing *'affordable housing in accordance with the target levels as set out in the Development Plan'*. Yet the Neighbourhood Plan, when made, would itself be part of the development plan. If the reference is meant to be to target levels in the Local Plan, it is those policies and targets that are said in the Basic

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<sup>10</sup> PPG Reference ID: 23b-012020141128.



Conditions Statement to be out of date. The PPG<sup>11</sup> requires that a policy in a Neighbourhood Plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. This part of the policy is unclear and confusing, contrary to advice in the PPG, and I am recommending its deletion.

- 4.25 The policy refers to the mix of affordable housing varying through negotiation. However, it does set out typical tenure proportions which are within the ranges for intermediate, affordable rented and social rented housing suggested in the latest Strategic Housing Market Assessment (SHMA)<sup>12</sup>. Housing is intended to be allocated in accordance with the District Council's Local Connections Policy. Starter Homes may also be provided. In the interests of clarity, I am recommending that the policy is modified to include the word that is missing between 'As and when' and 'by the Housing and Planning Act'.
- 4.26 As I have concluded that policy ECH4 has had regard to the most recent national policy and guidance on affordable housing issued by the Secretary of State and is in general conformity with strategic housing policies in the development plan for the area, subject to the modifications set out above, I conclude that it meets the Basic Conditions (**PM7**).
- 4.27 Policy ECH5 deals with the conversion of rural buildings in the countryside. Although it is within the Housing section in a part entitled 'conversion of rural buildings for housing', as drafted the policy would also apply to conversions for tourism and employment uses. No explanation is given in the supporting text as to the reason for this, indeed all the references in paragraphs 6.34, 6.35 and 6.36 are to meeting housing need. In that both national<sup>13</sup> and local policy<sup>14</sup> support sustainable business and tourism development in rural areas, and do not limit it to the re-use of redundant or disused rural buildings, it is inappropriate to apply policy ECH5 to employment or tourism uses. Indeed, in the employment and business chapter of the Plan at paragraph 7.9, the conversion of old barns and farm buildings is recognised as providing opportunities for new business space and development and that it can be a valuable and appropriate re-use of buildings.
- 4.28 In respect of the residential conversion of buildings in the countryside, the NPPF at paragraph 55 is supportive where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. In setting out criteria for development to require suitable access to be in place, no significant rebuilding, retention of the

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<sup>11</sup> PPG Reference ID: 41-041-20140306.

<sup>12</sup> Local Plan Review: Issues and Options paragraph 10.20.

<sup>13</sup> NPPF paragraph 28.

<sup>14</sup> Local Plan policies EP4, EP5 and EP8.

building's original character, and provision of net gains in biodiversity, policy ECH5 would contribute towards the achievement of sustainable development and accords with national policy. Subject to modifications to delete the words tourism or employment uses, I am satisfied that policy ECH5 meets the Basic Conditions (**PM8**).

#### Employment and business

- 4.29 East Coker is a rural parish where the economy over the last 70 years has moved away from being farming dominated. Government policy supports a prosperous rural economy and planning policies that take a positive approach to sustainable new development. Businesses in the area were surveyed as part of the consultation on the Neighbourhood Plan and no outstanding issues were raised. Whilst further employment land is planned as part of the SUE, policies in the Neighbourhood Plan are concerned with existing employment land and premises in the parish, in particular the business units at Halves Lane, and their retention in employment uses. Policy ECEM1 requires proposals that would result in the loss of employment land and premises to be subject to a marketing exercise, to demonstrate that consideration has been given to the potential for mixed use development, and that they are no longer suitable to continue in business use.
- 4.30 Employment land and premises in South Somerset are already safeguarded through Local Plan policy EP3 which states that planning permission will not be granted for development to alternative uses unless it can be demonstrated that the loss would not demonstrably harm the settlement's supply of employment land/premises and/or job opportunities. It requires marketing to be carried out for a maximum of 18 months and changes of use will only be permitted where certain criteria can be met.
- 4.31 The PPG in advising on how Neighbourhood Plan policy should be drafted is clear that it should be locally distinctive to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared. However, there is nothing in the Plan, the Basic Conditions Statement, or the written evidence that gives an expressly local dimension or an explanation as to what makes policy ECEM1 distinct. Moreover, I am concerned that as drafted the Neighbourhood Plan policy is unclear and ambiguous as to how it is intended that the 3 bullet points would be applied. If the intent of the policy is to deal with the safeguarding of employment land and premises, then I consider that the Local Plan policies provide sufficient guidance. I am not satisfied that policy ECEM1 has had adequate regard to advice on policy drafting contained in national guidance and so fails to meet the Basic Conditions and I am modifying the Plan to delete it (**PM9**).
- 4.32 Where land in East Coker is already in employment use, policy ECEM2 supports new business development. I am satisfied that it would contribute

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towards the achievement of sustainable development and is compliant with the Basic Conditions without modification.

- 4.33 Policy ECEM3 supports proposals for *'the development of small scale social enterprise and other businesses that meet the needs of the community'*. This accords with national policy in the NPPF which supports a prosperous rural economy and advises that neighbourhood plans should promote the retention and development of local services and community facilities in villages<sup>15</sup>. Local Plan policy EP15 supports the provision of new community facilities and services and resists their loss unless alternative provision of equivalent or better quality can be made. Whilst Local Plan policy EP3 resists new build live/work units in locations where residential development would not normally be permitted, policy ECEM3 refers specifically to their creation within established villages and settlements where residential development would otherwise be acceptable in accord with Local Plan policy SS2. In encouraging the provision of appropriate economic activity in the area, policy ECEM3 would contribute towards the achievement of sustainable development, is in general conformity with the Local Plan and has regard to national policy, and thus meets the Basic Conditions.

#### Community services and facilities

- 4.34 Parish surveys in 2013 and 2015 indicate that local people enjoy a full range of community activities and want community facilities to be maintained and enhanced for all ages. The NPPF at paragraph 73 refers to the important contribution that high quality open spaces and opportunities for sport and recreation can make to the health and well-being of communities. It is Government policy that existing open space, sports and recreational buildings, including playing fields, should not be built on unless surplus to requirements, equivalent or better provision would be made, or the development is for alternative sports and recreational provision, the need for which clearly outweighs the loss<sup>16</sup>.
- 4.35 Local Plan policy HW1 requires provision to be made for open space, outdoor playing space, sports, cultural and community facilities in new development, whilst policy HW3 resists the loss of play spaces and youth provision unless alternative provision of equivalent community benefit of a similar nature which is accessible can be made available locally. Proposals that would result in the total or partial loss of a local shop, community or cultural facility or other service that contributes towards the sustainability of a local settlement are resisted by Local Plan policy EP15 subject to criteria relating to viability, need and impact.
- 4.36 East Coker benefits from a range of local sports, leisure and recreational facilities which are listed in policy ECCF1. Modifications are recommended

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<sup>15</sup> NPPF paragraphs 28 and 70.

<sup>16</sup> NPPF paragraph 74.

to the policy to delete the reference to the Proposals Map, as it does not show the facilities, and to make explicit that those listed will be protected from built development (**PM10**). With that modification, there is no need for the last part of the policy. I am not persuaded that the play area at Tellis Cross should be removed from policy ECCF1. Whilst it is privately owned, it is currently leased to the District Council for recreational purposes and any application for development will still fall to be determined against established policy in the NPPF and Local Plan policy HW3.

- 4.37 In addition to sports facilities, East Coker has a Village Hall and The Pavilion which are used for a wide range of community activities. There is now no local shop, but there is a village café in East Coker as well as the primary school, the parish church, three public houses and hotel. Policy ECCF2 seeks to prevent the loss of these valued community assets and facilities and sets out criteria relating to alternative provision, accessibility, marketing and viability. As not all the assets have an economic function, I am modifying the wording of part b) to refer to an economic or social justification to protect the asset (**PM11**). Subject to these modifications, policies ECCF1 and ECCF2 would contribute towards the achievement of sustainable development and meet the Basic Conditions.
- 4.38 Providing that the recommended modifications are made, I am satisfied that the Plan's overarching policies and those for housing, employment and business and community facilities, will meet the Basic Conditions.

#### *Issue 2 – the built and natural environment*

- 4.39 Objectives in the Neighbourhood Plan cover conservation, design and landscape and Section 10 of the Plan includes policies on the built and natural environment.

#### The historic environment

- 4.40 The East and North Coker Conservation Areas were designated in 1975 and 1978 and there are over 90 listed buildings in the Parish as well as designated Ancient Monuments. The NPPF sets out the Government's objective for the planning system to contribute to the achievement of sustainable development by conserving the historic environment and its assets in a manner appropriate to their significance. National policy for conserving and enhancing the historic environment is set out in the NPPF at paragraphs 126 to 141 and in the Local Plan at policy EQ3. In introducing a further layer of policy, which effectively seeks to summarise the NPPF, policy ECCN1 on development affecting heritage assets risks confusing and diluting national and local heritage policy. The intention of the Plan, set out at paragraph 2.10, is to add value to the policies in the Local Plan, however, for a developer or decision maker to have a further layer of policy on heritage assets in the terms as drafted would be more likely lead to

ambiguity and confusion. I am therefore recommending modification of the Plan to delete policy ECCN1 (**PM12**).

- 4.41 Not all heritage assets are designated and paragraph 135 of the NPPF deals with the approach to be taken to weighing applications that affect directly or indirectly non-designated heritage assets. Paragraph 13.40 of the Local Plan sets out the District Council's intention to identify locally significant assets and to prepare a district-wide list as well as to support local communities to identify locally significant historic buildings as part of their Neighbourhood Plan preparation. Paragraph 10.8 of the Neighbourhood Plan describes the lengthy process of preparing a local list and no local list has yet been prepared for South Somerset or East Coker. Yet policy ECCN2 on non-designated heritage assets, by including four areas as examples of non-designated assets in East Coker, appears to be an attempt to circumvent this process. Not only are the site descriptions vague and unspecific, there is no justification in the Plan for their inclusion in the policy or evidence as to their heritage significance. Moreover, as drafted policy ECCN2 fails to have adequate regard to the detailed nuances of national policy as set out in paragraph 135. For these reasons, I am modifying the Plan to delete policy ECCN2 (**PM13**).
- 4.42 The Neighbourhood Plan lists key characteristics of the two Conservation Areas and local interest in extending both areas. Whilst I would expect the Parish Council to be actively involved in such discussions, as any extension to the Conservation Areas would have to be formally progressed by the District Council, no modification is proposed to paragraph 10.12.
- 4.43 It is a core planning principle in the NPPF to always seek to secure high quality design and paragraph 58 requires local and neighbourhood plans to develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Policy ECCN3 addresses design in the Conservation Areas and I agree with the District Council it would be more appropriate if it echoed the language of the Planning (Conservation Areas and Listed Buildings) Act 1990 by replacing '*maintain*' with '*preserve or enhance*' (**PM14**).
- 4.44 The NPPF at paragraphs 128, 129 and 132 emphasises the need to consider the impact of any development proposed on the setting of a Conservation Area, as a heritage asset, and Local Plan policy EQ3 expects all new development proposals relating to the historic environment to, amongst others, safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage asset. I am therefore modifying policy ECCN3 to include the requirement that consideration will be given to the impact of development on the setting, including views into and out, of the Conservation Areas (**PM15**).

### General design

- 4.45 Paragraph 60 of the NPPF advises that it is proper, in policies and decisions, to seek to promote or reinforce local distinctiveness. However as drafted, policy ECCN4 on general design sets a more stringent test than that for design in the Conservation Areas in requiring that development must maintain and enhance East Coker Parish's distinctive natural and historic character. In the absence of any guidance by way of a Design Guide or Conservation Area Appraisals as to what is distinctive to East Coker, the first part of the policy imposes an onerous burden on applicants. It fails to provide sufficient clarity for a developer to know what is expected of them and for a decision maker to apply it consistently. For these reasons, I am recommending the deletion of the first part of policy ECCN4 (**PM16**).
- 4.46 More detail is provided in the main part of the policy which sets out 9 fundamental design principles that development will be expected to demonstrate have been considered in the design process. I am satisfied that, subject to the recommended modification, policy ECCN4 would help deliver high quality outcomes, would contribute towards the achievement of sustainable development and would complement Local Plan policy EQ2 on general development, thus meeting the Basic Conditions.

#### The natural environment

- 4.47 It is Government policy to conserve and enhance the natural environment. Paragraph 114 of the NPPF requires that local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The Local Plan through policies EQ2, EQ4 and EQ5 provides for development that conserves and enhances the landscape character of the area, promotes biodiversity and encourages green infrastructure through the development of a network of connected and multifunctional open spaces.
- 4.48 East Coker is a rural parish, characterised by a dispersed settlement pattern and open farmland with strong hedgerows and banks, together with blocks of woodland. The landscape character assessment of the area is of some age. The more recent Yeovil Peripheral Landscape Study, prepared to inform the Local Plan, identifies that where urban presence is not pervasive, the larger part of the Coker dip slope is of high landscape sensitivity. Policy ECCN5 requires that development, including the SUE at Keyford, should respect, conserve and enhance, wherever possible, the rural nature and existing visual landscape quality of the area. It also seeks to maintain an open rural gap between the villages of East and North Coker and Keyford to retain their separate identities. How this will be achieved will depend on the layout, scale and landscaping of any new development. In requiring that new development wherever possible maintains existing hedgerows and trees and provides for new planting of native species, it encourages biodiversity and green corridors for wildlife. I am satisfied that policy ECCN5 has regard to national policy, is in general conformity with strategic

policies of the Local Plan and would contribute to the achievement of sustainable development. Subject to modification to add the missing word 'to' before 'retain their separate identities' (**PM17**), the policy meets the Basic Conditions.

- 4.49 It is Government policy that the planning system should contribute to and enhance the natural and local environment, amongst other things, by protecting and enhancing valued landscapes<sup>17</sup>. Paragraph 113 of the NPPF requires local planning authorities to set criteria-based policies against which development proposals on or affecting landscape areas will be judged. Within South Somerset, Local Plan policy EQ2 requires that development proposals are considered, amongst other things, against the conservation and enhancement of the landscape character of the area.
- 4.50 One of the characteristics of the area, which I saw on my site visit, is the public views into and out of the villages and, whilst not a designated landscape area, local residents clearly value East Coker's landscape character and the surrounding countryside. However, I was not referred to any parish level landscape assessment justifying the 17 key views and vistas identified as the subject of policy ECCN7, and it seems to me that it would be very difficult to assess development against the policy, as it stands.
- 4.51 I can appreciate that local people place a high value on the surrounding countryside that they see every day. However, to be valued, in NPPF terms, it is not enough for a landscape to have some valued elements but it should have something that lifts it above the ordinary. In that respect, there are some views that warrant careful consideration, in particular views 7, 8, 9, 10 and 16 which include the Church of St Michael and All Angels and the surrounding historic parkland and provide the setting for the Conservation Area. Since policy ECCN3, as proposed to be modified, would require consideration to be given to the impact of development on the setting, including views into and out, of the Conservation Areas, these key views are already protected in the Plan.
- 4.52 As to the other 12 views, the photographs in the Plan show similar views across open farmland. There is no information on their scope, width or distance and the reasons given for their identification do not refer to any noteworthy visual or landscape attributes. For example, view 1 is described as being a rural setting, but it is one that can be found in many places elsewhere in the parish, district and indeed county. Similarly, the description of view 2 does not refer to any particular landscape attribute whilst views 3, 4 and 11 are of open fields with no obvious noteworthy features. The accompanying text to policy ECCN7 refers to recent appeal decisions where the impact of development on longer distance views was a factor in their dismissal. However, I am not persuaded that this alone

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<sup>17</sup> NPPF paragraph 109 1<sup>st</sup> bullet point.

justifies the Neighbourhood Plan protecting so many 'key views', which would be in effect a near blanket coverage of this small parish.

4.53 Policy ECCN5 of the Plan already requires that development should respect the important contribution the open countryside makes to the setting and visual quality of the villages. In the absence of sufficient evidence to demonstrate what makes the views special, policy ECCN7 lacks the necessary clarity for a decision maker to be able to apply it consistently and with confidence in determining planning applications. I conclude that policy ECCN7, its supporting text and the schedule of key views, should be deleted from the Plan in that it fails to have sufficient regard to the advice contained in the Secretary of State's guidance and would not contribute to the achievement of sustainable development (**PM18**).

4.54 It is Government policy that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land<sup>18</sup>. The PPG advises that this is particularly important in plan making when decisions are made on which land should be allocated for development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality<sup>19</sup>.

4.55 East Coker is an agricultural parish with a high proportion of Grade 1 agricultural land. The Plan notes that as the Yeovil SUE is largely on Grade 1 land which will be lost to food production, there is even more reason to protect the remaining Grade 1 land, wherever possible. Whilst the Plan has a legitimate objective to resist the development of such land, I am not satisfied that, as drafted, policy ECCN8 has sufficient regard to national policy and that it would not constrain the delivery of national policy objectives for sustainable development. In resisting 'the irreversible loss' of Grade 1 land unless 'there is no practicable alternative', it seeks to impose a more stringent test than the more measured approach set out at paragraph 112 of the NPPF. Moreover, the ambition of the neighbourhood, to protect Grade 1 agricultural land, does not appear to align well with the strategic needs and priorities of the wider local area, contrary to the NPPF at paragraphs 16 and 184. For these reasons, I conclude that policy ECCN8 fails to meet the Basic Conditions and I am recommending its deletion (**PM19**).

4.56 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making<sup>20</sup>. The NPPF is clear that pursuing sustainable

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<sup>18</sup> NPPF paragraph 112.

<sup>19</sup> PPG Reference ID: 8-026-20140306.

<sup>20</sup> PPG Reference ID: 8-007-20140306.



development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution<sup>21</sup>. Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure<sup>22</sup>.

- 4.57 The Local Plan includes policies EQ4 and EQ5 which promote biodiversity and encourage green infrastructure through the development of a network of connected and multifunctional open spaces. Whilst paragraph 10.19 of the Neighbourhood Plan refers to the rich natural and cultural environment as being a highly valued asset to East Coker, there are no national or internationally designated nature conservation sites in East Coker, and the Hardington Moor Site of Special Scientific Interest and National Nature Reserve lies outside the parish boundary. However, there are a small number of local wildlife sites and an area of historic parkland.
- 4.58 Having regard to national policy guidance and Local Plan policy, I am satisfied that there is a case to be made for policy ECCN9 and that all new development proposals should consider potential ecological impacts at an early stage in their design and be required to demonstrate how existing ecological features can be protected, enhancements made and any necessary mitigation secured, so as to deliver a net gain in biodiversity where possible. However, in the absence of any information as to how it is proposed that the Plan, through land use-based policies, could protect Water Voles or the Sandy Skilt (sic)<sup>23</sup>, I am modifying policy ECCN9 to delete the last sentence (**PM20**). Subject to that modification, the policy is in general conformity with the Local Plan, has regard to national policy and guidance and would contribute to the achievement of sustainable development, thus meeting the Basic Conditions.
- 4.59 Providing the modifications set out above are made, I conclude that the built and natural environment policies of the Plan would be in accordance with national policy and guidance, in general conformity with the strategic policies of the Local Plan and consistent with the local planning of sustainable development. Accordingly, they would be compliant with the Basic Conditions.

### *Issue 3 – local green spaces*

- 4.60 Section 8 of the NPPF addresses the way planning can promote healthy communities and Chapter 12 of the Local Plan deals with health and wellbeing. Paragraph 76 of the NPPF enables local communities through

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<sup>21</sup> NPPF paragraphs 17, 109, 113, 114, 118, and 119.

<sup>22</sup> NPPF paragraph 114.

<sup>23</sup> I understand from SSDC that its correct name is the Sandy Stilit.

local and neighbourhood plans to identify for special protection green areas of particular importance to them. By designating land as Local Green Space (LGS), local communities are able to rule out new development other than in very special circumstances. Thus, policies identifying LGSs must be consistent with planning for sustainable development and must complement investment in sufficient homes, jobs and other essential services. They should be capable of enduring beyond the end of the Plan period.

4.61 Stringent criteria on LGSs are set out in the NPPF at paragraph 77 and there is further advice in the PPG. Policy ECCN6 designates 5 open spaces in the parish as LGSs and they are identified on the Proposals Map as well as on a larger scale plan on pages 46 and 47. The only descriptions and assessments of the spaces are in the schedule on page 45 of the Plan. Despite the limited evidence, having regard to what I saw on my site visit, I am satisfied that the following spaces are local in character, not extensive tracts of land, are demonstrably special and in close proximity to the community they serve. They should therefore be listed in policy ECCN6. They are the playing fields at Long Furlong (site 1), the small area at the junction of Mill Close and Long Furlong (site 2), and The Paddock (site 5). Sites 2 and 5 are already protected by their designation as being within, or partially within, a Conservation Area. However, both clearly hold a particular local significance, are demonstrably special to the local community and I agree warrant the additional local benefit that would be gained by LGS designation.

4.62 The NPPF cautions that LGS designation will not be appropriate for most green areas or open space. I have carefully considered the case for including in policy ECCN6, the playing fields of the East Coker primary school (site 4), which sit behind the school buildings, contained by other built development. The NPPF is clear at paragraph 74 that school playing fields should not be built on unless rigorous tests are met and Local Plan policy HW3 protects play spaces and youth facilities. Having regard to the advice in the PPG, I am not satisfied that any additional local benefit would be gained by their designation as LGS (**PM21**).

4.63 As to the land at Tellis Cross (site 3), objection has been made to the LGS designation on the grounds that this land is privately owned, only leased to the District Council until 2019 and subject to a proposal for development. That outline proposal, which had not been determined at the time of writing this report, provides for up to 3 dwellings as well as the continued use of the land as open space and retention of the play area equipment. Whilst private ownership and the existence of a planning application are in themselves no bar to LGS designation, the NPPF and PPG are clear that designating any LGS needs to be consistent with local planning for sustainable development in the area and complement investment in sufficient homes. Designation as LGS should not be used in a way that undermines this aim of plan making. Any proposal for development will be considered against Local Plan policy and Neighbourhood Plan policy ECCF2,

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as proposed to be modified. In these circumstances, I do not consider it appropriate to include site 3 in policy ECCN6 (**PM22**).

- 4.64 The NPPF advises at paragraph 78 that local policy for managing development within a LGS should be consistent with policy for Green Belts. I am not satisfied that policy ECCN6 as drafted, in requiring compensation of an equivalent or replacement green space or funding of an alternative community facility if development of a LGS is permitted, is consistent with that guidance or national Green Belt policy. I am therefore modifying policy ECCN6 to delete the third sentence (**PM23**).
- 4.65 Providing the modifications set out above are made, I conclude that policy ECCN6 will appropriately provide for the designation and protection of LGSs, in accordance with national policy and guidance and the need to be consistent with the local planning of sustainable development, and in general conformity with strategic policies of the Local Plan. Accordingly, the Basic Conditions will be met.

#### *Issue 4 – traffic, transport and infrastructure*

- 4.66 South Somerset is a predominantly rural district with subsequent diverse travel patterns and the Local Plan recognises that the car will remain an essential mode of travel. Chapter 8 of the Plan deals with traffic and transport issues in East Coker and describes pedestrian safety, school parking, traffic speeds and the hazards of driving along the narrow sunken lanes as particular concerns of local residents.
- 4.67 The Plan through policy ECT1 supports proposals that enhance existing walking and cycle routes and bridleways, provide new provision and connect with existing networks within the parish. Any enhancement of the existing network and new routes should be well designed, safe, secure, appropriately surfaced, accessible, suitably lit and kept car free. This policy is in accord with national policy in the NPPF which promotes sustainable transport and healthy communities and with Local Plan policies TA1 and TA5 that encourage cycling and walking through the provision of new routes and improvements to existing routes. It will contribute to the achievement of sustainable development.
- 4.68 Policy ECT3 encourages the provision of safe and suitable access and car parking in designated areas whilst discouraging on-street parking. Parking problems and congestion associated with drop off and pick up at the Primary School are highlighted in the Plan as a major local concern and policy ECT2 supports proposals to improve access and car parking as part of any redevelopment of the existing School and Village Hall site. However, the other proposed highway safety improvements projects are not land use planning matters and I am modifying the policy to delete them (**PM24**).

4.69 Subject to that modification, I am satisfied that the traffic and transport policies in the Plan are in general conformity with the Local Plan, have regard to national policy and are compliant with the Basic Conditions.

## **5. Conclusions**

### *Summary*

5.1 The East Coker Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The East Coker Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

### *Overview*

5.4 I recognise that the Plan is the product of a lot of hard work by the Steering Group and Parish Council over a considerable period of time, when the local community was also engaged in consultation on the then emerging Local Plan and involved in the subsequent examination. In the process, there has been engagement with a large number of local people and businesses. The output is a Plan which should help guide the area's future development in a positive way, with the support of the local community. I commend the Parish Council and Steering Group for persevering and producing this Plan which, subject to some modifications, will influence development management decisions for the next 10 years or until it is reviewed.

*Mary O'Rourke*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Pages 52 and 53	Give the Proposals Map a title and reformat it to fit on a single page.
PM2	Page17	Modify policy EC2 by deleting ' <b>identified</b> ' in line 4 and add after ' <b>improvements</b> ' new text as follows: ' <b>examples of which are identified in Appendix 1</b> '.  Delete the heading Potential Future Projects and all the text below.
PM3	Page 59	In Appendix 1 Row 8 Columns 2 and 3 add in references to the landowner and District Council as lessee.
PM4	Page 24	Delete the last sentence of policy ECH1 from ' <b>Applications will only be ..</b> ' to ' <b>policies</b> '.
PM5	Page 24	In Policy ECH2 in the third bullet point, add ' <b>Where appropriate</b> ' before ' <b>they use ....</b> '.
PM6	Page 24	In policy ECH3, lines 1 and 2, delete ' <b>to achieve the provision of the following:</b> ' and replace with ' <b>to provide for:</b> '  Delete part 1.  In part 2, delete the first two lines and replace with ' <b>External amenity space that takes into account:</b> '  In part 2, renumber e) as d).  Delete part 3. Renumber accordingly. In part 2, renumber e) as d).  Delete part 3.
PM7	Page 25	In policy ECH4:  -In line 3, delete ' <b>or</b> ' and replace with ' <b>and</b> '  -delete the second sentence  -add the missing word/s <b>between 'As and when'</b> and ' <b>by the Housing and Planning Act ...</b> '.

PM8	Page 26	In policy ECH5 line 3 delete the words ' <b>tourism or employment</b> '.
PM9	Page 29	Delete policy ECEM1 and supporting text in paragraph 7.7.
PM10	Page 38	In Policy ECCF1 line 2 after ' <b>protected</b> ' add ' <b>from built development</b> ' then delete ' <b>as identified on the Proposals Map</b> '  Delete the last sentence from ' <b>Any proposals</b> ' to the end.
PM11	Page 38	In policy ECCF2 part b) line 2 add ' <b>or social</b> ' after ' <b>economic</b> '.
PM12	Page 40	Delete policy ECCN1.
PM13	Page 40	Delete policy ECCN2.
PM14	Page 42	In Policy ECCN3 line 1 replace ' <b>maintain</b> ' with ' <b>preserve or enhance</b> '.
PM15	Page 42	In Policy ECCN3 after ' <b>Conservation Area Appraisal</b> ', add the following: ' <b>Consideration will be given to the impact of development on the setting of the Conservation Areas, including views into and out of the villages</b> '.
PM16	Page 42	Delete the first sentence of policy ECCN4.
PM17	Page 43	Amend policy ECCN5 by the addition of the word ' <b>to</b> ' between ' <b>Keyford</b> ' and ' <b>retain their separate identities</b> '.
PM18	Page 48	Delete policy ECCN7, its supporting text and the schedule of key views on pages 48-51 and identified on the Proposals Map.  Delete the words '-Views and Vistas' from Section 10 in the list of Contents following the Foreword to the Plan.
PM19	Page 54	Delete policy ECCN8.
PM20	Page 54	Delete the last sentence of policy ECCN9.
PM21	Page 45	Delete Site 4 from the Local Green Space table.
PM22	Page 45	Delete site 3 from the Local Green Space Table.
PM23	Page 44	Delete the third sentence of policy ECCN6.
PM24	Page 34	Modify policy ECT2 by deleting the first sentence and the first two bullet points and retaining the text of the third bullet point as policy.