Appendix A

Report on the North Cadbury and Yarlington Neighbourhood Plan 2018 - 2033

An Examination undertaken for South Somerset District Council with the support of North Cadbury and Yarlington Parish Council on the December 2021 submission version of the Plan.

Independent Examiner: Andrew Mead BSc (Hons) MRTPI MIQ

Date of Report: 6 June 2022

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Main Findings - Executive Summary

From my examination of the North Cadbury and Yarlington Neighbourhood Plan (NCYNP/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 – North Cadbury and Yarlington Parish Council;
- The Plan has been prepared for an area properly designated – the Parishes of North Cadbury and Yarlington, as shown on page 3 of the Plan;
- The Plan specifies on page 5 the period during which it is to take effect: 2018 - 2033; 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

North Cadbury and Yarlington Neighbourhood Plan 2018 – 2033

1.1 The Parishes of North Cadbury and Yarlington are administered by the North Cadbury and Yarlington Parish Council (NCYPC). The NCYPC area had a population of just over 1,000 in 2011.[1] It is a predominantly rural parish located between Wincanton to the east and Sparkford to the west, just north of the A303. North Cadbury (just over 210 households) is the largest village in the parish, followed by Galhampton (approximately 175 households), Yarlington and Woolston (each with about 50 households).[2]

1.2 The initial process to prepare a neighbourhood plan for North Cadbury and Yarlington began in June 2019 when the Parish Council decided to start the process of preparing the Plan and subsequently formed a Working Group. A household survey was undertaken in February 2020. Various consultation meetings took place and evidence was gathered. The North Cadbury and Yarlington Neighbourhood Plan (NCYNP) was submitted to South Somerset District Council (SSDC) in December 2021, representing about two and a half years' work for those involved.

[1] 2011 Census.
[2] Paragraph 2.3 of the Plan.

The Independent Examiner

1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the NCYNP by SSDC with the agreement of NCYPC.

1.4 I am a chartered town planner and former government Planning Inspector and have 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 Plan.

The Scope of the Examination

1.5 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.

1.6 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'; and
  - 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.

- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.7 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

1.8 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 (under retained EU law)[3]; and

- meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017 ('the 2017 Regulations').[4]

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for South Somerset, excluding policies relating to minerals and waste development, includes the South Somerset Local Plan 2006 – 2028 (SSLP) which was adopted in 2015. The review of the SSLP began with Issues and Options being consulted on from October 2017 to January 2018 and Preferred Options being the subject of consultation from June to September 2019. However, with the imminent creation of a

[3] The existing body of environmental regulation is retained in UK law.
[4] This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

unitary authority for Somerset in 2023, existing councils will no longer be progressing new plans through the statutory process based on their individual geographies. Existing county and district councils are working closely to scope the content and timescales for new Development Plan(s) to be prepared in the future for the single unitary council. This includes ongoing work to progress and align key evidence base documents. Relevant documents, including an updated Local Development Scheme (LDS) for the new Somerset Council will be published in due course as the councils work through the transitional arrangements.

2.2 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 was published in July 2021 and all references in this report are to the July 2021 NPPF and its accompanying PPG.

Submitted Documents

2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, as well as those submitted which include:

- the draft North Cadbury and Yarlington Neighbourhood Plan 2018 – 2033, dated November 2021[5];
- the map on page 3 of the Plan which identifies the area to which the proposed Neighbourhood Plan relates;
- the Consultation Statement, dated November 2021;
- the Basic Conditions Report, dated November 2021;
- the Strategic Environmental Assessment, dated July 2021;
- the Habitats Regulations Assessment, dated August 2021;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the request for additional clarification sought in my letter of 5 April 2022 and the responses of 14 April 2022 from NCYPC and SSDC.[6]

Site Visit

2.4 I made an unaccompanied site inspection to the NCYNP area on 30 March 2022 to familiarise myself with it and to visit relevant locations referenced in the Plan and evidential documents. My inspection included visiting the four villages and each of the proposed Local Green Spaces.

[5] The front cover of the Plan is dated November 2021. However, the footer of all the internal pages date the Plan as December 2021.
[6] View all the all the relevant Plan documentation, including the core submission documents and correspondence at: Neighbourhood Planning | South Somerset District Council

Written Representations with or without Public Hearing

2.5 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. No requests for a hearing session were received.

Modifications

2.6 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 to this report.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The North Cadbury and Yarlington Neighbourhood Plan has been prepared and submitted for examination by the NCYPC, which is a qualifying body. The NCYNP extends over all the area administered by NCYPC. This constitutes the area of the Plan designated by SSDC on 24 July 2019.

Plan Period

3.2 The Plan identifies the Plan period as 2018 to 2033[7], but this should be stated clearly on the front cover. Therefore, in order to be precise and unambiguous I shall recommend that this period should be specified. **(PM1)**

Neighbourhood Plan Preparation and Consultation

3.3 The Consultation Statement (CS) includes details of the persons and bodies consulted about the proposed Plan, explains how they were consulted, summarises the key issues raised and describes how those issues have been addressed. Following the initiation of the process in June 2019, the decision to prepare the Plan was made following a meeting open to the public in July 2019. News about the Plan was posted regularly on a dedicated website, using the Nextdoor social platform, the Galhampton Facebook page and in the local church magazine "Excalibur". News items were also posted to a mailing list of about 140 people who had asked to be kept informed. A household survey was carried out in February 2020 which had a response rate of about 58% and formed the basis for drafting a vision for the Plan, a series of objectives and guidance for further evidence.

[7] Paragraph 1.14 of the Plan.

3.4 A Business and Community Survey was conducted in March 2020 with a response rate of about 68%, together with a Call for Sites also in March 2020. The first public consultation on Options took place for three weeks in November 2020 closing on 6 December 2020. As a result of the Options consultation, some additional sites were put forward by landowners and a further mainly web based Supplementary Options consultation was carried out for two weeks from 22 January 2021 until 6 February 2021. In addition, a further site for development had been suggested, but too late to be included in the Supplementary Options consultation.

3.5. The Pre–Submission Plan was published for consultation under Regulation 14 of the 2012 Regulations on 16 July 2021 for a period of just over six weeks until 31 August 2021. Over 115 individuals or organisations submitted responses. Pages 19 to 64 of the CS summarises the responses from statutory consultees, members of the public and other stakeholders together with the response from the Neighbourhood Plan Group and any proposed changes to the Plan.

3.6 The Plan was finally submitted to SSDC in December 2021. Consultation in accordance with Regulation 16 was carried out from 20 January 2022 until 4 March 2022. Nearly 60 separate representations were received. Despite a number of representations claiming that the consultation process was faulty, I am satisfied that a transparent, fair and inclusive consultation process has been followed for the NCYNP, that has had regard to advice in the PPG on plan preparation and engagement, and is procedurally compliant in accordance with the legal requirements.

Development and Use of Land

3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

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

Human Rights

3.9 The Basic Conditions Report (BCR) advises that no issues have been raised in the relation to the possible contravention of Human Rights in the preceding consultations. Furthermore, given the conclusions on the Plan's general conformity with the strategic policies of the Local Plan and regard to national planning policy, it is reasonable to conclude that the making of the Plan should not breach human rights.

3.10 I am aware from the CS that considerable emphasis was placed throughout the consultation process to ensure that no sections of the community were isolated or excluded. I have considered this matter independently and I have found no reason to disagree with the statement

in the BCR and I am satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

4. Compliance with the Basic Conditions

EU Obligations

4.1 A Strategic Environmental Assessment (SEA) was undertaken on behalf of NCYPC which considers that it is unlikely there will be any significant environmental effects arising from the Neighbourhood Plan. A Habitat Regulations Assessment (HRA) was also undertaken on behalf of NCYPC. The nearest European site to the Plan area is the Mendip Woodlands Special Area of Conservation which lies about 15km to the north west. However, the Plan area is located within the wider hydrological catchment of the Somerset Levels & Moors Ramsar (SLMR) and the most likely cause of significant adverse effects from the policies of the Plan would be phosphorous contamination from increased wastewater effluent discharge caused by development.

4.2 The Conclusions and Recommendation in the HRA stated that the five allocations for residential development delivering up to 34 new dwellings would increase the total volume of wastewater effluent produced and surface water run off occurring within the Plan area and would require mitigation measures. These interventions will need to be delivered as part of the wider nutrient neutral strategic approach across SSDC.

4.3 However, until such time as a district wide Phosphate Management Strategy is developed and an adequate nutrient policy has been incorporated into the SSLP, it was recommended that mitigation policy text is included in the NCYNP.

4.4 The statutory consultees Natural England (NE)[8] and Historic England (HE)[9] who were consulted on the contents of the SEA determination report, agreed that a full SEA was not required. Similarly, NE accepted that no further work was required on HRA. The Environment Agency (EA) did not respond to the SEA consultation. At the Regulation 16 stage, the EA submitted general comments applicable to neighbourhood plans without objecting to the procedures or any of the policies.[10]

4.5 I have read the SEA and the HRA and the other information provided, and having considered the matter independently, I also agree with those conclusions. Therefore, I am satisfied that the NCYNP is compatible with EU obligations as retained under domestic law.

[8] Email from Natural England, dated 27 August 2021.
[9] Email from Historic England, dated 31 August 2021.
[10] Representation, dated 28 February 2022.

Main Issues

4.6 Having considered whether the Plan complies with various procedural and legal requirements, it is now necessary to deal with whether it complies with the remaining Basic Conditions, particularly the regard it pays to national policy and guidance, the contribution it makes to the achievement of sustainable development and whether it is in general conformity with strategic development plan policies. I test the Plan against the Basic Conditions by considering specific issues of compliance of all the Plan's policies.

4.7 As part of that assessment, I consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG. A neighbourhood plan policy should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.[11]

4.8 Accordingly, having regard to the North Cadbury and Yarlington Neighbourhood Plan, the consultation responses, other evidence[12] and the site visits, I consider that the main issues in this examination are whether the NCYNP policies (i) have regard to national policy and guidance, (ii) are in general conformity with the adopted strategic planning policies and (iii) would contribute to the achievement of sustainable development? I shall assess these issues by considering the policies within the themes in the Plan including the more detailed policies applicable to individual settlements.

Vision and Objectives

4.9 The vision for the NCYNP is described succinctly on page 8 of the Plan*: "In 2033 the parishes of North Cadbury and Yarlington will remain a 'Jewel of a Place' – safe, thriving, well-connected settlements, each with a unique character, natural environment and sense of community spirit, welcoming residents of all ages and abilities."* The vision is then used as a basis for a series of objectives grouped into six themes: Heritage and Design; Environment, Housing; Business and Employment; Community Services and Facilities; and Transport, which provide the framework for the subsequent general policies. Further policies are proposed for the individual settlements of North Cadbury, Galhampton, Yarlington and Woolston.

Heritage and Design (Policies 1 - 4)

4.10 Policy 1 contains two elements. This first is to safeguard Locally Important Buildings by applying national planning policy for non-designated heritage

[11] PPG Reference ID: 41-041-20140306.
[12] The other evidence includes the responses from NCYPC and SSDC, dated 14 April 2022, to the questions in my letter of 5 April 2022.

assets in the Plan area and has regard to national guidance[13] and generally conforms with Policy EQ3 of the SSLP. The second element of Policy 1 aims to protect archaeological interests by requiring an initial archaeological evaluation for all development proposals other than extensions or alterations. I consider that this requirement is too onerous for widespread application and SSDC and NCYPC have agreed amendments to the policy which would refine the relevant area identifying the Area of High Archaeological Potential (AHAP) from the SSLP and also the Historic Environment Record as a basis for administering the policy. In agreeing generally with the suggestion, I note that there are two AHAPs based on North Cadbury and Yarlington and therefore I shall recommend the Plan be modified to show the two AHAPs in a new Appendix and also to include a reference to Yarlington. **(PM2)** This part of the policy would then also have regard to national guidance[14] and generally conform with Policy EQ3 of the SSLP. Policy 1 would then, as a whole, meet the Basic Conditions.

4.11 Policy 2 considers the area's character and gives design guidance for new development. The policy has regard to national guidance[15] and generally conforms with Policy EQ2 of the SSLP. SSDC suggested changing the position of the phrase dealing with "grander buildings", but the policy as written meets the Basic Conditions. Therefore, from my perspective, there is no requirement to modify it.

4.12 Policy 3 provides further design guidance including renewable energy development on buildings. The addition of a reference to adequate adaption measures within the policy as suggested by SSDC would improve the clarity of the policy. Subject to that modification, which I recommend, the policy would have regard to national guidance[16], generally conform with Policy EQ2 of the SSLP and meet the Basic Conditions. **(PM3)**

4.13 Policy 4 considers practical garden sizes and consists of two paragraphs, the second of which I have concerns about. I support the need to maintain suitable levels of privacy, but the specifications for a minimum rear garden depth of 11m, and rear garden area of either 60sqm or 100sqm is overly prescriptive, may stifle innovative design and is best judged on a case by case basis in development management. Similarly, the reference to size sufficient for tree planting is ambiguous and will depend on aspect and the species of tree(s). Therefore, I shall recommend appropriate modifications to Policy 4 which will then have regard to national guidance[17], generally conform with Policy EQ2 of the SSLP and meet the Basic Conditions. **(PM4)**

[13] NPPF: paragraph 203.
[14] NPPF: paragraph 189.
[15] NPPF: paragraph 127.
[16] NPPF: paragraph 128.
[17] NPPF: paragraph 130.

Environment (Policies 5 – 8)

4.14 Policy 5 requires that new development should respect the area's rural character. Policy 6 seeks to protect the rural character of the recreational routes and views. Policy 7 aims to protect local wildlife. Policy 8 considers flood risk. Each policy has regard to national guidance[18], generally conforms with the relevant strategic policies in the SSLP[19] and will meet the Basic Conditions.

4.15 Policy 7B aims to secure phosphate neutrality when new development occurs in order to protect the integrity of the Somerset Levels and Moors Ramsar. The policy would meet the terms of the HRA of the Plan which was endorsed by NE. Nevertheless, I have reservations about the policy, not the least of which is the strategic element as expressed in its final sentence. I raised this issue with SSDC which commented that there is no agreed draft policy for nutrient neutrality in Somerset. It seems to me that the goal of phosphate neutrality may be achieved by a number of routes, depending on the location of watercourses, wastewater treatment plants and the scale of development and whether mitigation comes in the form of upgrades to treatment plants, a scheme at the site of a specific proposal for development or even payments in lieu.[20] Therefore, mitigation may be at a level broader than the area of the neighbourhood plan area as recognised at paragraph 6.19 of the Plan.

4.16 Accordingly, I agree with the suggestion by SSDC that Policy 7B is deleted from the Plan and an alternative explanation is included in the reasoned justification after (current) paragraph 6.20 which effectively states that prior to granting planning permission for development where phosphate neutrality may be compromised, the local planning authority will undertake an HRA to ensure appropriate mitigation measures are in place. I shall recommend such a modification. **(PM5)** This section of the Plan would then fulfil the aims of the HRA of the Plan and meet the Basic Conditions.

Housing (Policies 9 – 11, 18 – 21 & 30)

4.17 Policy 9 considers the scale and location of new housing. The Plan explains (paragraph 7.6) that the proposed housing target for the area is 45 dwellings for the period 2018 – 2033 and for which a potential supply of 61 homes is identified. Table 2 demonstrates that 34 of the dwellings would be allocations within the Plan, 12 of them affordable, added to which there are extant planning permissions for 27 dwellings.

4.18 Representations questioned the method of assessing the target for new housing, but I have no convincing reason to question the validity of the

[18] NPPF: paragraphs 174, 179, 167 & 169.
[19] SSLP Policies EQ2, EQ4 & EQ1.
[20] Comparable to the Dorset Heathlands Planning Framework Supplementary Planning Document 2020 – 2025, albeit the circumstances are different.

approach set out at paragraph 7.3 footnote 6 of the Plan which was informed by advice from SSDC as the local planning authority. Therefore, I am satisfied that Plan target for 45 dwellings is acceptable for new housing over the Plan period.

4.19 In its Regulation 16 representation, SSDC indicated that extant planning permissions in the Plan area are for 25 not 27 dwellings. However, the NCYPC response to my clarification question 11 confirmed that Table 2 and the associated Appendix 3 are indeed correct. The accuracy of the extant planning permissions was also queried in other Regulation 16 representations. However, in my opinion, even accepting the alleged double counting and the limitations of agricultural occupancy, the consequent shortfall due to a lower base of extant planning permissions would not affect the overall housing target so significantly to invalidate the overall conclusions about housing targets in the Plan.

4.20 The housing allocations in the Plan which comprise the 34 new dwellings are proposed at the villages of North Cadbury under Policies 18, 19, 20 and 21 and Woolston under Policy 30. There are no proposals for housing at Galhampton or Yarlington. Policy 20 allocates up to three dwellings by the conversion or replacement of barns at North Town Farm, North Cadbury. Policy 21 allocates up to two dwellings by conversion or replacement of barns at Hill Farm, North Cadbury. Policy 30 allocates the barn of Stoke Lane for the conversion or replacement for one dwelling. I consider that the policies for each of these barn conversions or replacements have regard to national guidance[21], generally conform with Policy SS2 of the SSLP and meet the Basic Conditions.

4.21 The two remaining housing allocations are on land north of Brookhampton in North Cadbury. Policy 18 allocates land for 14 dwellings on the western side of Cary Road and Policy 19 also allocates land for 14 dwellings but on the directly opposite eastern side of Cary Road. Policies 18 and 19 indicate that at least 6 homes on each site should be affordable housing. The evidence in support of the two allocations is contained within paragraphs 11.47 – 11.61 of the Plan.

4.22 Policies 18 and 19 attracted significant criticism about the procedures which led to the inclusion of the sites in the Plan, the principle of the allocations and the site-specific details. So far as the procedures are concerned, I have read the papers associated with the options and note that site NYC 22 did not emerge until after the options consultation had closed. However, all the proposed allocations were the subject of the Regulation 14 pre-submission consultation which enabled the NCYPC to respond to representations in support of and in opposition to the Plan, including Policies 18 and 19. It appears logical to me that as some sites might fall out of favour others may emerge. The SEA of the Plan was publicly available for the period of the Regulation 14 consultation. The statutory public consultation of the Plan under Regulation 16 was carried

[21] NPPF: paragraph 60.

out correctly. Therefore, I have no issue with the process of allocating the sites at Policies 18 and 19.

4.23 The principle of including the sites as allocations also appears reasonable in that, having read the SEA and the various documents associated with the evolution of the options in the Plan for housing and seen which have been rejected during the preparation process, I can understand why the proposed housing allocations were preferred to alternative sites.

4.24 I appreciate that wildlife may be adversely affected by housing development on the sites, however, the two policies require biodiversity net gain to be achieved. Similarly, although there would be an impact on the landscape and the views on the approach to North Cadbury, it would not be so serious that development should be precluded. The effect on the rural character of the area immediately north of North Cadbury would be mitigated by the intention to retain the roadside hedges so far as is possible commensurate with highway safety. I note that the allocations in the Plan have been modified in response to the comments about heritage and that SSDC, as the local planning authority, support Policies 18 and 19.

4.25 Therefore, subject to the deletion of the references to Policy 7B, I consider that Policies 18 and 19 would have regard to national guidance[22], would generally conform with Policies SS2, HG5 & HG3 of the SSLP and meet the Basic Conditions. **(PM6)** Representations sought the inclusion of land at Ridgeway Lane, North Cadbury and land opposite Manor Farm, Woolston Road, North Cadbury. However, given that the proposed allocations, together with extant planning permissions, exceed the target of 45 dwellings over the Plan period and my conclusion that, subject to a detailed modification referred to above, the housing policies meet the Basic Conditions, there is no convincing reason to include further sites for additional housing.

4.26 Policy 10 considers the use of rural buildings and has regard to national guidance[23], generally conforms with Policy HG8 of the SSLP and meets the Basic Conditions, subject to the replacement of the ambiguous qualification "substantial" with "significant". **(PM7)** Some may believe this word to be of equal ambiguity, but it is a familiar term in planning policies and should present no issues for development management.

4.27 Policy 11 deals with house types. Subject to improving the clarity of the policy by the addition of a reference to M4(2) standards for adaptable and accessible homes, it would have regard to national guidance[24], generally conform with Policy HG5 of the SSLP and meet the Basic Conditions. **(PM8)**

[22] NPPF: paragraphs 60, 66, 67, 78, 79 & 124.
[23] NPPF: paragraph 80.
[24] NPPF: paragraph 62.

Business and Employment (Policies 12 – 13)

4.28 Policy 12 considers the North Cadbury Business Park. In order to clarify the policy and in answer to one of my questions, NCYPC suggested rephrasing the first paragraph. I agree with the suggestion and shall recommend that the policy is modified which would then have regard to national guidance[25], generally conform with Policy EP4 of the SSLP and meet the Basic Conditions. **(PM9)**

4.29 Policy 13 deals with other employment proposals for offices, workshops or similar uses. Agricultural development is not included in the policy. Subject to the addition of a bullet point to recognise that the expansion of existing businesses in the countryside may be acceptable subject to certain criteria, the policy would have regard to national guidance[26], generally conform with Policy EP4 of the SSLP and meet the Basic Conditions. **(PM10)**

Transport (Policy 14)

4.30 Policy 14 considers parking requirements and has regard to national guidance[27], generally conforms with Policy TA6 of the SSLP and meets the Basic Conditions.

North Cadbury, Galhampton, Yarlington and Woolston

4.31 Specific policies applying to the individual villages of North Cadbury, Galhampton, Yarlington and Woolston, other than for housing which I have considered above, have been expressed in sections about each settlement. Rather than consider each village separately, I shall deal with the policies according to subject matter.

Built Character (Policies 15, 22, 25 & 28)

4.32 Policies 15, 22, 25 and 28 which seek to safeguard built character vary according to the appearance and character of each village and have been carefully and thoughtfully drafted. I consider that each policy has regard to national guidance[28], generally conforms with Policy EQ2 of the SSLP and meets the Basic Conditions.

Local Green Spaces (Policies 16, 23 & 26)

4.33 Local Green Spaces (LGS) are designated in North Cadbury, Galhampton and Yarlington. As explained in the NPPF, LGS designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and

[25] NPPF: paragraphs 84 & 85.
[26] NPPF: paragraphs 84 & 85.
[27] NPPF: paragraphs 104 & 106.
[28] NPPF: paragraphs 127, 128 & 130.

holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.[29] LGS should also be capable of enduring beyond the end of the Plan period.[30] Having seen each LGS on the site visit, I consider that they all meet the criteria for designation outlined in NPPF with the exception of NC3 Clare Field, Ridgeway Lane, North Cadbury.

4.34 I accept that NC3 is located close to the community it would serve and is not an extensive tract of land. However, in my opinion, it is not local in character and appears to function more as an outlook from residential properties along the north east and south east boundaries of the field. I realise that the public footpaths traversing the farmland might be well used but, as advised in the PPG, there is no need to designate linear corridors as LGS simply to protect rights of way, which are already protected under other legislation.[31] Therefore, I consider that the site does not warrant a LGS designation. Accordingly, I shall recommend the deletion of NC3 from Policy 16. **(PM11)**

4.35 In addition, the first sentence in Policies 16, 23, and 26 state that development should be sensitive to the rural setting of each village, including references to other features. LGS is a designation in which development management is similar that for the Green Belt and where inappropriate development is allowed only in very special circumstances. I consider that the inclusion of the introductory sentence in each of the policies creates a misleading impression, especially when the issues raised can be dealt with under Policy 5 on rural character. Therefore, I shall recommend that the first phrase in each policy is deleted. Subject to that modification and the deletion of NC3, Policies 16, 23, and 26 have regard to national guidance[32], generally conform with Policy EQ5 of the SSLP and meet the Basic Conditions. **(PM12)**

Community Services and Facilities (Policies 17, 24, 27 & 29)

4.36 Policies 17, 24, 27 & 29 seek to retain community facilities and support proposals for new facilities as appropriate for each settlement. The policies each has regard to national guidance[33], generally conforms with Policy EP15 of the SSLP and meets the Basic Conditions.

Overview

4.37 Therefore, on the evidence before me, with the recommended modifications, I consider that the policies within the NCYNP are in general

[29] NPPF: paragraph 102.
[30] NPPF: paragraph 101.
[31] PPG Reference ID: 37-018-20140306.
[32] NPPF: paragraphs 101 – 103.
[33] NPPF: paragraph 84.

conformity with the strategic policies of the SSLP, have regard to national guidance, would contribute to the achievement of sustainable development and so would meet the Basic Conditions.

4.38 The Plan lists 9 Projects to deal with the monitoring and implementation of the Plan and other actions. The Projects reflect intentions of the Parish Council and consider locally important buildings, the public rights of way network, housing supply monitoring, improvement of the local bus services and the potential relocation of the bus stop at Galhampton, road safety improvements, the school parking area, the potential for part of Yarlington to be a conservation area and also to work with the Emily Estate about any future plans for Yarlington Lodge.

4.39 The projects do not fall within the tests of whether the Basic Conditions are met and I do not consider them further. However, the breadth of the projects is additional evidence of the thoroughness with which the Plan has been prepared and the benefits that the neighbourhood planning process brings to the community.

4.40 A consequence of the acceptance of the recommended modifications would be that amendments would have to be made to the explanatory text within the Plan in order to make it logical and suitable for the referendum. These might also include incorporating factual updates, correcting minor inaccuracies, or text improvements suggested helpfully by SSDC and also the NCYPC in its response to my questions. None of these alterations would affect the ability of the Plan to meet the Basic Conditions and could be undertaken as minor, non-material changes.[34]

5. Conclusions

Summary

5.1 The North Cadbury and Yarlington 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 to all the responses made following consultation on the NCYNP, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a small number of policies 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 NCYNP as

[34] PPG Reference ID: 41-106-20190509.

modified has no policy or proposal 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.

Concluding Comments

5.4 The Parish Council, the Working Group and other voluntary contributors are to be commended for their efforts in producing a thorough Plan. It is a professionally presented and well-illustrated document. The Plan is logical, well-structured, very informative and I enjoyed visiting the area. The associated Appendices and statements, particularly the Basic Conditions Report, were extremely useful, as were the constructive comments of the SSDC in the Regulation 16 consultation and the very helpful responses from both Councils to my questions of clarification.

5.5 With the recommended modifications, the NCYNP will make a positive contribution to the Development Plan for the area and should enable the delightful rural character and appearance of the Parishes of North Cadbury and Yarlington to be maintained.

Andrew Mead

Examiner

Appendix: Modifications

Proposed modification no. (PM)	Page no./ other reference	Modification
PM1	Front Cover	Insert **"2018 – 2033"** on the font cover.
PM2	Policy 1	Delete second paragraph and replace with: **"In recognition of the rich archaeological resources of North Cadbury and Yarlington, development proposals within the Areas of High Archaeological Potential (See new Appendix 1) or that are likely to have an impact on a heritage asset of archaeological interest identified on the Historic Environment Record will be required to provide an archaeological assessment where appropriate."**
PM3	Policy 3	Amend the second paragraph to: **"... provide climate change mitigation and adequate adaption measures will be supported, ...".**
PM4	Policy 4	Delete the second paragraph and replace with: **"The depth of all rear gardens should ensure that suitable levels of privacy are maintained and that sufficient space would enable tree or shrub planting, where appropriate and practicable."**
PM5	Policy 7B	Delete the policy. Include a new paragraph: **"Natural England has advised that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the Ramsar Site catchment, competent authorities (the local planning authority) should undertake a Habitats Regulations Assessment (HRA). This is to ensure mitigation measures are in place to address nutrient neutrality so the local planning authority is satisfied that the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended) are met."**

PM6	Policies 18 & 19	Amend the final bullet point in each policy to: **"Mitigation measures are secured as necessary to demonstrate phosphorus neutrality."**
PM7	Policy 10	Bullet point three: replace "… substantially …" with **"… significantly …".**
PM8	Policy 11	Bullet point four: add at end **"… including to M4(2) standards for adaptable and accessible homes."**
PM9	Policy 12	Delete the first sentence and replace with: **"Land at North Cadbury Business Park will remain the main employment site for meeting local needs that are appropriate to an industrial estate. The extent of the area for such uses is shown on the Policies Map and includes undeveloped areas that are safeguarded for employment use appropriate to an industrial estate, which may be brought forward once the remainder of the business park has been developed."**
PM10	Policy 13	Add a new paragraph: **"The expansion of existing rural businesses will be supported in accordance with national policies and applying the criteria set out in Policy EP4 of the South Somerset Local Plan."**
PM11	Policy 16	Delete NC3 Clare Field, Ridgway Lane.
PM12	Policies 16, 23 & 26	Delete the first sentence in each policy.