

**INDEPENDENT EXAMINATION OF THE NORTH CADBURY AND YARLINGTON
NEIGHBOURHOOD PLAN
EXAMINER QUESTIONS**

South Somerset District Council Response

Questions for NCYPC (13)

1. The Basic Conditions Statement (BCS) Section 4 (page 16) refers to the Strategic Environmental Assessment (SEA) and the Habitats Regulations Assessment (HRA). Please may I see copies of the concluding responses, including dates, from the statutory consultees on the SEA and HRA?
2. The Consultation Statement (page 7 +) records two Options Consultations. The first ran for 3 weeks until 6 December 2020; a Supplementary Options consultation from 22 January 2021 until 6 February 2021. The summary results are reported on the Neighbourhood Plan web site with a comment that the full report will be published in due course on that web site. The Regulation 14 consultation period extended from 16 July 2021 until 31 August 2021. However, the Site Options Assessment Supplementary Report on all the housing allocations, despite being dated August 2021 and signed off by the authors AECOM on 5 August, was allegedly not publicly available until 7 October 2021. Is this correct?
3. I note that site NYC 22 did not feature in the two prior options consultations but was included in the draft Plan for statutory consultation at the Regulation 14 stage (providing anyone with an interest an opportunity to comment). However, by way of background, could you please provide further clarification around the emergence of this site for inclusion in the draft Plan?
4. NCY22, together with NCY17 and NCY18, were included in the Regulation 14 consultation. The SEA is dated July 2021 and was signed off on 14 July, two days before the Regulation 14 consultation period began. When did the SEA become publicly available and by what means?
5. When considering each housing allocation NCY17, NCY18 and NCY22, Step 5 of the AECOM Heritage Impact Assessment (July 2021) (pages 34- 41) recommended that the restriction of the area of the three sites is investigated. What was/is the response of the NCYPC to that recommendation? Would the removal of NCY22 from Policy 19 of the Plan constitute such a restriction and fulfil the recommendation?
6. Does the NCYPC have any comments on the possible error in Table 1 of the HRA (page 12) and the references to Ilminster and the River Isle? Should Table 1 be corrected?
7. Does Policy 13 apply to both new employment proposals and expansions. If so, in order to have regard to the National Planning Policy Framework (paragraphs 84 and 85), should the first bullet point be deleted?
8. Does Policy 13 apply to agricultural development?
9. Should Policy 6 refer to Policies Map 2 instead of "... the Policies Map."
10. SSDC suggest that in Policy 1, rather than expecting an archaeological evaluation for all development proposals in the Parish (other than extensions or alterations), this should be limited to Areas of High Archaeological Potential (AHAP) and that these could helpfully be

shown on a map. Have any AHAP been delineated within the Plan area such as from the adopted South Somerset Local Plan and, if so, could a plan, or plans, be easily incorporated into the Neighbourhood Plan? (I looked on the South Somerset Local Plan web site but was unable to download the Inset Maps.)

11. In view of the table of extant consents submitted in the representation from SSDC, should Table 2, Policy 9 and Appendix 3 be amended to show 25 rather than 27?
12. If further expansion of the North Cadbury Business Park has been granted and a reserved matters application approved for one building (Class E) (reference the SSDC representation), should Map 5 and Policy 12 be amended and, if so, how?
13. In view of the representation from SSDC, should the Map on page 47 clarify the location of the Restricted Byway and what the thick brown shading represents?

Questions for SSDC (3)

14. In view of the support by SSDC for the proposed housing allocations under Policies 18 and 19, does the Council have any comments to make about Questions 2 to 5 above?

SSDC Response:

Question 2 comments:

The Council is unable to comment on the date of the publication of the Site Options Assessment Supplementary Report, August 2021 as this is not a matter it has been involved in.

The Council has no reason to doubt the information presented in the submitted Statement of Community Consultation.

Question 3 comments:

The Council has no reason to doubt the information presented by the NPWG on this matter.

Question 4 comments:

The Council is unable to comment on the date the SEA became publically available at Regulation 14 as this is not a matter it was involved in.

Question 5 comments:

The Council notes the content of the Heritage Impact Assessment, AECOM, 2021 (HIA). In particular the responses to Step 5 on pages 36-37 (NCY17) 40-41 (NCY18) and 44-45 (NCY22). With regards to NCY22 the HIA states "high quality development of sympathetic design and materials at the southern end of the three sites, or at least the site and Policy NCY17 would create a new northern edge to the village, softening the effect of the modern buildings that currently form the edge and enhancing the experience of the entry to the village from the north along Cary Road. It is recommended that the restriction of the area of the three sites is investigated with a view to allocation."

Maps 6 and 7 and the indicative layout plan (page 47) of the submitted North Cadbury Yarlington Neighbourhood Plan show the extent of the allocations - Policies 18 and 19. When these are compared with the areas assessed in the HIA it is noted that the whole of the extent of sites NCY17, NCY18 and NCY22 as assessed are not included within the final allocations. The northern extent of the sites as assessed have been excluded. This indicates to the Council that North Cadbury and Yarlington Parish Council did take account of the recommendation in the HIA to restrict the area. The Council understands that the NPWG worked closely with AECOM

whilst identifying the land to be allocated and they did not raise concerns regarding the area proposed for allocation.

With regards to the potential removal of NCY22 from Policy 19 the Council would re-iterate the points raised by the NPWG in their response regarding affordable housing provision and HRA mitigation.

15. SSDC suggest that Policy 11 should include a reference to M4(2) standards for adaptable and accessible homes. Is SSDC able to offer an appropriate form of words?

SSDC Response:

The Council's Local Housing Needs Assessment Update, 2021 [link](#) supports the need for a target of 25% of all housing to meet M4(2) standards (paragraph 17). It is therefore suggested that Policy 11. House Types is amended as follows (proposed new text is shown in **bold**):

- - homes specifically designed for residents with more limited mobility and/or requiring an element of care **including to M4(2) standards for adaptable and accessible homes.**

16. SSDC's comment on Policy 7B Phosphorus Neutrality refers to Policy ENV2 of the emerging Dorset Local Plan, which appears to me to be all embracing, strategic and not appropriate for inclusion in this Neighbourhood Plan. Is SSDC suggesting that the text in the representation is an addition to, or substitution for, Policy 7B? Or is it a suggestion for inclusion in the reasoned justification?

However, my initial thoughts are that this matter might be better dealt with at a strategic level in the South Somerset Local Plan Review or whatever Local Plan emerges from the new Somerset unitary authority and not in this Neighbourhood Plan. Comparisons could be made with the Dorset Heathlands Planning Framework and the Nitrogen Reduction in Poole Harbour Supplementary Planning Document, both of which consider mitigation from possible harm to European sites (RAMSAR, SPA, SAC). I would be grateful to have further comments from SSDC.

SSDC Response:

As explained in the Council's Regulation 16 response there is no agreed draft policy for nutrient neutrality in Somerset. The Council can confirm that they are content for Policy to be dealt with at a strategic level through the new Somerset Local Plan as part of the new unitary authority.

As such the Council suggests that Policy 7B Phosphorous Neutrality is deleted from the Neighbourhood Plan and the following text is inserted between current paragraphs 6.18 and 6.19:

The Somerset Levels and Moors Ramsar Site has been identified as being in an unfavourable conservation status due to adverse effects arising from increased nutrient loads, namely phosphates. 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.