

:

INDEPENDENT EXAMINER'S REPORT ON THE WELLS NEIGHBOURHOOD DEVELOPMENT PLAN

Deborah McCann

SECTION 1 Contents

CONTENTS

Section 1

Contents.....	2
---------------	---

Section 2

Summary.....	3
--------------	---

Section 3

Introduction.....	4-7
-------------------	-----

Section 4

The Report.....	8-45
-----------------	------

1. <i>Appointment of the Independent Examiner</i>	8
2. <i>Qualifying Body</i>	8
3. <i>Neighbourhood Plan Area</i>	8
4. <i>Plan Period</i>	8
5. <i>Somerset Council Regulation 15 assessment of the plan</i>	8
6. <i>Site Visit</i>	8
7. <i>Consultation Process</i>	9
8. <i>Regulation 16 Consultation and Comment on Responses</i>	9
9. <i>Compliance with the Basic Conditions</i>	9
10. <i>Planning Policy</i>	10
11. <i>Other Relevant Policy Considerations</i>	11-16
12. <i>Wells Neighbourhood Development Plan Policies</i>	17-44

Section 5

Conclusions and Recommendations.....	45
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SECTION 2

Summary

As the Independent Examiner appointed by Somerset Council to examine the Wells Neighbourhood Development Plan, I can summarise my findings as follows:

- 1. I find the Wells Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Wells Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Wells Consultation Statement and the representations made in connection with this subject. I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Wells Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the adopted local plan was the Mendip Local Plan Part 1 and Part 2 which covers the period from 2006 to 2029.*

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann, and I am the Independent Examiner appointed to examine the Wells Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the Plan Area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the Wells Neighbourhood Development Plan, as submitted for examination, meets the Basic Conditions and has taken account of human rights; and to recommend whether the Wells Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Wells Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the Examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an Examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did not require clarification.

3.2. The Role of Examiner including the examination process and legislative background.

The Examiner is required to check whether the Neighbourhood Plan:

- has been prepared and submitted for examination by a qualifying body
- has been prepared for an area that has been properly designated for such plan preparation
- meets the requirements to
 - i) specify the period to which it has effect;
 - ii) does not include provision about excluded development; and
 - iii) does not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The Examiner must assess whether a Neighbourhood Plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an Independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance

with the Basic Conditions. The main purpose of a Neighbourhood Plan is to provide a framework for the determination of planning applications. Policies in a plan which have elements which either seek to control things or which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the Plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3.The Plan does not meet the legal requirements and cannot proceed to Referendum.

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Wells Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a Qualifying Body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*

3. *Is in general conformity with the strategic policies in the appropriate Development Plan*
4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. *Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.*

The Plan must also not breach, or otherwise be compatible with EU obligations and Human Rights requirements.

Somerset Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the Plan will be submitted to a Referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the Referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e., greater than 50%), voting in favour of the plan, then the Unitary Authority must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a Referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

4.The Report

4.1. Appointment of the Independent examiner

Somerset Council appointed me as the Independent Examiner for the Wells Neighbourhood Development Plan with the agreement of Wells City Council.

4.2. Qualifying body

I am satisfied that Wells City Council is the Qualifying Body.

4.3. Neighbourhood Plan Area

Wells City Council applied for designation as a Neighbourhood Plan Area under the Neighbourhood Planning Regulations 2012 (part 2, S6) and it was formally designated by Somerset Council (CC) on 8 September 2014

The designated Wells Neighbourhood Area covers the whole of the Parish (City) of Wells and the Basic Conditions Statement submitted confirms there are no other Neighbourhood Plans covering the Area of the Wells Neighbourhood Development Plan.

I received representation from the Parish of St Cuthbert (out) that due to the importance of Wells to the Parish for the delivery of services, the referendum area should be increased to enable the residents of the Parish of St Cuthbert (out) to vote. Whilst I acknowledge that the City of Wells is important to the Parish in respect of service delivery this situation is not unique, with this interrelationship being replicated in many locations across the country. I have also taken into account the nature of the policies within the Wells NDP. I have concluded therefore that the referendum area for the Wells NDP, should it proceed to Referendum should not be increased and should remain as the designated Neighbourhood Plan Area.

4.4. Plan Period

It is intended that the Wells Neighbourhood Development Plan will cover the period 2019-2029, chosen to align with the Mendip Local Plan 2006-2029.

4.5. Somerset Council Initial Assessment of the Plan (Regulation 15).

Wells City Council submitted the draft Wells Neighbourhood Plan to Somerset Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations. Somerset Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

Site Visit

I carried out an unaccompanied site visit on the 18 July 2023 to familiarise myself with the Neighbourhood Plan Area.

4.7. The Consultation Process

The Wells Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as required in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012:

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted;
- (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well

conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

I am satisfied that the consultation process was carried out robustly, that the community were aware of the process and had the opportunity to comment at the appropriate stages and that the Consultation Statement as submitted meets the required standard.

4.8. Regulation 16 consultation by Somerset Council and record of responses.

Somerset Council placed the Wells Neighbourhood Development Plan out for consultation under Regulation 16 from 28 April 2023 to 9 June 2023.

A number of representations were received during the consultation period, and these were made available by Somerset Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

4.9. Compliance with the Basic Conditions

A Basic Conditions Statement has been produced for the Wells Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Wells Neighbourhood Development Plan:

1. Has regard to national policies and advice.
2. Contributes to sustainable development.
3. Is in general conformity with the strategic policies in the appropriate Development Plan.
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.

5. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

Documents brought to my attention by the Unitary Authority for my examination included:

- (a) The Wells Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

- (b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Wells Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

- (c) Basic Conditions Statement.

This is a statement setting out how Wells Neighbourhood Development Plan Steering Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

- (D) Strategic Environmental Assessment and Habitat Regulations Assessment Screening opinion.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Wells Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10 Planning Policy

4.10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) July 2021 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Wells Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Wells Neighbourhood Development Plan and consider that, subject to modification, the Plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

4.10.2. Local Planning Policy- The Development Plan

Wells lies within the area covered by Somerset Council. The relevant development plan is the Mendip Local Plan Part 1 and Part 2 2006-2029.

4.10.3 To meet the Basic Conditions, the Wells Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2021 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2021(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.5 Should there be a conflict between a policy in a Neighbourhood Plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, Neighbourhood Plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the strategic policies of the Development Plan and the policies of the Wells Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the strategic policies of the Mendip Local Plan Part 1 and Part 2 2006 - 2023.

4.11. Other Relevant Policy Considerations

4.11.1 European Convention on Human Rights (ECHMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

The Wells Neighbourhood Development Plan was screened by Mendip District Council (now Somerset Council) to establish whether or not there was a need for a full Strategic Environmental Assessment. Natural England, the Environment Agency and Historic England were consulted as part of the screening process. The screening opinion, issued in March 2022, concluded that a SEA was not required.

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA screening a Habitats Regulations Assessment Screening request was also submitted. Mendip District Council (now Somerset Council) concluded in March 2022, that the Plan was not likely to have an effect on a European site and therefore an Appropriate Assessment was not required. Whilst the Plan area is within the phosphates risk area, the Plan does not propose new development sites. It aims to protect environmental assets and meet community needs within the area. The statutory consultees agreed with this conclusion.

I am satisfied that the decision that a SEA or HRA is not required is correct.

Prescribed Matters

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further Basic Condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the Neighbourhood Plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood

Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

The conclusion was that there are no likely significant effects on any European site resulting from the policies in the Plan. Therefore, the prescribed conditions are met in relation to the Plan and prescribed matters complied with in connection with the proposal for the Plan.

I am satisfied with this conclusion.

4.11.2 Sustainable development

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development using a sustainability matrix.

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Wells Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Basic Conditions Statement states out that the Neighbourhood Development Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

I am satisfied with this conclusion.

I am satisfied that the Wells Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

4.11.3 Excluded development

I am satisfied that the Wells Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.11.4 Development and use of land

I am satisfied that the Wells Neighbourhood Development Plan covers development and land use matters.

4.12 Wells Neighbourhood Development Plan Policies

General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“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. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Wells Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning

system or where existing policy already sets out the scope of control.

- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

4.12.1 The Neighbourhood Plan Vision, Strategic Aims and Policies

THE VISION FOR WELLS CITY 2030

Wells Vision

1. Wells will continue to be an attractive place to live, work and visit; sufficiently compact to retain its distinctive identity whilst accommodating the growth necessary to ensure its economic viability.
2. Wells will have accommodated its additional residents in housing that not only matches their material and economic needs, but which also contributes to the distinctive nature of its surroundings and incorporates high standards of design, energy efficiency and sustainability.
3. Parking will be made available where possible to meet the needs of residents and visitors while ensuring that the historic character of the city is not compromised.
4. The increase in population will sustain and develop the service and employment base in Wells, providing the necessary economic growth and reducing the need for in-commuting.
5. The additional population will have good access to health and education facilities.
6. The city centre will be thriving and vibrant, providing a range of retail and other services and facilities.
7. The character of the City's heritage and its landscape setting will be protected and enhanced.

8. The people of Wells will have good access to open spaces, play equipment and recreation facilities.

9. The visitor economy will have developed sustainably to be a strong sector, with employment opportunities and attracting sufficient investment to sustain the visitor attractions.

10. Wells will have achieved, or be close to achieving, carbon neutrality. Businesses and residents of Wells will have knowledge and understanding of the steps necessary to prevent catastrophic climate change and biodiversity loss.

The aims and objectives of the Wells NDP are set out in detail on pages 15-18 of the Plan and cover the following themes:

- Heritage and the built environment
- Housing
- Moving around
- Retail and commercial buildings
- Tourism
- Environment

COMMENT

I am satisfied that the Wells NDP vision, aims and objectives were developed from the consultation process and that the policies within the plan reflect the vision, aims and objectives.

4.13 WELLS NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

Policy HBE1: Heritage and the Built Environment

1. All new development should be of high-quality design detail and materials, complementing the local vernacular, enhancing visual amenity and minimising any adverse impacts on the historic environment and neighbouring amenity.

2. Within the context of Local Plan policy DP3: Heritage Conservation and DP1: Local Identity and Distinctiveness, for proposals to be considered high quality in the Wells context, they should demonstrate how they have had positive regard to the:

- i) Wells Design Guide (Appendix 1);
- ii) Wells Conservation Area Appraisal; and,
- iii) National Design Guide 2019.

COMMENT

I have no comment on this policy.

HBE2: Local Heritage Assets

Non designated local heritage assets will be selected against the criteria set out in Appendix 2. Planning applications for demolition, development or alterations of buildings or structures recognised as local heritage assets will be expected to show what consideration has been given to retaining:

- i) the asset itself;
- ii) its most distinctive and important features;
- iii) the positive elements of its setting and immediate surrounds; and,
- iv) the contribution the asset and its setting make to the character of the local area (whether in a Conservation Area or not).

COMMENT

The NPPF (2021) sets out the framework for considering Non Designated Heritage Assets and it is based on the asset's significance. This should be determined at application stage. Paragraph 203 states:

“203. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

Whilst the "criteria" set out in appendix 2 are generally helpful they should not be used as a definitive tool to define a Non-Designated Heritage Asset. To introduce criteria for identifying Non-Designated heritage assets would not have regard for National Policy and therefore would not meet the Basic Conditions. To meet the Basic Conditions the policy should be modified as follows:

HBE2: Local Heritage Assets

Applications affecting Non-Designated Heritage Assets must be accompanied by a statement describing the significance the asset affected, including any contribution made by its setting and will be determined in accordance with National Policy and relevant policies within the Development Plan. Planning applications for demolition, development or alterations of buildings or structures recognised as local heritage assets will be expected to show what consideration has been given to retaining:

i) the asset itself;

ii) its most distinctive and important features;

iii) the positive elements of its setting and immediate surrounds; and,

iv) the contribution the asset and its setting make to the character of the local area (whether in a Conservation Area or not).

Policy H1: Responding to Local Housing Demand and Needs

1. To help ensure a locally appropriate supply of dwelling types and sizes, development proposals which demonstrate how they meet the local needs, demand and demographic profile of Wells City as supported by evidence in an up to date Housing Needs Assessment will be encouraged. This should include consideration of demand for dwellings suitable for young people and families wishing to form new households from within the City and retired and older people wishing to downsize and remain in the City.

2. Proposals for accommodation for older people, the disabled and others with mobility constraints should take into account the mobility of residents and be located within easy access (close proximity / short distance and on level ground) to local facilities, services and public transport. Developers are encouraged to provide as much housing as viable following Building Regulation Part M4(2) standards.

3. Developers are encouraged to provide dwelling types in the following approximate proportions across tenures to help deliver a balance in supply to meet local demand, where feasible and viable; and unless it can be demonstrated that other up-to-date evidence indicates alternative proportions:

i) 20% 1 bedroom dwellings;

ii) 30% 2 bedroom dwellings;

iii) 30% 3 bedroom dwellings;

iv) 10 % 4 bedroom dwellings; and,

v) 10% 5 bedroomed dwellings.

4. Proposers of major housing development (on sites of 10 or more dwellings) should engage with the local community and City Council, prior to submission of a planning application to the local planning authority, to help ensure that proposals take into account both this Plan's aims and objectives and the views of the local community.

COMMENT

I have received representation from the former Mendip District Council (now Somerset Council) that whilst there is no objection to the aims of this policy there are concerns about the ability to apply the policy effectively. I share those concerns to some extent. However, I do consider that it meets the Basic Conditions.

Policy H2: High Quality Housing Design

1. All new development should be of high-quality design, complementing the local vernacular, enhancing visual amenity and minimising any adverse impacts on the built environment and neighbouring amenity.

2. For proposals to be considered high quality in the Wells context, they should meet the requirements of the Wells Design Guide (Appendix 1), Local Plan Policy DP7: Design and Amenity of New Development and the associated Net Zero Carbon Toolkit, and the National Design Guide and Code. They should have particular regard to the following considerations, where feasible, viable and applicable:

i) be well-related to scale, form, density and character of the settlement / built-up area and of its setting;

ii) respect and have no significant harm on historic buildings, character and heritage assets and their setting;

iii) have no adverse impact on the amenity of neighbouring uses (factors such as noise, tranquillity, light pollution, enjoyment of space);

iv) ensure good and safe accessibility for refuse, emergency and delivery vehicles, where feasible, taking into account likely levels of on-street parking by residents and / or employees;

v) provide safe and easy access for pedestrians and cyclists onto existing pedestrian footpaths and cycle lanes and, where feasible provide segregated, direct, safe routes to enable good connectivity to local facilities and amenities. Pedestrian and cycle routes should ensure permeability and “desire line” point to point access into and out of the development;

vi) have boundary treatment well-related to those of nearby dwellings and other buildings to complement the character of its setting;

vii) provide publicly accessible green infrastructure which plays a multi- functional role at the heart of the development to enable safe and easy access for health, leisure and recreation purposes

viii) deliver a net gain of a minimum of 10% in biodiversity and across the site in accordance with the British Standard for Biodiversity (BS 8683) improves interpretation of geodiversity and makes a positive contribution to help mitigate and adapt to the impacts of climate change by encouraging the efficient use of energy and where appropriate micro- scale onsite/distributed renewable energy generation; and,

ix) for proposals for dwellings, provide private amenity space (gardens) appropriate to dwelling type and size and to inform consideration of the appropriateness of a proposal's suitability in relation to the character of the built environment and the site's setting, applicants should provide an analysis of proposal's plot size(s) and building footprint in relation to garden areas of the dwellings in the surrounding area.

3. Where development proposals do not meet the design requirements above and those set out in the Wells Design Guide, applicants are required to demonstrate (as part of a Planning Statement) why the proposal cannot meet requirements due to feasibility, viability and applicability.

4. Proposals for major development should aim to have gone through a design review process prior to the submission of a planning application.

COMMENT

I have received representation from Mendip District Council (now Somerset Council) with regard to certain elements of the policy, in particular H2(ii), H2(iii), H2(vii) and H2(viii). However, I am satisfied that as the policy elements of concern are qualified requirements and not absolute requirements, the policy meets the Basic Conditions unmodified.

Policy H3: Housing Fit for the Future

1. Applications for residential developments should incorporate design measures to maximise energy efficiency through the siting, layout and design of the scheme.

2. Proposals should include all practical measures to incorporate sustainable construction techniques, renewable energy generation, landscaping for shade and

shelter, water efficiency measures, waste minimization and to reduce embodied energy in construction materials.

3. Measures to reduce carbon emissions through the above measures should be informed by the Wells Design Guide.

COMMENT

I have no comment on this policy.

MA1: Constraints and Opportunities on the Local Highway, Cycleway and Footpath Network

1. Our Transport Plan, as set out on Maps 5 and Maps 5A to 5E (inclusive), identifies the key transport and accessibility constraints, opportunities and the network's key features contributing to the character of Wells.

2. Where relevant, development proposals will be supported which:

i) deliver identified opportunities and projects and / or make a financial contribution to costs and / or resolve identified constraints. Where financial contributions are made, they should be secured through community infrastructure levy or section 106 obligation; and / or,

ii) do not erode the built and landscape character of Wells and the proposal's setting; and / or,

iii) demonstrate how they respond positively to the Wells Design Guide and Conservation Area Appraisal; and / or,

iv) do not exacerbate identified constraints or satisfactorily mitigate adverse impacts which arise from the proposal.

COMMENT

I have no comment on this policy.

RCB1: New Development within the Primary Frontages

1. Proposals for new development within the Primary Frontages defined in the Local Plan Part 1 and within Use Class E will be encouraged to not only acknowledge the importance of retail uses in the Market Place and High Street but also to the extent that other appropriate uses demonstrate that they are:

- i) likely to enhance the vibrancy of the city centre; and,
- ii) will enhance and complement the City's historic core.

2. Proposals for changes and alterations to shopfronts should be framed by and respond positively to the Mendip Shopfront Design Guidance published in 2013.

COMMENT

I have received representation from Mendip District Council (now Somerset Council) that this policy is not in conformity with Policy DP21 of the Mendip Local Plan Part 1 (Strategy and Policies) as it does not acknowledge the importance of retail within the town centre.

"DP21: Managing Town Centre Uses

The vibrancy of town centre uses will be maintained and enhanced:

1. Within the defined Primary Frontages by retaining at least two thirds of premises in retail uses (defined as falling within Class A1 of the Use Classes order) with remaining premises being limited to within Class A.

In applying this policy, the Council will have regard to the retail concentration within primary street frontages (measured 50m either side of the proposal site) where a similar two thirds balance of A1 uses will be expected.

2. Within the Secondary Frontages by maintaining main town centre uses.

3. In the areas around the Primary Shopping Area by encouraging mixed development with elements of retail, leisure, office, residential, cultural or any

other uses which attract trade or activity in the wider town centre."

Since the adoption of this policy the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 introduced Class E which replaced:

a) Class A1 (Shops),

(b) Class A2 (Financial and professional services),

(c) Class A3 (Restaurants and cafes), or

(d) Class B1 (Business)

My understanding of this representation is that there is concern that the policy in referring to Class E could undermine the retention of retail uses in the town centre. Whilst I have sympathy for this concern, I consider this is unavoidable without the imposition of an Article 4 Direction to remove the right to change within different uses within this class. Due to the change in national legislation policy DP21 is effectively out of date. I conclude that Policy RCB1 does meet the Basic Conditions.

Policy RCB2: Commercial Development and Responding to Climate Change

1. Development proposals for all new commercial developments should demonstrate, through a Design and Access Statement, how measures have been taken to design energy efficient buildings and should aim to achieve at least one of the following:

i) Passivhaus certification or equivalent; or,

ii) BREEAM Excellent or higher and achieve BREEAM Outstanding for the energy section of the assessment. Developments should also demonstrate how they have been designed to take into consideration building orientation, solar gain, high levels of insulation and airtightness as best practice for a Passivhaus design approach, which aims for zero carbon emissions; or,

iii) BREEAM Excellent in combination with achieving a minimum of AECB Silver

Standard.

2. Development proposals for the refurbishment of existing buildings should, where feasible and viable, achieve energy efficiency and carbon emissions standards beyond those set in Building regulation.

COMMENT

The policy should make clear that the building standards referred to in this policy are aspirational rather than a policy requirement. For clarity the policy should be modified as follows:

Policy RCB2: Commercial Development and Responding to Climate Change

1. Development proposals for all new commercial developments should demonstrate how measures have been taken to design energy efficient buildings including how they have been designed to take into consideration building orientation, solar gain, high levels of insulation, embedded carbon and airtightness aiming for zero carbon emissions. Proposals should aim wherever possible to achieve at least one of the following:

i) Passivhaus certification or equivalent; or,

ii) BREEAM Excellent or higher and achieve BREEAM Outstanding for the energy section of the assessment.; or,

iii) BREEAM Excellent in combination with achieving a minimum of AECB Silver Standard.

2. Development proposals for the refurbishment of existing buildings should, where feasible and viable, achieve energy efficiency and carbon emissions standards beyond those set in Building regulation.

Policy RCB3: Supporting the Local Economy through Provision of Small

Employment Premises and Workspace Hubs

1. Development proposals for the creation of flexible workspaces, business and community hubs, workshops and other business premises to support micro, small and medium sized local businesses and people using their home as a place of work, will be supported in principle within the settlement boundary, subject to other policies in the development plan.
2. The local amenity enjoyed by existing neighbouring uses and residents should not be compromised.
3. Proposals which also provide community access or facilities will be particularly welcomed.

COMMENT

I have no comment on this policy.

TOU1: Tourism

Development proposals which provide a wider range of visitor attractions and accommodation and extend stay time will be supported where they are of an appropriate scale so as not to have an adverse effect on the character of Wells and the immediate environment and infrastructure can accommodate the visitor impact.

COMMENT

I have no comment on this policy.

Policy ENV1: Protecting the Character of the Landscape, Views and Setting

Development proposals on land within or immediately adjacent to the view cones listed above and identified on the maps above will only be supported where they do not compromise the special landscape character exemplified in

- a) the 1996 Mendip Landscape Character Assessment
- b) the 2020 Landscape Character Assessment and

c) the statutory listing of Palace Fields as a Grade 2* garden as referred to above.

COMMENT

The view cones listed in the plan should be included in the policy.

In addition, I have received representation that the Upper Milton View Cone has been incorrectly shown on the map. This should be checked and corrected if necessary.

For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy ENV1: Protecting the Character of the Landscape, Views and Setting

Development proposals on land within or immediately adjacent to the following view cones identified on map 7:

- **Monarch's Way**
- **Upper Milton**
- **Constitution Hill**
- **Tor Furlong**

will only be supported where they do not compromise the special landscape character exemplified in

a) the 1996 Mendip Landscape Character Assessment

b) the 2020 Landscape Character Assessment and

c) the statutory listing of Palace Fields as a Grade 2* garden

Policy ENV2: Wells Nature Recovery Network (including protected areas of biodiversity, geodiversity and habitat)

1. Our locally valued areas of biodiversity, geodiversity and habitat form the Wells Nature Recovery Network. This network is defined on Maps 8 - 12.

2. The Network and its constituent parts will be protected to support wildlife habitats, biodiversity and geodiversity and the role they play within the wider network of green infrastructure. Opportunities should be taken to enhance biodiversity, habitats and landscape settings of these areas. Their loss will not normally be supported.

3. Development should, where relevant, aim to:

i) demonstrate how it contributes to the enhancement of nature recovery networks, green infrastructure and local wildlife corridors;

ii) maintain the visual and biodiversity value of hedgerows, banks and groups of trees which provide connectivity as green corridors for wildlife (achieving a net gain in biodiversity);

iii) retain and integrate existing individual green assets, within and on the edge of the site, including mature trees and hedgerows;

iv) replace trees unavoidably lost to development with trees native to the Wells area of equivalent “massing”, leaf “volume” canopy and cover to mitigate loss and capacity of carbon capture achieved by the lost tree. Where possible, replacement trees should also be resilient to anticipated changing weather conditions resulting from climate change;

v) create, where appropriate, ponds and other wetland habitats planted with native wetland plant species as part of open green space provision and / or open SuDS system; and,

vi) incorporate mitigation strategies including (but not limited to) the installation of bat and bird (Swift/House Martin) boxes and hedgehog routes to encourage wildlife into developments.

4. Proposals which result in significant harm to biodiversity (in whole or in part) will only be supported where they demonstrate that:

i) there is no significant damage to the assets identified in the Wells Nature Recovery Network;

ii) the value of the areas (quality, land area and habitat, biodiversity and / or geodiversity value) can be satisfactorily replaced on-site and / or in close proximity to their original location with demonstrable net gains in biodiversity;

iii) a funded management and maintenance plan is agreed to ensure that net gains in biodiversity are realised; and,

iv) the proposal would not have significant adverse impacts on the site's wider setting (with regard to biodiversity, geodiversity and habitat) or such impacts can be satisfactorily mitigated.

COMMENT

As currently worded the policy does not satisfactorily reflect the requirements of the NPPF 2021 Paragraph 180:

"180. When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy ENV2: Wells Nature Recovery Network (including protected areas of biodiversity, geodiversity and habitat)

1. Our locally valued areas of biodiversity, geodiversity and habitat form the Wells Nature Recovery Network. This network is defined on Maps 8 - 12.

2. The Network and its constituent parts will be protected to support wildlife habitats, biodiversity and geodiversity and the role they play within the wider network of green infrastructure. Opportunities should be taken to enhance

biodiversity, habitats and landscape settings of these areas. Their loss will not normally be supported.

3. Development should, where relevant, aim to:

i) demonstrate how it contributes to the enhancement of nature recovery networks, green infrastructure and local wildlife corridors;

ii) maintain the visual and biodiversity value of hedgerows, banks and groups of trees which provide connectivity as green corridors for wildlife (achieving a net gain in biodiversity);

iii) retain and integrate existing individual green assets, within and on the edge of the site, including mature trees and hedgerows;

iv) replace trees unavoidably lost to development with trees native to the Wells area of equivalent “massing”, leaf “volume” canopy and cover to mitigate loss and capacity of carbon capture achieved by the lost tree. Where possible, replacement trees should also be resilient to anticipated changing weather conditions resulting from climate change;

v) create, where appropriate, ponds and other wetland habitats planted with native wetland plant species as part of open green space provision and / or open SuDS system; and,

vi) incorporate mitigation strategies including (but not limited to) the installation of bat and bird (Swift/House Martin) boxes and hedgehog routes to encourage wildlife into developments.

4. Proposals for development where significant harm to biodiversity cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, will not be supported and should be refused in accordance with the requirements of the NPPF 2021. Proposals will only be supported where:

i) there is no significant damage to the assets identified in the Wells Nature

Recovery Network;

ii) the value of the areas (quality, land area and habitat, biodiversity and / or geodiversity value) can be satisfactorily replaced on-site and / or in close proximity to their original location with demonstrable net gains in biodiversity in accordance with national policy;

iii) a funded management and maintenance plan is agreed to ensure that net gains in biodiversity are realised; and,

iv) the proposal would not have significant adverse impacts on the site's wider setting (with regard to biodiversity, geodiversity and habitat) or such impacts can be satisfactorily mitigated.

Policy ENV3: Local Green Space

1. The areas defined on Map 13 and in Appendix 4 are designated as Local Green Space in accordance with the requirements of the National Planning Policy Framework.

2. Development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be permitted unless the proposal can demonstrate very special circumstances that outweigh the harm to the Local Green Space.

3. Any development of such areas will be managed in accordance with national policy for Green Belt.

COMMENT

It has been confirmed that the known owners of the proposed LGSs were consulted, and I have had access to the responses received. Some landowners were supportive however there were a number that raised objections. I have carefully considered the comments made. Whilst an objection by an owner is not automatically a barrier to the designation of a LGS it is my role to carefully consider whether or not the objection raises issues which are relevant in the

decision-making process.

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2021 states:

“101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

102. The Local Green Space 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 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.

103. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to

demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have received objection to the proposed designation of the following sites from

1. Land to the West of Leisure Centre
5. Blue School Playing Fields
6. Land between Blue School and Ash Lane
7. Blue School Playing Fields (FIRS 12)
13. Signal Rand Park
16. Jocelyn Drive / Glastonbury Road corner (OALS 12)
21. Cathedral Green
- 25 Land Opposite the Cedars- cathedral

33. Churchill Close

40. St Andrews Stream

41. Keward Avenue Green Space

The Wells NDP proposes a large number of LGSs and whilst I acknowledge that these spaces are important to the community not all meet the policy tests or are appropriate for designation as LGSs. In particular there are a number of spaces included in the list which should be more appropriately referred to as open spaces/recreational spaces as defined in the NPPF 2021 Paragraphs 98-99:

"Open space and recreation

98. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

99. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the

benefits of which clearly outweigh the loss of the current or former use."

Where I have found that a proposed LGS would be more appropriately be described as an open or recreational space I have modified the policy to reflect this.

I have carefully considered the evidence put before me for all the designations proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether or not I consider the proposed designations meet the NPPF tests. I find that the proposed LGSs do meet the requirements of the NPPF with the exception of the following:

1. Land to the West of Leisure Centre

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

5. Blue School Playing Fields

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

6. Land between Blue School and Ash Lane

I have not been provided with sufficient evidence to persuade me that this area meets the NPPF 2021 tests.

7. Blue School Playing Fields (FIRS 12)

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

14. St Cuthbert's School Playground

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

15. Land adjoining Keward House

Whilst I acknowledge that this area provides an important facility for the occupants of Keward House I have not been provided with sufficient evidence to persuade me that this area meets the NPPF 2021 tests.

17. Wells Sports Ground (FIRS 20)

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

22. St Joseph and St Teresa Primary School Playground

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

24. Wells Cathedral School Cricket and Rugby Ground

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

25. Land Opposite the Cedars

Whilst I acknowledge that this area provides an important setting for the Cedars, I have not been provided with sufficient evidence to persuade me that this area meets the NPPF 2021 tests.

28. Tor Furlong

Whilst I acknowledge that this area contributes to the landscape setting of Wells, I have not been provided with sufficient evidence to persuade me that this area meets the NPPF 2021 tests.

29. Tor Furlong Wells Cathedral School Playing Fields

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

36. Stoberry Park School Playground

This area is more appropriately defined as an open space/recreation area relocated in the modified policy to Policy ENV3 a: Open Space and Recreation.

40. St Andrews Stream

I have not been provided with sufficient evidence to persuade me that this area meets the NPPF 2021 tests.

I have decided not to exclude areas:

20. Approach to Bishop's Palace

21. Cathedral Green

as although these areas are already protected because of their importance to the setting of the adjacent heritage assets in recognition as LGS gives the opportunity to celebrate their significance to the community.

I understand that the community may be disappointed by some of my decisions however I have sought to reach a reasonable balance in reaching those decisions.

Paragraph 103 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 147-149 detail the policy framework for development affecting the Green Belt. Paragraph 147, in particular states:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 149 of the NPPF (2021) sets out what types of development would not (my emphasis) be considered inappropriate:

" 149. A local planning authority should regard the construction of new

buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

For clarity, the policy should be modified to reflect the requirements of the NPPF 2021 and recent caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip

District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space polices in neighbourhood plans should not deviate from the policy requirements of the NPPF. For clarity and to meet the Basic Conditions the policy should be modified as follows (Map 13 should be modified to accord with the modified policy):

In addition, the section on Page 82, relating to the Local Plan should be modified to reflect the fact that the Local Plan as adopted does not include any LGS. Therefore, no reliance should be placed on the background paper “Designation of Local Green Spaces”.

Policy ENV3: Local Green Space

1. The following areas are designated as Local Green Spaces in accordance with the requirements of the National Planning Policy Framework and are shown on Map 13a and 13b.

- 1. Playground East of Parsons Way**
- 2. Land off Lethbridge Road**
- 3. Disused Railway Line North of Portway**
- 4. Wells Cemetery**
- 5. Balch / Coronation Road**
- 6. Allotments to West of Barnes Close**
- 7. Reakes Close**
- 8. Allotments North of Fire Station**
- 9. Signal Rand Park**
- 10. Jocelyn Drive / Glastonbury Road corner (OALS 12)**
- 11. Cathedral Walk Play Area**

- 12. Recreation Ground**
- 20. Approach to Bishop's Palace**
- 21. Cathedral Green**
- 15. St Cuthbert's Churchyard**
- 16. Tor Street Gardens**
- 17. Bishop's Place Allotments**
- 18. Tor Furlong Playground and Pitch**
- 19. Tor Hill Meadow**
- 20. Tor Hill Verges**
- 21. Churchill Close**
- 22. Sealey Crescent**
- 23. Hawkers Lane / Kidder Bank Play Area**
- 24. Kidder Bank**
- 25. Mendip Hospital Cemetery**
- 26. South Walk**
- 27. Keward Avenue Green Space**

2. Inappropriate development that would harm the openness or special character of a Local Green Space or its significance and value to the local community will not be permitted unless the proposal can demonstrate very special circumstances that outweigh the harm to the Local Green Space.

3. Any development of such areas will be managed in accordance with national

policy for Green Belt.

Policy ENV3 a: Open Space and Recreation

The following spaces (as identified on map?) have been identified as important open and recreation spaces and should not be built on in accordance with the requirements of the NPPF 2021, unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or**
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or**
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.**

- 1. Land to the West of Leisure Centre**
- 2. St Cuthbert's School Playground**
- 3. Wells Sports Ground (FIRS 20)**
- 4. St Joseph and St Teresa Primary School Playground**
- 5. Wells Cathedral School Cricket and Rugby Ground**
- 6. Tor Furlong Wells Cathedral School Playing Fields**
- 7. Stoberry Park School Playground**
- 8. Blue School Playing Fields**
- 9. Blue School Playing Fields (FIRS 12)**

SECTION 5

Conclusion and Recommendations

- 1. I find that the Wells Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (As amended)*
- 2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
- 3. The Wells Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 4. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.*
- 5. The policies and plans in the Wells Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Mendip Local Plan 2006-2029.*
- 6. I do not consider that the referendum area should be increased to include the Parish of St Cuthbert (Out). I therefore consider that the Wells Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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CEDR accredited mediator. 29 September 2023

