

North Cadbury and Yarlington Neighbourhood Plan

Executive Portfolio Holder:	Cllr Val Keitch, Strategy and Housing
Ward Member(s)	Cllr Henry Hobhouse and Cllr Kevin Messenger
Strategic Director:	Nicola Hix, Director, Strategy and Support Services
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Purpose of the Report

1. To agree the Independent Examiner's report and recommendations for Proposed Modifications; and to set out the process for 'making' the Plan in the event that there is a favourable outcome to the local referendum to be organised by the District Council.

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of July 2022.

Public Interest

3. The Neighbourhood Plan represents the views of North Cadbury and Yarlington Parish Council and other stakeholders on the preferred approach to future development in the Parish. This Plan has been the subject of Independent Examination by a qualified person and, if the Council agrees with the Examiner's report and recommendations for Proposed Modifications, the Plan will be then subject to a referendum of all those in the community on the Electoral Register. The referendum will ask whether local residents agree with the modified Plan's content and if it should be used in the determination of planning applications.
4. The Neighbourhood Plan has been the subject of various events and meetings which have been used to engage with interested parties and public consultations. The Parish also have a website dedicated to the Neighbourhood Plan: <https://www.northcadburyneighbourhoodplan.org.uk/>

Recommendations

5. That the District Executive recommends that the Chief Executive:
 - a. agrees the Examiner's report and accepts in full her recommendations for Proposed Modifications to the North Cadbury and Yarlington Neighbourhood Plan.
 - b. agrees to officers organising a referendum later this year for local people on the Electoral Register. The aim of the referendum is to ascertain whether local residents



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want South Somerset District Council to use the Neighbourhood Plan for North Cadbury and Yarlington to help it decide planning applications in the neighbourhood area.

- c. delegates responsibility to the Director for Support Services and Strategy to make any final minor text amendments to the Neighbourhood Plan, in agreement with the North Cadbury and Yarlington Neighbourhood Plan Steering Group.

Background

6. Neighbourhood planning helps local communities play a direct role in planning for the areas in which they live and work. The plan can show how the community wants land in its area to be used and developed. If a plan is 'made' following a successful referendum, it becomes part of the development plan for that area. Planning applications are determined by local planning authorities in accordance with the adopted development plan, unless material considerations indicate otherwise.
7. The North Cadbury and Yarlington Neighbourhood Area designation was approved by the District Council in July 2019. Since then, the Neighbourhood Plan for the area was prepared and a 'Pre-Submission' Plan was consulted upon by the local Steering Group in July 2021 (Regulation 14). This initial consultation was followed by formal submission of the Plan in December 2021 and the District Council carried out formal consultation in line with procedures set out in the relevant Regulations (Regulation 16). The Plan has now been the subject of independent examination and this report relates to the District Council's decision on the Examiner's recommendations and the next step of a local referendum. In the meantime, Planning Practice Guidance¹ states that where the local planning authority has issued a decision statement detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.

The North Cadbury and Yarlington Neighbourhood Plan

8. The North Cadbury and Yarlington Neighbourhood Plan seeks to shape the physical development of the area in a way that balances the need to look after our environment and at the same time meet the needs of a growing population. The plan includes a vision which 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.
9. The Neighbourhood Plan sets out the following objectives:

Table 1: North Cadbury and Yarlington Neighbourhood Plan Objectives

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2# covid-19>



Theme	Objectives
Heritage and Design	<ul style="list-style-type: none">• Protect, preserve and enhance the Conservation Areas and historically important buildings and other heritage assets.• Ensure that the character of the area and the setting of these assets is not compromised by the design, scale or presence of new development, or by the materials used.• Make a positive contribution to reducing the rate of climate change by promoting and supporting sustainable energy initiatives (integrated with new buildings).
Environment	<ul style="list-style-type: none">• Ensure that development is sensitive to the rural setting of the area and does not erode our existing environment and character.• Protect the green spaces and recreational trails that are valued by local residents and create new ones where possible.• Protect existing historic trees (some of which may lie outside the Conservation Areas and may need to be identified) and also support the planting of further native trees as part of any development, given their wildlife and climate benefits and how trees can soften the visual impact of development given the rural character of the area.• Protect people, property and roads from flooding (in particular highlighting any local knowledge of flooding which may not be clear from the flood risk maps).• Maintain the current good air quality and low levels of pollution – in particular recognising the dark night skies and general tranquillity of the area (away from the A303).
Housing	<ul style="list-style-type: none">• Provide opportunities for local people to continue living in the area.• Ensure any housing development provides for a variety of tenures which meet local needs. This should include affordable homes for young families / first time buyers as well as housing suitable for retirement / older age.
Business and Employment	<ul style="list-style-type: none">• Provide opportunities for local people to work close to home.• Support local businesses to set up or expand their premises, providing services and employment in the community, including through the provision of better broadband.
Community Services and Facilities	<ul style="list-style-type: none">• Maintain, improve and extend community services and recreational facilities that better meet the needs of local residents of every age and ability, including the services provided from the church, recreation ground, village hall and pub.



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Transport	<ul style="list-style-type: none"> • Reduce problems associated with on-street parking, especially outside the school. • Identify and where opportunities arise create new safe routes for walkers, cyclists and horse riders – particularly linking to the various community facilities and utilising the public rights of way network as far as possible. • Consider how the community can access the local bus service and how the current service might be improved.
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10. The Plan explains 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. The Plan 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. A total of five sites are allocated and details are set out in Table 2 below.

Table 2: North Cadbury and Yarlington Neighbourhood Plan Site Allocations

Policy	Site	Number of Dwellings (Affordable)
18	Cary Road, West of Brookhampton, North Cadbury	14 (6)
19	Cary Road, East of Brookhampton, North Cadbury	14 (6)
20	North Town Farm Barns, North Town	3
21	Barns at Hill Farm, North Town	2
30	Stoke Lane Barn, Woolston	1
Total		34 (12)

11. The Plan includes nine 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.
12. On receipt of the Submission Documents the District Council carried out public consultation from January to March 2022 in accordance with Regulation 16, this included a notice in the press, hard copies of the Submission documents were available for inspection at various locations. The District Council also wrote to all authorities, utility providers, a wide range of stakeholders and other bodies considered to have an interest in the Plan, including those that the Neighbourhood Plan Steering Group had consulted itself. The submission documentation was also made available on the Council’s website.
13. A total of 48 response were received; South Somerset District Council also made comments, these were all sent to the Examiner.



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14. The Examiner's Report concludes that the correct procedure for the preparation and submission of the North Cadbury and Yarlington Neighbourhood Plan was followed and that it meets the 'Basic Conditions', subject to the proposed modifications being made. The Examiner has proposed 13 modifications in all. The Examiner's Report (Appendix A) and amended Plan in accordance with these proposed changes (Appendix B) are appended to this report. The original Submission Plan, supporting documents and summary of representations received are all available on the District Council's website [here](#)
15. If the District Council accepts the Examiner's recommendations, the next stage would be to hold a local referendum in North Cadbury and Yarlington. The prescribed question that needs to be asked is:

"Do you want South Somerset District Council to use the Neighbourhood Plan for North Cadbury and Yarlington to help it decide planning applications in the Neighbourhood Area?"
16. If more than 50% of those who vote say Yes, the Neighbourhood Plan is 'made' (or adopted); and it becomes part of the statutory Development Plan for the District Council and after vesting day for the new Somerset Council. The Plan will need to be given full weight in the determination of planning applications.
17. Under the Community Infrastructure Levy Regulations, 15% of Community Infrastructure Levy receipts are generally passed directly to those parish and town councils (in England) where development has taken place. In England, communities that draw up a neighbourhood plan and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area.
18. The District Council does not have the option to decline to hold the Referendum as this is required by legislation; and the associated costs will need to be absorbed into existing budgetary arrangements. However, Planning Authorities have been advised that, they can submit claims for New Burdens grant, instead of when the date of the referendum is set, at an earlier point in the neighbourhood planning process. A claim can be made at the point when the local planning authority issues a decision statement (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012 detailing its intention to send the plan to referendum. The Council will therefore claim a grant of £20,000 towards the costs of progressing the Neighbourhood Plan from the Department for Levelling Up, Housing and Communities (DLUHC) once the formal decision has been issued.

Financial Implications

19. There are no additional financial implications as the £20,000 grant claimable from DLUHC will be sufficient to cover the costs of the referendum. It should be noted that if the referendum were not to progress the costs incurred to date will be funded from the 2022/23 approved Strategic Planning revenue budget.

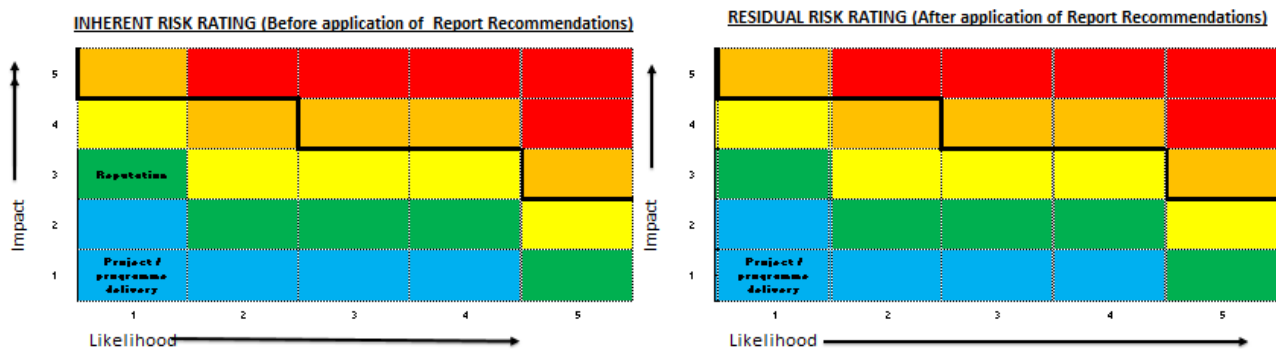
Legal implications (if any) and details of Statutory Powers



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20. Neighbourhood Plans are prepared in accordance with a statutory process and are subject to the following legislation:
- Town and Country Planning Act 1990 (as amended)
 - Human Rights Act 1998 (as amended)
 - Planning and Compulsory Purchase Act 2004
 - Environmental Assessment of Plans and Programmes Regulations 2004
 - Localism Act 2011
 - Neighbourhood Planning (General) Regulations 2012
 - Neighbourhood Planning (General) (Amendment) Regulations 2015
 - Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016
 - Neighbourhood Planning (General) and development Management Procedure (Amendment) Regulations 2017
 - Neighbourhood Planning Act 2017
 - Conservation of Habitats and Species regulations 2017 (as amended)
21. As explained in paragraph 6 of this report once a neighbourhood plan is 'made' (adopted) by the District Council it becomes a development plan document (DPD) and has the same weight as an adopted Local Plan in the planning application decision-making process. Planning application decisions must be made in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004.

Risk Matrix



Risk No	Risk Category	Inherent Risk Rating	Residual Risk Rating
1	Project / programme delivery	1	1
2	Financial	1	1
3	Delivery of Services	1	1
4	Staffing & Capacity	1	1
5	Reputation	5	1
6	Health & Safety	1	1
7	Governance & Legal	1	1

Risk Description	Mediums / Controls
No impact on delivery of project	0
No financial impact as SSDC can recoup £20,000 to cover costs from DLUC	0
Council services are not disrupted	0
No impact on staff turnover	0
Negative impact on public opinion if recommendation to proceed not agreed.	Members vote to proceed to referendum
No health and safety implications	0
Governance generally effective	0

Council Plan Implications

22. The North Cadbury and Yarlinton Neighbourhood Plan accords with the Council Plan and in particular Priority 1 Environment and Priority 4 Places where neighbourhood planning is referenced. The Neighbourhood Plan has been prepared by the local community who wish to have an influence on future development in the Parish.



- 23. The North Cadbury and Yarlington Neighbourhood Plan includes amongst its objectives to “Make a positive contribution to reducing the rate of climate change by promoting and supporting sustainable energy initiatives (integrated with new buildings).”
- 24. Policy 3 is supportive of renewable energy and other measures to mitigate the impact of climate change in new buildings and Policy 8 seeks to reduce flood risk and manage surface water runoff through the use of sustainable urban drainage systems (SUDS).

Equality and Diversity Implications

- 25. The Impact Relevance Check Form is provide as Appendix C to this report. No full Equality Impact Assessment is required.

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	<i>Yes / No</i>
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	<i>Yes / No</i>
<i>If an EIA was not required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA was required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
Additional Comments	
None	

Privacy Impact Assessment

- 26. Personal contact data from the Register of Electors will be used by the Elections Team when inviting parishioners to vote in the referendum.

Background Papers

- Appendix A – Examiner’s Report
- Appendix B – North Cadbury and Yarlington Neighbourhood Plan – updated version
- Appendix C – Impact Relevance Check Form