

NORTON ST PHILIP PARISH COUNCIL

www.nortonstphilipparishcouncil.co.uk

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Minutes of a meeting of the Parish Council held on
Wednesday 14th February 2024 at 7.00 pm in the Palairet Hall, Norton St Philip.

Present: Cllr Hasell (Chairman), Cllr Murfitt, Cllr Fox and Cllr Hitchins.

In attendance: Nicola Duke (Parish Clerk), Somerset Councillor Dawn Denton and 5 members of the public.

Public Participation

Members of the public were invited to make representations to the Council on any matters relating to the work of the Council or to raise any issues of concern:

- A resident of Longmead Close spoke to the Council in respect of matters relating to the Longmead Close development. Cllr Denton was thanked for her input into this issue. The resident asked whether the PC had written to the developer following the December PC meeting and, if so, whether a response had been received. The Clerk would confirm this after the meeting. The Chairman acknowledged the difficulties being experienced in resolving the matter, as it involved a number of SC departments. He reported that, although the PC could not assist directly, it was happy to offer its services as a facilitator to help resolve the matter via a meeting between all stakeholders and interested parties. Cllr Denton reported that there was complicated history relating to this matter, which involved a number of SC officers. She confirmed that she had raised the issues at SC but had not received a response and stated that a timeline of events could prove useful. She reported that her next approach would be to focus on the legal issues and see if the current situation could be confirmed. The resident reported her understanding that, at the grant of planning permission, the Council had been under an obligation to raise a s38 order, which it had failed to do. In more recent years, she reported that the beginning of Longmead Close had been adopted but the remainder of the road had not been dealt with. It was noted that the developer had contacted the PC towards the end of 2023 to ask for assistance in resolving the outstanding matters. The lack of lighting at the end of development was also reported on and acknowledged to be a health and safety concern. Recent issues with drainage in the development were also noted to be holding matters up. Cllr Denton reported that it should be easy to organise a site visit to get this assessed, identify the issue and who was responsible. The Chairman reiterated that a joint meeting could be the best way forward.

	AGENDA ITEM
8885	<p>Apologies for Absence Cllr Foster due to another commitment, accepted. Cllr Walker due to another commitment, accepted. Cllr Lund due to another commitment, accepted.</p>
8886	<p>Declarations of Interest and Dispensations to Participate None.</p>
8887	<p>Minutes</p> <ul style="list-style-type: none"> a) The minutes of a meeting of the Parish Council held on 10th January 2024 were approved for accuracy and adopted (proposed Cllr Murfitt, seconded Cllr Hitchins). b) To consider any matters arising from the above meetings (if any), including: <ul style="list-style-type: none"> a. Update on matters relating to the Longmead development – this issue had been covered during the public participation session.
8888	<p>Council Reports</p> <ul style="list-style-type: none"> • The Chairman reported on an event held in the Palairret Hall on 8th February 2024 at which 30 residents had attended defibrillator training. He suggested that this should be an annual event and this was agreed. Consideration would be given to funding this event from the PC budget. • Parish Clerk – No report. • County Councillors; Dawn Denton (previously circulated) and Adam Boyden (previously circulated). Cllr Denton reported the following: <ul style="list-style-type: none"> ○ SC had likely avoided bankruptcy in the coming financial year, mostly due to the sale of assets however, this was a short term solution and a further £100 m saving was required for 2025/26. ○ A Council meeting had been scheduled for Tuesday 20th February 2024 and the final details and proposals for service delivery levels would be known then. It was noted that the main focus for devolution would be on the larger town councils rather than the parishes. ○ She reported that the grounds maintenance contract with Idverde was currently being assessed and that some areas were considering establishing ‘Friends Of’ groups to involve the community in looking after local land requiring maintenance. ○ It was reported that central government had not approved the requested Council Tax uplift of 10% unless SC held a referendum. Cllr Denton reported that SC had neither the time nor the funds to meet this requirement. ○ Cllr Denton highlighted the difficulty of separating out statutory and discretionary services as the latter were often ancillary to the former. It was confirmed that each department within SC had been asked to identify potential savings.

	<ul style="list-style-type: none"> ○ Cllr Denton reported that she had been in touch with the Parish Clerk regarding the recent flooding issues and encouraged residents to report issues online as this would generate a reference number and make tracking easier. The Chairman reported that this appeared to be at odds with previous advice from a Highways officer who had requested that the PC collate reports and report directly to SC officers. This had been requested as an overall view of issues needed to be gathered so that a strategic raft of mitigation measures could be identified. Cllr Denton confirmed that landowners would be contacted if there were areas of responsibility which lay with them. ○ Cllr Murfitt reported on the recent LCN meeting and sought clarification on the recruitment of potential Parish Stewards. Cllr Denton confirmed that she had requested a template job description in order to confirm the potential areas of work and reported that the larger town councils were considering employing Stewards, potentially sub-contracting them out to the parishes. ● Other Reports: <ul style="list-style-type: none"> ○ Palairt Hall – No report. ○ Church Mead Committee – No report. ○ Parish Path Liaison Officer – No report.
8889	<p>Planning Applications, Appeals and Consultations</p> <p>2024/0131/HSE - 2 Soho North Street Norton St Philip Frome Somerset - Single-storey rear and side extension and associated works – Support on the below listed grounds (proposed Cllr Fox, seconded Cllr Hitchins).</p> <p>This single storey extension to a semi-detached house is modest and in keeping with materials already used. It will give an improved living space on the ground floor. Parking in the village is a chronic problem and particularly difficult on North Street. This proposal will provide for a total of 3 parking spaces which is supported. Two members of the Parish Council planning group met the architect, WhiteBox, on site. They are aware that the applicants own the land under which both properties' drainage and soakaway utilities pass. They are working with the authorities and neighbours to come to a satisfactory arrangement for access. The PC is content that these issues can be resolved and therefore supports the application.</p> <p>2024/0169/TCA - Lyde Green The Barton Norton St Philip Frome Somerset - G1 - Group of Ash trees - Raise multiple ash trees removing ash die back weakened limbs. T1 - Ash – Fell – Notification only, duly noted.</p> <p>2024/0199/HSE - Harts Forge Town Barton Norton St Philip Frome Somerset -Removal of 2 existing wooden sheds, removal of existing metal & glass greenhouse & replacement with new wooden garage with pitched felted roof 5.4m x 3.8m footprint – Support with request for condition on the below listed grounds (proposed Cllr Hitchins, seconded Cllr Fox).</p>

Harts Forge is within the village Conservation Area and is important to its character and appearance, particularly the junctions of Bath Road, Bell Hill and Farleigh Road with the Grade 1 listed George Inn, Grade 2 Fleur de Lys and The Plaine. Harts Forge is Grade 2 listed as part of the adjacent dwelling to which it is attached (Lauriston House). The proposed garage would be visible only from Town Barton; not from Farleigh Road or Upper Farm Close due to the side return along the Farleigh Road and high stone wall along Upper Farm Close. The PC notes that pre app advice has been obtained from Planning Officers. This states that *"No in principle objections to the erection of a garage within the grounds of Harts Forge... Proposal would be acceptable & would receive officer report."* The PC is proceeding on the assumption that *"report"* is a typo and should have read *"support"*. The garage would have some effect on the amenity of the neighbouring houses on Town Barton; however, there are no windows or rooflights proposed on the elevations facing those houses. The garage will also be set back from the boundaries with both neighbours. The effect would therefore be minimal and not grounds for objection. Members of the PC visited the site on 13th February and met with the applicant. He confirmed that the intended use was only as a garage and that although an electric supply would be provided, neither a water supply or drainage would be installed. At the site visit, the PC suggested to the applicant that he might wish to consult with his neighbours about colour of the wood stain. He responded positively to this suggestion. The amenity of neighbours could potentially be affected should the garage be used for any purpose other than vehicle and/or other storage. Use as a workshop with associated noise would likely have a harmful effect on neighbouring amenity. The PC thus suggest that a condition restricting the building to use as a garage and storage is appropriate. Subject to the above, the PC **supports** the application.

2024/0082/LBC - The George Inn High Street Norton St Philip Frome Somerset - Lining of 2 no. Chimneystacks – Support (proposed Cllr Fox, seconded Cllr Hitchins).

Outstanding matters with the Local Planning Authority (Somerset Council)

Members noted that no response had yet been received from Somerset Council regarding the PC's letter of complaint issued in January 2024 (January minutes referred). The Clerk was asked to chase SC for a response. It was confirmed that the Somerset Councillors had been copied in on the original correspondence and would be copied in on the chaser.

Appeals

Members noted receipt of the appeal decision 2022/2191/PAA Norwood Farm, Bath Road, Norton St Philip – Appeal Allowed (APP/Q3305/W/23/3322556) (previously circulated).

Members noted receipt of information confirming a lodge of an appeal in respect of application 2023/0644/FUL - Fortescue Fields Phase II Norton St Philip Frome – erection of 30 dwellings. It was further noted that SC's planning portal confirmed that an appeal had been lodged in respect of application 2023/0640/FUL - Land West of Fortescue Fields Norton St Philip Frome – erection of 8 dwellings although no further information was available on this as yet. The Chairman reported that he had further spoken with the case officer in respect of the Statement of Common Ground provided by Lochailort to the Planning Inspectorate and had prepared a file note of that conversation, which is copied below:

	<p>Lochailort Appeals 2023/0640 /0644</p> <p>File note of telephone conversations on 24th January and 14th February 2024 with Simon Trafford, Case Officer for Lochailort’s planning applications 2023/0640,2023/0643 and 2023/0644.</p> <p>The initial call was made by me to him on 24/1/24 concerning the Planning Appeal for 2023/0644 lodged by Lochailort on 19/1/2024. My query to Simon Trafford concerned the ‘Statement of Common Ground’ enclosed with the Appeal documentation (also dated 19/1/2024). In Section 6 of this document headed ‘MATTERS IN AGREEMENT’ the applicant states in 6.1 <i>‘The following paragraphs list out the areas of the appeal to which the appellant and the Council are in agreement’</i>. This is followed by 69 paragraphs listing items stated to be agreed by the Council.</p> <p>I specifically asked Simon Trafford whether the above statement made by the applicant had been agreed with SC. He stated that the Council had not had any discussions with the applicant about the submitted Statement of Common Ground, let alone agreed any matters. I spoke again with Simon Trafford (the Case Officer) on 14/2/24 to establish whether he had subsequently had any discussion with the applicant about the submitted ‘matters in agreement’. He confirmed that he had not and that he had written to the Planning Inspectorate accordingly.</p> <p>[Note following conversation-The above correspondence (between Mr Trafford and PINS) is not yet on the Planning Portal.]</p> <p>To receive and consider planning applications received after the issue of the agenda (<i>where the response time falls outside of the meeting schedule and an extension cannot be obtained</i>) – None.</p>
8890	<p>Financials</p> <ul style="list-style-type: none"> a) Council expenditure as listed was approved (proposed Cllr Fox, seconded Cllr Hitchins). b) The Financial Position Statement January 2024 had been circulated to members and was noted. c) The Clerk provided members with an update following a meeting with the newly appointed Internal Auditor: <ul style="list-style-type: none"> a. Employee Pension Scheme – the Clerk had discussed the arrangements for the pension scheme with the Internal Auditor who had recommended that the Council proceed with the previous agreement to enrol the Clerk in the Somerset Pension Fund. Given the passage of time since the original resolution Members reconfirmed that the PC would join the Somerset Pension Scheme (proposed Cllr Hasell, seconded Cllr Hitchins). b. PC banking arrangements – the Clerk had discussed the moving of the PC’s banking provider and the Internal Auditor had raised no concerns. Council was asked to consider approving an additional signatory to enable the transfer to be commenced and Cllr Fox was duly appointed (proposed Cllr Hasell, seconded Cllr Hitchins).

	<table border="1"> <tr> <td>N Duke</td> <td>Expenses January 2024</td> <td>£ 51.98</td> </tr> <tr> <td>N Duke</td> <td>Backpay (national pay award 2023-24)</td> <td>£ 471.53</td> </tr> <tr> <td>HMRC</td> <td>PAYE and NI</td> <td>£ 354.92</td> </tr> </table>	N Duke	Expenses January 2024	£ 51.98	N Duke	Backpay (national pay award 2023-24)	£ 471.53	HMRC	PAYE and NI	£ 354.92
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8891	<p>Asset and Service Devolution</p> <p>Members had been provided with a list of saving proposals regarding SC's Asset and Service Devolution programme (previous minutes refer), which were noted. There were no further updates at this stage, it being noted that Cllr Denton had reported the final detail would be confirmed at an SC meeting scheduled for Tuesday 20 February 2024. The decisions of that meeting would therefore be awaited.</p>									
8892	<p>Flooding</p> <p>a) Members considered the purchase and storage of sandbags for the parish, information on which had been provided by Cllr Walker. It was noted that no conclusions had been reached at this stage and it was agreed to defer the item to the March meeting.</p> <p>b) Members had requested any updates following the submission of flooding incident reports to Somerset Council (January minutes refer) and noted the report from Cllr Denton. Following debate, it was agreed to also defer this item to the March meeting.</p>									
8893	<p>Litter Picking and Parish Maintenance</p> <p>a) Members considered the appointment of a parish maintenance contractor (information from Cllr Walker refers, attached) and the Clerk advised that, before a decision was made, two further quotations would be sought to comply with Financial Regulations. The matter would therefore be referred to the March PC meeting.</p> <p>b) Members considered arranging a litter pick event to tie in with the Great British Spring Clean initiative in March 2024. Cllr Fox reported that she believed some litter pick equipment was held in the parish. It was agreed that Cllrs Hasell and Fox would liaise to identify areas of priority for this event with Cllr Murfitt assisting on behalf of Farleigh Hungerford.</p> <p>c) The Chairman informed members he had received reports from residents regarding litter along the A366 to Faulkland and in its layby. It was agreed that this area was too dangerous for community litter pickers and this would therefore be referred to SC for it to action. The Chairman then reported on the extensive fly tipping at Balls Lane linking the A36 and A366. It was agreed that this was not suitable for community litter pickers and it was agreed for this also to be referred to SC via Cllr Denton. Information as to the location would be provided to her after the meeting.</p>									
8894	<p>Traffic Action Group</p> <p>Cllr Fox reported the following:</p> <ul style="list-style-type: none"> • TAG had met on 8th February 2024 with 9 members present. It was confirmed that the group continued to have a rotating Chair. 									

	<ul style="list-style-type: none"> • Ian Biggerstaff was now a member of Hemington Parish Council, which was proving useful in addressing joint issues relating to the safety concerns over the A366 (speed and dangerous corners). NSP PC and HPC would now work together to arrange a meeting with Somerset Highways to present the issues and hopefully begin to identify solutions. • It had previously been agreed between the PC and TAG that a second SID device would be purchased and Cllr Fox drew attention to a potential funding source via Avon and Somerset Police. It was agreed to identify the level of funding provided through this scheme so that a determination could be made whether to wait for the scheme to open (April 2024) or proceed on the basis of the PC funding the unit. Clarification would also be sought as to whether 'smiley face' units were permissible. Cllr Fox would prepare a checklist relating to the purchase of the additional unit for the PC to consider at the next meeting. • TAG had received reports from elderly residents of the village about the dangers of crossing the crossroads to access the bus stops. Residents had provided TAG with a Visit My Street checklist which would enable the group to measure the walkability of an area. Lighting in the winter months was also noted to be an issue. This work would be a focus for TAG in the coming months. • Cllr Fox thanked Cllr Walker for his work in cutting back the vegetation along the main streets out of the village. It was noted that, in some cases, the landowners would hold responsibility for this work. It was agreed that, where this is applicable, it would be appropriate for the PC to write to landowners to remind them of this responsibility and further agreed that, in the first instance, TAG would provide the PC with a list of priority areas. The PC would then work towards identifying the relevant landowners. • First Bus had failed to provide timetables for NSP despite being asked many times to do so and Mr Eastment had now prepared a timetable on behalf of TAG. Cllr Fox had converted this into an appropriate format and would arrange for it to be laminated and inserted into the noticeboard.
8895	<p>MDC Local Plan Part II</p> <p>The Chairman read out a statement which he had made to the Planning and Transport Policy Sub-Committee at a meeting held on 14th February 2024, in which he expressed the PC's support for the proposals for the allocation of the 505 housing requirement, noting that there were no allocations identified for the parish of Norton St Philip.</p> <p>The Chairman reported that this statement had been gracefully accepted by the Chair of the meeting and went on to confirm that all the recommendations put to the meeting were duly accepted. The Chairman further reported that SC had not as yet heard from the Court as to whether its application to delay the timescales outlined in the Order were acceptable to the Court.</p>
8896	<p>Neighbourhood Plan for Norton St Philip</p> <p>Members received reports on the Regulation 14 consultation comments, the PC's responses and the recommendations arising (reports previously circulated). These were introduced by Cllr Hitchins, a copy of his introduction being copied below:</p>

The 2nd Reg 14 consultation was held in 2023 due primarily to the passage of time since the previous Reg 14 consultation held in 2018. Following the first consultation and Mendip's subsequent decision to hold a parish referendum on the draft plan Lochailort obtained an injunction preventing it being held. The High Court dismissed the challenge but Lochailort's appeal to the Ct of Appeal was successful on one ground; that the development policy for the proposed Local Green Spaces (LGS) did not align with national policy for green belt. Amendments were proposed and Mendip held a further consultation in 2021.

Concurrently with the progress of the NP was progress on Pt 2 of MDCs Local Plan. The submitted draft was not found acceptable to the Examining Inspector who in September 2019 announced his intention firstly to require Mendip to allocate an additional 505 dwellings in the NE of the District including the primary villages to the North of Frome i.e. Beckington, Rode and NSP. Secondly the Inspector included a requirement for Mendip to either delete all proposed Local Green Spaces from the plan or withdraw it and reconsider the evidence for LGS designation. He did however recognise that LGSs could be designated in Neighbourhood Plans.

The Inspector's requirement for allocations in the NE of the District was strongly resisted by the PCs of Beckington, Rode and NSP as well as the neighbouring authority, BANES. Mendip, in their apparent rush to get the Plan to adoption, did not challenge the Inspector on either of his proposed fundamental changes to the submitted plan. Instead they ran with it and adopted the Plan in December 2021. This decision was of course successfully challenged by the PC and the allocations in the NE quashed.

It was impossible for the PC to continue the progress of the NP with the Council whilst it was heading for and then embarking on legal action against them. So, the NP was put on hold pending the outcome of the litigation.

Following the JR, the PC resolved to restart the NP and considered that due to the period of time since the previous consultation it would be necessary to hold a further consultation on the draft plan. This was held over a 6 week period in mid-2023 and the responses reported to the PC in September 2023. The responses from residents and some landowners remained in the main supportive although some concerns were raised about the designation of private gardens as LGS. Responses from some other landowners of proposed LGSs were however strongly critical of their designation, citing lack of proper consultation, insufficient evidence and the deletion of LGSs from the Mendip Plan. The possibility of further legal action was raised.

The Ct of Appeal judgment was that "each of the areas was lawfully designated as a Local Green Space" but that "Policy 5 is not consistent with national planning policies for managing development within the Green Belt; and in the absence of reasoned justification, the consequence is that Policy 5 is unlawful."

At that time, Mendip was able to demonstrate the 5 year supply of housing needed to maintain a Plan led approach and provide a strong defence against speculative planning applications. Thus, the proposed LGSs were judged by the Courts to be able to endure beyond the Plan period. The former Mendip District, now Somerset East has a supply of around 3 ½

	<p><i>years and any legal action might suggest that the LGSs were not able to endure due to the need for housing. A successful argument would mean that the NP would not meet the “Basic Conditions” required to be lawful.</i></p> <p><i>So, the PC must now decide whether to continue with the Plan as drafted including the LGSs, amend the Plan as proposed in the reports in front of us or put the Plan back on ice. The NP regulations allow for the Plan to be amended by the PC at this stage following the Consultation; it needs to consider all representations but not necessarily amend the plan. There are differing views; those of residents almost unanimously support LGS designation but those of many of the landowners strongly oppose.</i></p> <p><i>The reports set out the representations made, the draft PC response and the amendments proposed. The PC now needs to decide whether to progress the plan on the basis of these reports.</i></p> <p>The Chairman acknowledged the long and complicated process relating to the Neighbourhood Plan, recommending that the Council now took a decision as to the best way forward. The time since the Regulation 14 consultation had ended had provided a space for the Council to reflect and consider on the changes in the planning environment and framework which had arisen since then.</p> <p>Following debate, it was resolved to adopt the schedule of proposed amendments contained within the report (copy appended to the minutes), redraft the Plan accordingly and resubmit to a further Regulation 14 consultation (proposed Cllr Hasell, seconded Cllr Fox).</p>
8897	<p>Correspondence</p> <p>Members considered the below items of correspondence:</p> <ul style="list-style-type: none"> a) Somerset Councillor Dawn Denton re: Guidance on calling matters to Planning Committee - process/rules and regulations (previously circulated) – noted. Cllr Hitchins sought clarification as to how Cllr Denton represented her views at Committee; it was confirmed that this would be based on her understanding of the views of the Council and the parishioners as long as any view related to a material planning consideration. It was noted that no view could be expressed by Cllr Denton before the Planning Committee meeting for reasons of predetermination. Cllr Hitchins expressed concern at the lack of response from some of the SC officers in respect of the Lochailort planning applications especially given that the Planning Inspectorate were likely to set a deadline for further representations. It was noted that the Conservation Officer had not submitted a comment and that the Ecology Officer was yet to consult with Natural England. Cllr Denton would chase the relevant officers. It was also noted that the Case Officer had written to the Planning Inspectorate in respect of the Statement of Common Ground (agenda item above refers 8889) although this was not yet available via the Portal. b) Cllr Hitchins reported on correspondence with the agent for land at Shepherd's Mead and it was agreed that the Clerk would reply to confirm the PC were amenable to arranging a meeting.

	<p>c) Email from a resident regarding a missing footpath sign at the bottom of 'Harris Hill' on Tellisford Road close to the old entrance to Farleigh House opposite East Lodge. – this was noted and the Chairman undertook to liaise with the resident.</p>
8898	<p>Parish News</p> <p>The following items were agreed for inclusion in the next edition of Parish News – it was noted that there was a strict deadline of the 20th February for copy to be submitted:</p> <ul style="list-style-type: none"> • LPP2 – update on the 505 housing allocation – Chairman • TAG report – Cllr Fox • Neighbourhood Plan – Cllr Hitchins • Litter picking – Chairman and Cllr Fox • Bus timetable – Cllr Fox (would arrange for the timetable to be printed in the magazine)
8899	<p>Meeting schedule</p> <p>Wednesday 13th March 2024 (including year-end procedures) – Palaiet Hall.</p>

There being no further business the meeting was closed at 8.48 pm.