

# North Somerset Council

## REPORT TO THE COUNCIL

**DATE OF MEETING: 12 NOVEMBER 2019**

**SUBJECT OF REPORT: CONGRESBURY NEIGHBOURHOOD PLAN**

**TOWN OR PARISH: CONGRESBURY**

**OFFICER/MEMBER PRESENTING: COUNCILLOR TONKIN**

**KEY DECISION: NO**

## RECOMMENDATIONS

Council resolve to “make” the Congresbury Neighbourhood Plan.

### 1. SUMMARY OF REPORT

Following the Congresbury Neighbourhood Plan Examination, the Executive resolved on 25 June 2019 that the Plan met the necessary criteria to go forward to referendum. A referendum was subsequently held within the Congresbury Neighbourhood Area on 19 September 2019. 86.55% of the votes cast were in favour of the plan which is in excess of the required 51% and therefore under the Town and Country Planning Act 2004 s38A (4) (6) North Somerset Council must formally “make” the plan. This must be done within 8 weeks of the referendum date in order to comply with the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 Regulation 18A. A decision at this Council meeting will comply with this requirement.

### 2. POLICY

A Neighbourhood Plan is prepared by the local community (with help and advice from North Somerset Council and other bodies as necessary). Securing a majority “yes” vote at referendum means that the plan must be formally approved by the Council and will become a material consideration in planning applications, forming part of the development plan. The policies therefore have the same status as those in the North Somerset Core Strategy and those within the Development Management Plan and Site Allocations Plan. Policies in the Congresbury Neighbourhood Plan will be used alongside existing adopted policies in these Plans and with national planning policy in the National Planning Policy Framework and National Planning Policy Guidance. Where the Congresbury Neighbourhood Plan is silent on a particular issue then North Somerset Council policies will be used.

### **3. DETAILS**

3.1 The Executive considered the Congresbury Neighbourhood Plan and proposed Examiners modifications on 25 June 2019 and concluded that the Plan with those modifications would meet the necessary basic conditions, was compatible with the Convention rights, and complies with the definition of a neighbourhood development plan and could therefore proceed to referendum.

3.2 The plan contains policies to:

- Establish principles for sustainable locations for housing development;
- Establish principles for sustainable development on individual housing sites;
- Identify future housing allocations;
- Allocate a site for 100% affordable housing;
- Protect and enhance community services;
- Enhance the Conservation Area;
- Designate an Area of High Landscape Sensitivity;
- Designate three Local Green Spaces;
- Establish landscape and wildlife preservation measures;
- Promote renewable energy;
- Retain business and employment within the parish.

It also contains Community Actions which:

- Identify improvements to the Strawberry Line;
- Identify improvements to parking, walking and cycling in Congresbury;
- Mitigate against traffic problems and enhance sustainable travel;
- Identify improvements to community facilities;
- Progress the Congresbury Conservation Area Character Appraisal and implement the Management Plan;
- Encourage community-led renewable energy schemes.

These Community Actions are not planning policies and do not form part of the development plan.

3.3 The Congresbury Neighbourhood Plan is the fifth neighbourhood plan within North Somerset to go to referendum, after Backwell, Long Ashton, Claverham and Yatton Neighbourhood Plans. The referendum took place on Thursday 19 September 2019. 773 votes were cast in total out of a potential 2,844 resulting in a turnout of just over 27%. 669 votes were cast in favour of the plan and 104 votes were cast against the Plan. The votes cast in favour of the plan were 86.55% which is in excess of the required 51%, therefore under the Town and Country Planning Act 2004 s38A (4) (6) North Somerset Council must formally “make” the plan. The Plan became part of the Development Plan for North Somerset following the referendum, but this Council must formally “make” the plan.

3.4 The plan will be used as the basis for making decisions on planning applications within the neighbourhood area of Congresbury, which comprises the parish of Congresbury. It will be a material consideration, however policies will need to be supplemented by existing adopted policies in the North Somerset Core Strategy, Development Management Policies Plan and the Sites Allocations Plan. This is because the Congresbury Neighbourhood Plan is not comprehensive and does not cover all planning issues. Where the plan is silent on a particular matter, or for example where more detailed guidance is needed then other adopted policies will be

used, along with the national guidance issued in the National Planning Policy Framework and National Planning Policy Guidance.

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 Regulation 18A requires that a Neighbourhood Plan must be made within 8 weeks of the date of the referendum. The decision must therefore be made at this Council meeting in order to conform with this requirement.

#### **4. CONSULTATION**

Consultation has been carried out in the preparation of the plan in accordance with the regulatory requirements.

#### **5. FINANCIAL IMPLICATIONS**

There are no ongoing financial implications. The Congresbury Plan does not commit council resources in order to implement the plan's provisions.

Upon the "making" of the Congresbury Neighbourhood Plan, Congresbury Parish Council will be eligible for 25% of any CIL receipts from developments within the Neighbourhood Plan area, instead of 15% as attributable elsewhere.

##### **Costs**

Other than officer time the main costs are related to the carrying out of the examination and the referendum.

##### **Funding**

A sum of £20k has been claimed retrospectively from government to cover the cost of the examination and referendum, which fully covers the cost of these.

#### **6. LEGAL POWERS AND IMPLICATIONS**

There is a duty on the Council to assist the Neighbourhood Plan making process and the procedure is set out in Schedule 4B of the 1990 Town and Country Planning Act (as amended) and Neighbourhood Planning (General) Regulations 2012, and Town and Country Planning (general) and Development Management Procedure (Amendment) Regulations 2016. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 Regulation 18A requires that a Neighbourhood Plan must be made within 8 weeks of the date of the referendum.

#### **7. RISK MANAGEMENT**

It is not considered that there are any risk management implications associated with "making" the Plan. If however the Plan is not made within 8 weeks of the referendum being held then there is a risk of judicial review (The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 Regulation 18A).

#### **8. EQUALITY IMPLICATIONS**

An equalities impact assessment has not been carried out.

It is a requirement under the Neighbourhood Plan regulations that the Plan must be compatible with human rights requirements and with EU obligations. The independent Examiner has made this assessment and concluded that it meets the requirements in this respect. It is not considered that there are any equality impact considerations arising from the Neighbourhood Plan.

## **9. CORPORATE IMPLICATIONS**

There are no direct corporate implications. In relation to highways/transport the plan supports measures rather than proposing specific schemes. There may be future implications in relation to some areas of service delivery most notably through policy H3 which allocates sites for housing. In this case there may be implications in relation to education and other service delivery should residential development be delivered.

## **10. OPTIONS CONSIDERED**

As the Plan has passed the referendum then under the provisions of the Town and Country Planning Act 2004 s38A (4) (6) North Somerset Council must formally “make” the plan.

## **AUTHOR**

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## **BACKGROUND PAPERS**

[Congresbury Neighbourhood Development Plan](#)

All information relating to the Congresbury Neighbourhood Development Plan can be found at [www.n-somerset.gov.uk/congresburyplan](http://www.n-somerset.gov.uk/congresburyplan)