

# North Somerset Council

## Report to the Executive

**Date of Meeting: 7 September 2022**

**Subject of Report: Portishead Neighbourhood Plan**

**Town or Parish: Portishead**

**Officer/Member Presenting: Cllr Mark Canniford Executive Member for Placemaking and Economy**

**Key Decision: Yes**

**Reason: The Neighbourhood Plan relates to Portishead which comprises more than one ward**

## Recommendations

It is recommended that:

- (i) Executive resolve that the Portishead Neighbourhood Plan meets the necessary conditions in accordance with Schedule 4B of the 1990 Town and Country Planning Act (as amended) and that it can proceed to examination following the requisite six-week period of public consultation.
- (ii) The Executive member for Placemaking and Economy be given the authority to agree North Somerset Council's comments on the submitted Plan, and that these be passed to the examiner.

## 1. Summary of Report

- 1.1 The Portishead Neighbourhood Plan was submitted to North Somerset Council for Examination on Monday 8 August by Portishead Town Council who are the qualifying body.
- 1.2 The Portishead Neighbourhood Plan meets the conditions necessary (under the criteria set out in Schedule 4B of the 1990 Town and Country Planning Act (as amended)) to go forward to examination. Officers can therefore arrange a period of consultation on the submitted plan and pass any resulting comments, including those of North Somerset Council to the examiner. The person undertaking the examination will be appointed by North Somerset Council with the agreement of the qualifying body.

## 2. Policy

- 2.1 A Neighbourhood Plan is prepared by the local community (with help and advice from North Somerset Council and other bodies as necessary). The Neighbourhood

Plan group have been assisted in preparing the neighbourhood plan by Place Studio in Bristol. This plan has been prepared within the context of the North Somerset Core Strategy which has a timespan until 2026 but will be superseded before then by the emerging Local Plan 2038. The Portishead Neighbourhood Plan once 'made' (adopted) will have the status of a development plan and the policies will sit under the strategic policies contained in the North Somerset Council Core Strategy. The intention is to undertake a review of the Neighbourhood Plan once the Local Plan is adopted to bring it into line with the new strategic policies.

- 2.2 Policies in the Neighbourhood Plan will have the same status as other plans prepared by North Somerset Council such as the Development Management Policies Plan and the Site Allocations Plan. If there is a conflict with existing development plans, the Neighbourhood Plan once made will take precedence as it will be a more recent plan. Where the Neighbourhood Plan is silent on an issue however then North Somerset Council's planning policies will be used for making planning decisions.
- 2.3 Once the plan is 'made' then the local Parish Council (Portishead Town Council) is entitled to 25% of the CIL receipts from development within the neighbourhood area. This is more than the usual 15%.

### **3. Details**

#### **Background to and content of the plan**

- 3.1 The Neighbourhood Area was approved by North Somerset Council in October 2019. The Neighbourhood Area is the area which will be covered by the Neighbourhood Plan and is the parish boundary of Portishead.
- 3.2 A neighbourhood plan is the opportunity for local people to look in more detail at planning issues of concern to them than is possible in a local plan produced by North Somerset Council. So long as the policies are in general conformity with the strategic policies of North Somerset Council's development plan then there is much flexibility in terms of what the plan can cover.
- 3.3 Ultimately whether a neighbourhood plan becomes approved is decided by a local referendum within the area covered by the Plan (neighbourhood area). Before that can happen however the Plan needs to be assessed at examination. An independent examiner must assess the plan based on a number of fixed criteria – these are referred to as the 'basic conditions' which state that the plan must:
  - be appropriate having regard to national policy
  - contribute to the achievement of sustainable development
  - be in general conformity with the strategic policies in the development plan for the area
  - be compatible with human rights requirements
  - be compatible with EU obligations in that it is not likely to have a significant effect on a European site (as defined by the Conservation of Habitat and Species regulation 2010 (d)). (this currently remains the case irrespective of Brexit)

A Basic Condition Statement (BCS) has been submitted along with the Plan to demonstrate how these criteria have been met. This will be assessed by the examiner, not North Somerset Council.

### **Does the submitted Plan meet the necessary criteria to go forward to examination?**

3.4 Before North Somerset Council can organise an examination it is necessary for Executive to decide whether the plan meets the following criteria:

(i) Whether the Town Council is authorised to act (ie is the parish council for that area)

(ii) Whether the proposal and accompanying documents:

a) are the correct documents under regulation 15 of the neighbourhood planning regulations 2012 (ie a plan of the neighbourhood area, basic condition statement, consultation statement, the proposed plan).

b) meets the definition of a neighbourhood development plan.

c) meets the scope of provisions (ie specifies the period for which it is to have effect, doesn't include excluded development, doesn't relate to more than one neighbourhood area).

(iii) Whether the Town Council has undertaken the correct procedures in relation to consultation and publicity.

3.5 The Portishead Neighbourhood Plan meets all of these obligations and more detail on (iii) is set out below.

### **Consultation Statement**

3.6 The Consultation Statement submitted with the Plan sets out how the community has been involved in the development of the plan from July 2019.

3.7 A formal period of consultation (known as Regulation 14 consultation) has to be undertaken on the draft Plan before it can be submitted to North Somerset Council. This took place between 28 March and 8 May. The statement sets out who was consulted, how they were consulted and how the feedback was addressed,

3.8 The Consultation Statement contains the necessary information to demonstrate that the consultation requirements were carried out in accordance with the Regulation 14 requirements with regards to publicity and consultation.

3.9 As the Plan meets all the necessary criteria it can now proceed to a minimum six-week period for publicity and then to examination.

### **North Somerset Council's response to the plan**

3.10 North Somerset Council officers have provided advice and technical support throughout the plan's preparation. Many suggestions have been incorporated into the submitted plan and there are therefore few remaining areas on which comment is needed. Further engagement on the submitted plan will take place with teams across North Somerset Council including ecology, heritage, transport and others with all further comments agreed by the Executive Member before forwarding to the

examiner.

- 3.11 North Somerset Council has encouraged the neighbourhood plan group to prepare the Plan alongside the emerging Local Plan 2038, to align with the most up to date strategic policy context. However, the NDP group has decided to progress it under the Core Strategy. This means that any differences between the Neighbourhood Plan policies and the strategic policies of the Core Strategy need to be supported by new evidence of either a change in national policy/guidance or evidence gathered by the neighbourhood planning group.
- 3.12 The Government encourages neighbourhood plans to allocate housing sites and to contain policies about design in order to boost housing supply. Neighbourhood plans which contain a site for housing and are within 2 years of being 'made' can benefit from paragraph 14 of the NPPF. This means that when considering planning applications for housing on North Somerset Council only needs to demonstrate a 3 year supply of land for housing rather than 5 year supply. The decision was taken by Portishead Town Council not to make housing land use allocations.
- 3.13 The neighbourhood plan references the placemaking work currently in progress within the Wyndham Way area of Portishead. North Somerset Council is working in partnership with the Town Council and the principal local landowners with the involvement of local people, businesses and other stakeholders to agree a framework which can act as a tool to co-ordinate development in this area. This will help unlock the potential for better connectivity and more effective use of land in the longer term. It is anticipated that the finished work will inform the emerging North Somerset Local plan and be adopted as Supplementary Planning Guidance.

## **Conclusion**

- 3.14 As the Plan meets all the necessary criteria it can now proceed to a minimum six-week period for publicity and then to examination.

## **4. Consultation**

- 4.1 A period of formal consultation was undertaken by the Town Council from 28 March to 8 May. The methods and timings of this are set out in the consultation statement which was submitted along with the neighbourhood plan. North Somerset Council is satisfied that consultation has been carried out in accordance with the regulations.
- 4.2 North Somerset will now undertake a formal six-week (minimum) period of consultation on the plan. This will involve statutory bodies, local and national organisations and the local community.

## **5. Financial Implications**

- 5.1 North Somerset Council can retrospectively claim £20k following a successful examination and the date being set for a referendum. Payments will be made under section 31 of the Local Government Act 2003 and can be applied for quarterly.

## **Costs**

The cost of the six-week formal consultation period, instructing an independent examiner and holding a referendum within Portishead are incurred by North Somerset Council, however in accordance with para 5.1 above £20k will be claimed and awarded retrospectively.

## **Funding**

See above

## **6. Legal Powers and Implications**

- 6.1 The Portishead Neighbourhood Plan is being prepared under the provisions of the Localism Act 2011 which were brought into effect in April 2012 by the Neighbourhood Planning (General) regulations.
- 6.2 North Somerset Council has a duty to consider whether (under the criteria set out in Schedule 4B of the 1990 Town and Country Planning Act (as amended)) the Neighbourhood Plan can go forward to examination

## **7. Climate Change and Environmental Implications**

- 7.1 The Neighbourhood Plan contains policies to help tackle climate change through the promotion of renewable and reduced energy, active travel, green and blue infrastructure and wildlife habitat and landscape conservation. A Strategic Environmental Assessment screening exercise and Habitat Regulation Assessment screening (SEA/HRA screening) exercise was undertaken with the conclusion that no full assessments were needed.

## **8. Risk Management**

- 8.1 There is potential for the Plan to be unsuccessful at examination should the examiner consider that the plan is not capable of meeting the basic conditions even with specified modifications. In this case the Council would not be able to claim the £20k funding under the above act. In practice it is very rare occurrence and officers consider that the Plan's preparation and content is sufficiently robust to pass examination (potentially with modifications).

## **9. Equality Implications**

The Portishead Neighbourhood Plan is considered to have met the necessary Human Rights Articles and it is not considered that there are any equality impact considerations arising from the Plan.

## **10. Corporate Implications**

- 10.1 There are no direct implications in relation to highways/transport as the plan supports measures rather than proposing specific schemes. There may be future implications in relation to some areas of service delivery most notable through the development of the two sites for residential uses on an existing employment site and as an exceptions site. In this case there may be implications in relation to education and other service delivery should residential development be delivered.

## **11. Options Considered**

- 11.1 As the submitted Plan is considered to meet the requirements to proceed to examination there is no option but to progress the Plan.

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**Appendices:**

Portishead Neighbourhood Plan submission version

**Background Papers:**

The Basic Conditions Statement and Consultation Statement can be viewed on [North Somerset Councils webpage](#) along with the Portishead Neighbourhood Plan.

These and all other background papers can also be accessed on the [Neighbourhood Plan webpage](#). They will also be published on the NSC website at the start of consultation.