

# North Somerset Council

## Report to the Council

**Date of Meeting: 19 September 2023**

**Subject of Report: Portishead Neighbourhood Plan**

**Town or Parish: Portishead**

**Officer/Member Presenting: Cllr Mark Canniford Executive member for Spatial Planning, Placemaking and Economy**

**Key Decision: N/A**

## Recommendations

Council resolve to “make” the Portishead Neighbourhood Plan.

### 1. Summary of Report

1.1 Following the Portishead Neighbourhood Plan examination, the decision was made by Executive member for Spatial Planning, Placemaking and Economy on 26 April 2023 that the Plan met the necessary criteria to go forward to a referendum. A referendum was subsequently held within the Neighbourhood Plan area (the four wards of Portishead) on Thursday 20 July 2023. 87.55% 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 s38 (4) (6) North Somerset Council must formally “make” the plan.

### 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). Securing a majority “yes” vote at referendum means that the plan must also be formally approved by the Council. Once it has passed the referendum the Plan becomes part of North Somerset Councils development plan. The policies have the same status as those in the North Somerset Core Strategy, Development Management Plan and Site Allocations Plan. Policies in the Portishead Neighbourhood Plan will be used alongside existing adopted policies in these plans and having regard to national planning policy in the National Planning Policy Framework and National Planning Practice Guidance in making planning decisions. The time period of the Plan is to 2026 to align with the Council’s Core Strategy.

### 3. Details

3.1 The decision was made by the Executive member for Spatial Planning, Placemaking and Economy on 26 April 2023 that the Portishead Neighbourhood Plan with the examiners proposed 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 A referendum was subsequently held within the neighbourhood plan area (the combined wards of Portishead) on Thursday 20 July 2023. 87.55% 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 s38 (4) (6) North Somerset Council must formally “make” the plan.
- 3.3 The Plan contains 40 policies covering the natural environment, built environment, renewable energy, community facilities and infrastructure, housing (no allocations for housing sites), the economy, transport, and the town centre.
- 3.4 The Plan will be used as a basis for making planning decisions within the area covered by the Plan. Policies in the plan will be supplemented by existing adopted policies in the North Somerset Core Strategy, Development Management Plan and Site Allocations Plan. This is because the Neighbourhood Plan is not comprehensive and does not cover all planning issues but provides a local context for proposals within Portishead. Where the neighbourhood plan is silent on a particular issue or for example where more detailed guidance is needed then other adopted policies will be used, along with national guidance issued in the National Planning Policy framework and National Planning Practice Guidance.

#### **4. Consultation**

- 4.1 Consultation has been carried out in the preparation of the Plan in accordance with regulatory requirements.

#### **5. Financial Implications**

- 5.1 There are no ongoing financial implications. The Portishead Neighbourhood Plan does not commit council resources in order to implement the Plan’s provisions.
- 5.2 Upon the “making” of the Portishead Neighbourhood Plan the Town Council will be eligible for 25% of any CIL receipts from developments within the Neighbourhood Plan area, instead of 15% otherwise attributable to parish Councils.

#### **Costs**

- 5.3 Other than officer time, the main costs in relation to the preparation of the Plan are related to the examiners fees for carrying out the examination and for the costs of organising the referendum. See Funding section below.

#### **Funding**

- 5.4 A sum of £20k can be claimed by North Somerset Council under the Neighbourhood Planning Grant arrangements. Government provides this lump sum to Local Planning Authorities (LPAs) to meet their legislative duties in relation to neighbourhood planning. Specifically, it covers the neighbourhood planning duties introduced by the Localism Act 2011 which are to provide advice or assistance; to hold an examination; and to make arrangements for a referendum. As such £20k can be claimed in retrospect once a Local Planning Authority have made the decision to hold a referendum on the Neighbourhood Plan. This is done through the governments DELTA claims system. This will be done when the next claims window opens later this year.

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

- 6.1** There is a duty on the Council to assist the Neighbourhood Plan making process and to formally act in approving the document at various stages. This is set out in Schedule B of the 1990 Town and Country Planning Act (as amended) and Neighbourhood Planning (General) Regulations 2012 and the Town and Country Planning Development Management Procedure (Amendment) Regulations 2016. This includes formally “making” the Plan following a majority yes vote at referendum. It is not considered that there is any regulatory reason why the Plan should not be “made”.

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

- 7.1** The Neighbourhood Plan contains policies which recognise the importance of addressing climate change by supporting and protecting the environment.

## **8. Risk Management**

- 8.1** It is not considered that there are any risk management implications associated with “making” the Plan.

## **9. Equality Implications**

- 9.1** An equalities impact assessment has not been carried out. It is a requirement under the Neighbourhood Planning Regulations that the Plan must be compatible with human rights requirements and with EU obligations. The independent examiner has made his assessment and concluded that it meets the requirements in this respect. It is not considered that there are and equality impact issues arising from the Neighbourhood Plan.

## **10. Corporate Implications**

There are no direct corporate implications

## **11. Options Considered**

- 11.1** As the Plan has passed the referendum then under the provisions of the Town and Country Planning Act 2004 s28A (4) (6) it falls to North Somerset Council to formally “make” the Portishead Neighbourhood Plan.

### **Author:**

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### **Appendices:**

None

### **Background Papers:**

[Portishead Neighbourhood Plan](#)