

NORTH SOMERSET COUNCIL DECISION

DECISION OF: COUNCILLOR JAMES TONKIN. THE EXECUTIVE MEMBER FOR PLANNING, HIGHWAYS AND TRANSPORT



WITH ADVICE FROM: THE DIRECTOR OF PLACE

DECISION NO: 20/21 DE 303

SUBJECT: ABBOTS LEIGH, HAM GREEN, PILL AND EASTON-IN-GORDANO NEIGHBOURHOOD PLAN
NORTH SOMERSET COUNCIL COMMENTS ON THE SUBMITTED PLAN

KEY DECISION: YES

REASON:

The Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan will affect residents within two or more wards.

BACKGROUND:

The Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan was submitted to North Somerset Council on 2 November for Examination. The Executive on 9 December resolved that the Plan met the necessary conditions to be passed to independent Examination and that North Somerset Councils comments on the submitted Plan were to be agreed by the Executive member for Planning Highways and Transport.

As required by Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 North Somerset Council has published the Plan for consultation with statutory and local bodies and the local community on 1 February 2021 for a period of six weeks. Details can be found at www.n-somerset.gov.uk/pillplan. All comments including North Somerset Councils comments on the plan, made within this time will be passed to the independent Examiner for consideration during the Examination.

Officers have advised on planning policy and procedure during the Plan making process however the final Plan contains a small number of issues which should be addressed. These are where policies are either inappropriate, or more precise wording would make the plan easier to implement. The policies or paragraphs which are of note are listed in the attached appendix with suggested actions to remedy them.

DECISION:

The appended list of comments on the Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan should be forwarded to the Examiner to be considered during the Examination of the Plan.

Officers be given the authority to make any subsequent comments which may arise from the consultation or Examination process.

REASONS:

North Somerset Council officers have advised on the preparation of the plan by giving both procedural and technical support. This is the final opportunity for North Somerset Council to provide comments on the content of the Plan.

OPTIONS CONSIDERED:

To not provide comments would mean that North Somerset Council lost the opportunity to improve the content of the Plan to better align with National and Local Planning policy.

FINANCIAL IMPLICATIONS:

There are no direct financial implications which relate to this decision.

Costs

This decision will not incur any costs to the Council.

Funding

There is a duty on the Council to assist the Neighbourhood Plan making process (including giving policy advice, organising consultation, commissioning and paying for the examination as well as the referendum) and this has resource implications. The Government has recognised this and has made money available to Local Planning Authorities to assist with the process. £20k can be claimed by North Somerset Council upon a successful Examination and a decision to pass the Plan to a local referendum. Based on past expenditure it is anticipated that the funding claimed will fully cover the costs incurred by the Council including the primary cost of appointing the Examiner and holding the referendum.

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.

CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no climate change and environmental implications of this decision.

CONSULTATION

As required by Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 North Somerset Council published the Plan for consultation with statutory and local bodies and the local community on 1 February 2021 for a period of six weeks. All comments including North Somerset Councils comments on the plan made within this time will be passed to the independent examiner for consideration during the examination.

RISK MANAGEMENT

There are not considered to be any risk management issues associated with this decision.

EQUALITY IMPLICATIONS

There are no equality impact implications of this decision. The Neighbourhood Plan itself 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.

CORPORATE IMPLICATIONS

There are no corporate implication of this decision.

APPENDICES

Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan. North Somerset Council comments on submission version- February 2021

BACKGROUND PAPERS

[Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan Submission version.](#)

SIGNATORIES:

DECISION MAKER(S):



Signed:
Transport

Executive Member for Planning, Highways and

Date: 3 March 2021

WITH ADVICE FROM:



Signed:

Director of Place

Date: 3 March 2021.

Appendix to Executive member decision

Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan North Somerset Council comments on submission version- February 2021

North Somerset Council officers have made comments on the emerging plan on a number of occasions both formally at the Regulation 14 stage and informally as policies were developed with the majority of suggestions and comments already taken on board. As a result there are very few further comments to make on the Plan itself. In the main the comments relate to potential improvements to the policies to make them more effective e.g. where there is imprecise wording, or ambiguity, or to strengthen the policy. The context for the Plan is dynamic and changing so a number of the comments below may not have been raised previously.

Paragraph or policy	Comment	Suggested action to remedy
General	There is concern that policies which are phrased as “encourage” or “support” may have limited impact, but in the absence of clear proposals to achieve the various objectives set out in the plan they provide an indication of the approach which would be taken to individual planning proposals.	None suggested
5 Housing		
HO2 Affordable Housing exception site	Core Strategy policy CS 17 allows for affordable housing exception sites in the Green Belt in very special circumstances, subject to the proposals being adjacent to settlement boundaries of Service or Infill Villages. Evidence has been submitted in support of the allocation in the plan to justify the location which is not adjacent to the settlement boundary. A planning application is expected to be submitted in March 2021.	Will be assessed at examination.
HO3 Energy assessments	NSC have planning requirements for when an energy statement should be submitted, in accordance with NPPF para’s 43, 151 and 153 and NSC Development Management policy DM2. Core	Reference these requirements in the text and under “Existing Policies”

Paragraph or policy	Comment	Suggested action to remedy
	Strategy policy CS2 provides the strategic context and the policy does not attempt to go beyond the CS2 requirements.	
HO 5 Off-site sustainability contributions	Although understandable in its' intent without specific details of the sustainable management and maintenance required and how they link to the proposals themselves this policy will be difficult to implement. It does not clearly provide a basis for contributions to off-site work.	Delete policy as worded
HO 6 Conversion of outbuildings	The conversion of outbuildings within a residential curtilage to ancillary use as residential is permitted development under the GDPO. The removal of permitted development rights conferred by the GDPO can only be achieved through an Article 4 direction which would apply over a specified area. It cannot be achieved through a neighbourhood plan policy. Considerable evidence of harm would need to be demonstrated for North Somerset Council to consider this. The housing background paper does not expand on the information given in section 5.9 of the Plan. The imposition of an Article 4 direction also necessitates that compensation be given to residents. The use of outbuildings as a separate dwelling would require planning permission and North Somerset Councils Core Strategy and Development Management policies would be used to control character and design, specifically DM32.	Delete policy
6 Transport and movement		
p12 Scenario 3	The comments about scenario 3 are fairly generic about growth and would apply to development in many locations across North Somerset. Whilst growth is a challenge in environmental terms,	Amend wording

Paragraph or policy	Comment	Suggested action to remedy
	<p>in the context of NSC housing targets it isn't really valid to state that growth in Pill as a location (as opposed to anywhere else in NS) would create further pollution and hinder attempts to address climate change and is damaging and unsustainable. It is quite possible that growth in Pill could be relatively less unsustainable than many other locations in North Somerset so it is probably not for the neighbourhood plan to make that judgement.</p>	
6.6 Parking	<p>Suggest that charges for parking are one of the tools we have available locally to manage demand for car-based trips.</p>	None suggested
T 1 Location of new development	<p>Understand the intent of the policy but it's unclear how proposals could demonstrate they minimised traffic congestion and air pollution relative to any other proposals or any other location.</p>	Clarify or delete
T 3 Electric vehicles	<p>Not clear what is required by the policy, so may not be easy to implement. North Somerset Council is developing guidelines for the provision of electric vehicle charging points within new development. The policy or text could x-refer to this if it is to remain.</p>	Amend wording or remove policy
T5 Passenger rail service implications	<p>Meaning a little unclear and rewording would help. Especially to clarify if it's the proposals to re-open the railway line to passenger services which need to respect local amenity or future development proposals which need to respect the fact that the rail service will be re-instated. The reopening of the railway to passenger services is part of MetroWest Phase 1, which is a regionally important infrastructure project within the</p>	Reword for clarity

Paragraph or policy	Comment	Suggested action to remedy
	West of England area, to improve passenger rail services. It is currently at Examination .	
7 Landscape, environment and biodiversity		
ENV 3 Rewilding	More appropriate as a community action policy as currently worded.	Community Action Policy
8 Heritage including heritage aspects of 5.8 and 5.10		
5.8 Improvement Area 2 Affordable Housing	Explicit reference should be made to the site being within an unregistered park and garden and that development proposals will need to have regard to this (see Heritage Impact Assessment for the Neighbourhood plan undertaken at SEA Screening stage for details - appendix 3c).	Include after Leigh Court Estate. "The site lies within the unregistered Historic Park and Garden of Ham Green Hospital and is within the wider setting of two grade II listed buildings to which development proposals will need to have regard".
5.10 Existing policies	Heritage policies have been omitted from the list of existing policies in 5.10	Include "CS5 Landscape and the historic environment, DM4 Listed Buildings, DM5 Historic parks and gardens,

Paragraph or policy	Comment	Suggested action to remedy
8.7 Existing policies	Reference to DM6 Archaeology has been omitted. There is no mention of archaeology in this section however there is known archaeology in the area and in particular in the vicinity of the site allocations which will require at least a Desk Based Assessment.	and DM6 Archaeology” in the list of existing policies Include “DM6 Archaeology” in the list of existing policies. Include reference to DM6 within the text and that at least a DBA will be needed for some sites
HER 1	The use of the word significance not distinctiveness would be more in line with the wording in national policy.	Replace “distinctiveness” with “significance” in policy HER 1
9 Employment		
EMP 5 Protection of business/ village centre uses	The implied intention of the policy is to support the vitality of the Pill Precinct and the commercial businesses at Eden Park Business Park at Ham Green and Old Brewery in Pill within the recent restrictions of the amendment to the Use Class Order. It would be prudent to include these within the policy wording to add clarity.	Policy wording amended to include reference to the areas which it is intended to support and the reason.
10 Climate Emergency		
CC4 Investigation of wind turbines	Perhaps more of a Community Action policy as no specific proposals are cited.	Community Action Policy