



## **DECISION OF COUNCILLOR ELFAN AP REES**

THE EXECUTIVE MEMBER FOR STRATEGIC PLANNING, HIGHWAYS AND  
TRANSPORTATION, CONCESSIONARY FARES, CAR PARKS, HOUSING, GYPSIES AND  
TRAVELLERS AND ECONOMIC DEVELOPMENT

WITH ADVICE FROM  
THE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT

### **DECISION NO 168**

**SUBJECT:** Pill/Easton-in-Gordano and Abbots Leigh Neighbourhood Area.

**Background:** The combined parishes of Pill/Easton-in-Gordano and Abbots Leigh Parish Councils are seeking to produce a Neighbourhood Development Plan. The first step in this process is to designate a Neighbourhood Area to which the Neighbourhood Development Plan will relate. This is formally designated by North Somerset Council under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

The Parish Councils submitted an application to designate a Neighbourhood Area on 18 May 2016. The proposed Neighbourhood Area relates to the whole of the Parishes of Pill/Easton-in-Gordano and Abbots Leigh Combined. This was duly advertised by North Somerset Council in accordance with the above regulations. The consultation closed on Monday 25 July 2016. The application cited the need for a joint approach in order to take account of cross boundary development pressures.

Sixteen responses have been received, nine of these are from statutory organisations/bodies who have no specific comment to make on the area application.

Three comments have been received in relation to the benefits of additional housing within the proposed Neighbourhood Area:-

- The owner of land around Court House Farm has asked that pre-application discussions relating to land to the east of the M5 motorway be taken into account in the preparation of the Neighbourhood Plan, but no comment on the extent of the Neighbourhood Area.
- A response from Persimmon Homes (Severn Valley) does not directly relate to the extent of the Neighbourhood Area, but comments on the planning policy context and timescale of both the neighbourhood plan and the other development plans for the area and asks that Persimmon continue to be involved in the Plans preparation.
- The Alvis Family, who have significant landowning interests within the proposed NA support the proposed boundary but disagree with the reasons other than both parishes

will continue to face similar development pressure as a result of the strategic development requirements of the West of England Area. Similar arguments are made in relation to the strategic planning context and timing of the plan as Persimmon and it is stressed that the plan cannot become the tool for guiding levels of housing growth in the NA. Further involvement is welcomed.

Support has been received from a local North Somerset Councillor and Portishead Town Council note the consultation.

There have been no objections to the amalgamation of the two parishes into one Neighbourhood Area and only one actual objection received in relation to the line of boundary itself. This is in the vicinity of Royal Portbury Dock by the Bristol Port Company.

The Bristol Port Company (BPC) have submitted a lengthy objection in relation to their interests at and around Royal Portbury Dock (RPD). The Parish boundary cuts across the land occupied by the Bristol Port Company at the RPD, with part of the land being in Portbury parish and the remaining larger area of the Dock being within Pill/Easton-in-Gordano parish. The boundary between Portbury and Pill/Easton in Gordano parish would appear to be based on old land features possibly in part the line of a stream, but which is now affected by subsequent port development. Pill/Easton-in-Gordano parish therefore includes a significant amount of land in which the BPC has landowning interests.

The BPC object to the inclusion within the Neighbourhood area of

- land within the RPD estate,
- land to the south of RPD as part of the area known as Court House Farm (part of this site falls within the Pill/Easton-in-Gordano parish boundary and a smaller part within Portbury parish) which is allocated for port related uses both within the adopted Sites and Policies Development Management Plan Policy DM49.

The BPC put forward many grounds of objection, which in summary are that the inclusion of court house farm and RPD is not logical, desirable or justified as follows:-

- operational land within the RPD estate is exempt from normal planning controls in relation to operational development and therefore is not within the parameters which the neighbourhood plan could address.
- concerned that any subsequent neighbourhood plan would attempt to influence strategic development at the Port on land not within the operational boundary to the detriment of their interests (potentially land at Court House Farm).
- Not logical to have the area of Court House farm divided between two neighbourhood plan areas.

A Neighbourhood Area for Portbury parish was designated on 23 March 2016. After careful deliberation and taking into account the representations from the Bristol Port Company at that time, the decision was taken to designate the whole of Portbury parish as the neighbourhood area in accordance with the application as made.

Parish boundaries, being based on historic features, often appear irregular in relation to current development patterns. There are no rules about what can and can't be included within a neighbourhood area and parish boundaries appear to be an accepted norm. Guidance is given in Planning Practice Guidance paragraph 033 on potential considerations, however LPA's are required "to have regard to the desirability of designating the whole of the area of a parish or town council as a neighbourhood area (see 61G(4) of the Town and Country

Planning Act 1990”). The government is generally in favour of following parish boundaries within a parished area and the Housing and Planning Act 2016 (part 6, section 139) has brought in provision for automatic designation of neighbourhood areas in single parished areas.

Neighbourhood areas can include strategic sites within them although any subsequent neighbourhood plan cannot contain policies which seek to differ in approach from existing strategic policies. A subsequent neighbourhood plan could not contain policies which would affect the Ports interests within its’ operational boundary, or at Court House Farm, or which would not maintain or enhance its role within the local or regional economy (Core Strategy Policy CS24), since these are strategic matters. A neighbourhood plan cannot in short deal or seek to interfere with strategic issues or strategic site allocations and any attempts to do so would not succeed at Examination.

The NA application acknowledges this and subsequent information has confirmed that the intention is to ensure that Port operations are taken account of in any development proposals which may emerge through the neighbourhood plan, so that any plan proposals are in harmony with BPC interests, rather than in conflict. An example given is the need to take into account the needs of and any potential impact on port traffic should there be any potential housing land allocations within the NA. As with the Portbury NA the use of the parish boundary is a matter of expedience and is not an inference that the plan would contain objectives that are in contradiction of existing policies and strategies within which the RPD operates.

In any event Planning Practice Guidance paragraph 035 states that a local planning authority should avoid pre-judging what a qualifying body may subsequently decide to put in its draft neighbourhood plan or Order when considering the neighbourhood area.

A similar situation exists within Wrington Parish where the Wrington Neighbourhood Area has been designated to include Bristol Airport. The Parish Council in that instance, acknowledged that they understood the Neighbourhood Plan could not seek to affect land at the airport.

Where an application for a neighbourhood area is made, then even if the Local Planning Authority decide to refuse the boundary of the area as submitted because they consider the area is not appropriate, they must designate an alternative area. They must give reasons. There are two options available:-

#### Options

1. Approve the area as submitted (any subsequent neighbourhood plan will not be able to contain policies which affect the strategic designations, or operational authority of the Port). This would accord with the decision made on the Portbury parish neighbourhood area, given that the remaining area of Court House Farm outside the Pill/Easton-in-Gordano parish boundary falls within the Portbury Neighbourhood Area.
2. Refuse the area submitted but approve an alternative boundary. There is some difficulty in choosing an alternative boundary which does not disadvantage either party at the outset of the plan making process. There are areas where public access exists via footpaths/cycleways over some areas of land controlled or owned by the Port for example which continue within the Parish of Pill/Easton-in-Gordano. The M5 Motorway junction and Gordano services could equally be claimed to be outside of the scope of any future neighbourhood plan as they are strategic features, however the exclusion of

these areas is not suggested or necessary. The BPC will be in a stronger position to influence the content of a future neighbourhood plan by inclusion within the neighbourhood area.

**Conclusion** The Parish Council have acknowledged that they are aware of the context in which a future neighbourhood plan would be developed. Policies which attempted to contravene already established strategic objectives would not in any event be successful at Examination. As with the Portbury Neighbourhood Plan, The BPC will have the opportunity to be involved in the plan making process and to help shape the plans policies. There are problems in defining an alternative boundary which would not disadvantage one or other party at this early stage in the plan making process. On balance it is considered that a decision should be made on the basis of confirming the combined parish areas of Pill/Easton-in-Gordano and Abbots Leigh parish areas as the neighbourhood area.

**DECISION:** The application for the designation of a Neighbourhood Area for the combined parishes of Pill/Easton-in-Gordano and Abbots Leigh is approved in accordance with the application received on 18 May 2016,

**Reasons:** The designation of the Neighbourhood Area is a pre-requisite to enable Pill/Easton-in-Gordano and Abbots Leigh to produce a Neighbourhood Plan and the whole of the combined parishes is on balance a logical area to designate.

**Other Alternatives Considered:** Difficult to identify an area which would not disadvantage either BPC or the Parish Council in future neighbourhood plan proposals. Would prejudice the content of the future plan contrary to the advice given in para 035 of Planning Practice Guidance.

**Risk Assessment:** There are no specific risks associated with the designation of the Pill/Easton-in-Gordano and Abbots Leigh Neighbourhood Area. Where an application is submitted the Local Planning Authority must designate an area, even if it is not the boundary put forward in the application.

### **Financial Implications:**

The decision is within the relevant budget of the Directorate and the overall budget is not projected to be overspent. Government funding is available to cover North Somerset Council's costs in publicising the Neighbourhood Area, arranging the examination of the submitted Neighbourhood Development Plan and any resultant referendum. The parish councils are also able to access Government funding for its work on drafting the Plan.

### **Implications for Future Years:**

The approval of the Neighbourhood Area does not have any direct budgetary implications. North Somerset Council retrospectively can claim £5k from government for the receipt of the Neighbourhood area application. North Somerset Council is required to fund the examination of the plan and any resultant referendum, but the costs of can also be covered by Government funding.

Signed.....

The Executive Member for Strategic Planning, Highways and Transportation, Concessionary Fares, Car Parks, Housing, Gypsies and Travellers and Economic Development

Dated.....

**Confirmation of Advice Given**

Signed.....Director of Development & Environment

Dated.....