

“My Neighbourhood” Neighbourhood Planning Protocol for Bath & North East Somerset

Consultation Report, July 2012



Contents Page

- 1 Early Stage consultation
- 2 Committee Meetings
- 3 Public Consultation
- 4 Statement of Compliance with the Statement of Community Involvement
- 5 Summary of key issues
- 6 Responses to issues raised and proposed amendments

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1 Early stage consultation

1.1 **Focus Groups** - To inform the production of the document a series of three in-depth focus groups were held on Localism and Neighbourhood Planning between August and November 2011.

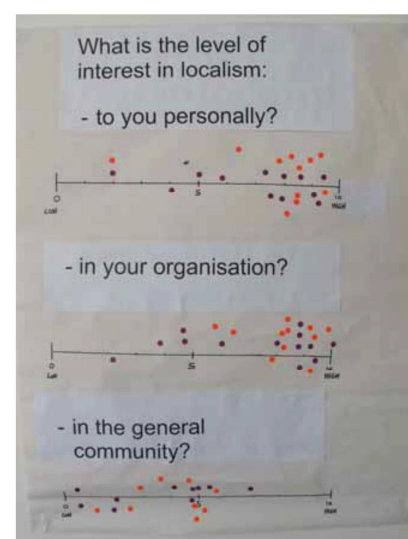
1.2 The focus groups supported the production of a locally specific guidance document and wanted to see local case studies, general guidance and bespoke support for those undertaking Neighbourhood Planning. Concern about how the Neighbourhood Forum designation would work for Bath and the need for local criteria was also raised.

1.3 Focus group reports:

[Focus Group 1](#)

[Focus Group 2](#)

[Focus Group 3](#)



1.4 **Member briefings** - A series of two briefing sessions for B&NES Ward Councillors were held on Localism, including Neighbourhood Planning in January 2012. These sessions were well attended and interest in Neighbourhood Planning was focused on the issue of Neighbourhood Forum designation in Bath.

1.5 **Bath Event** – A free workshop run by the Campaign to Protect Rural England (CPRE) in collaboration with the Council was held at Oriel Hall in Bath on 13th February 2012 and attended by over 80 people. This included presentations and a Q&A session with CPRE and the Council's planning policy team.

1.6 **Parish & Town Councils Event** - The planning team ran an information event for parish and town councils in Keynsham Town Hall on 12th December 2011. [The presentation given at the event can be downloaded here](#). At the event it was followed by a question and answer session chaired by David Trigwell, Divisional Director of Planning and Transport.

1.7 **Federation of Bath Residents' Associations** – A presentation and Q&A was held as part of the Committee meeting of FoBRA on 17th November 2011. The Localism sub-group of FoBRA has also been actively involved in the drafting of Chapter 4 on Neighbourhood Planning and in particular the local criteria relating to Neighbourhood Forum designation.

- 1.8 **Neighbourhood Planning website** – A Neighbourhood Planning webpage was set up in December 2011 which has been updated since with new information and details of events and funding
www.bathnes.gov.uk/neighbourhoodplanning
- 1.9 **Neighbourhood Planning postcards** – These were distributed at the Neighbourhood Planning and other consultation events and also made available in public libraries.
- 2 Committee Meetings
- 2.1 **Planning Transport & Environment Policy Development and Scrutiny Panel** – The panel considered the draft Neighbourhood Planning Protocol on 13th March 2012 and provided comments on the document which have been considered alongside the comments from the public consultation.
<http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CIId=462&MIId=3534&Ver=4>
- 2.2 Specific amendments requested included:
- Link to planning portal glossary of planning words added to help with technical language
 - Chapter 4 Community Right to Build section– introduction simplified and cross references to further plain English explanation added
 - To link to referendum process in Chapter 4 when national guidelines and regulations published
 - Design and formatting process undertaken to assist with flow of the document and ease of reading
- 2.3 **Cabinet** – The Cabinet considered the draft Neighbourhood Planning Protocol on 14th March 2012 and agreed it for public consultation.
<http://democracy.bathnes.gov.uk/ieListDocuments.aspx?CIId=122&MIId=3246&Ver=4>
- 2.4 The consultation was welcomed by the Federation of Bath Residents' Associations, Bath Preservation Trust and appreciation was expressed for the close work with local stakeholders on the issue so far.
- 3 Public Consultation
- 3.1 A public consultation on the draft document was held for 6 weeks between 28th March and 9th May 2012.
- 3.2 During this period the following consultation activities were undertaken:
- 3.3 **Notification** – A notification letter with information about the consultation was issued prior to 28th March by email/letter to all statutory consultees and a range of other stakeholders. Hard copies of the document were also issued and distributed by hand at events and by post to statutory consultees.
- 3.4 **Press release** – A press release was issued on 11th May which was picked up in local newspapers and radio:
[http://www.bathnes.gov.uk/news/latestnews/2012/April2012/Pages/Chance to get more involved in planning for My Neighbourhood.aspx](http://www.bathnes.gov.uk/news/latestnews/2012/April2012/Pages/Chance%20to%20get%20more%20involved%20in%20planning%20for%20my%20neighbourhood.aspx)

- 3.5 **Webpage** – www.bathnes.gov.uk/neighbourhoodplanning
The Neighbourhood Planning webpage was updated to include a copy of the draft document, comment forms and details of the consultation and events during the consultation period. This webpage is regularly updated with the latest information.
- 3.6 Unfortunately due to a technical issue the corporate consultation calendar which is externally hosted was not able to be updated to include this consultation. However, all other requirements were met.
- 3.7 **Hard copies in libraries and Council offices** – Hard copies of the Neighbourhood Planning Protocol and details of the consultation were made available in all libraries in the district and also in the Guildhall, Riverside and the Hollies.
- 3.8 **Event Publicity**– events were publicised by flyers distributed by email, displayed locally and through press releases and details were posted on the website. These events were also cross-posted at other consultation events.
- 3.9 **Bath City Conference** - This open event was held at the Guildhall in Bath on 2nd May 2012, 2-8pm and attended by approx. 450 people. A Neighbourhood Planning stall was set up and manned in the main room at the conference (Banqueting room) with displays and information on Neighbourhood Planning. For further information please go to www.bathcityconference.net
- 3.10 **Keynsham Neighbourhood Planning event** – This open event aimed mainly at Parish and Town Councils took place on 3rd May 6.30-8.00pm at Keynsham Town Hall. This included a presentation on the Neighbourhood Planning Protocol and other elements of localism and a presentation from local Neighbourhood Planning frontrunners Freshford and Limpley Stoke Parish Councils. Approximately 65 people attended.
- [Council presentation](#)
 - [Freshford and Limpley Stoke presentation](#)
- 3.11 **Radstock Neighbourhood Planning event** – This event took place on 9th May, between 5.30 and 6.30 at Radstock Methodist Church. This was attended by 16 people.

- 4 Statement of Compliance with the Statement of Community Involvement
- 4.1 In line with the SCI, a full schedule of comments together with a consultation report and statement of compliance is included in the form of this report.
- 4.2 This was a non-statutory consultation, however, attention to key target groups was aimed specifically at people living in rural areas and residents in Bath via extensive early engagement.
- 4.3 Care was also taken to consider impacts on various equality groups and information on public events including the Bath City Conference was sent to all of the known groups, societies and organisations on our mailing list. This event was aimed at being highly accessible, with a large range of community led stalls and projects.

5 Summary of key issues

- 5.1 Written responses to the draft Neighbourhood Planning Protocol were received from 19 parties. A summary of the responses is included in **table 1** below and a full schedule of the responses is available on the Council's webpage www.bathnes.gov.uk/neighbourhoodplanning
- 5.2 Comments were on the whole positive and welcoming of the new guide which was perceived to be helpful for communities. With most of the substantive comments relating to Chapter 4 on the new area of Neighbourhood Planning. A more detailed summary of the comments is included as Table 1 below.

Table 1: summary of responses to the consultation

The Widcombe Association	<ul style="list-style-type: none"> - The Widcombe Association welcomes the Neighbourhood Planning Protocol, but reserves some concerns about areas of content. - The FOBRA response regarding chapter four adequately represents the views of the Widcombe Association on the document. - The Widcombe Association notes that the document is relatively bereft of information regarding planning for the historic environment (conservation areas, listed buildings etc), advertising control and planning enforcement. These are considered to be important elements of the planning system, particularly in Bath, and should also be important elements of community and neighbourhood planning. - It is recognised that this document cannot fully cover these issues without making the document unwieldy, but there should be scope to cover the key principles of these elements. - The Widcombe Association considers that it might be possible to issue chapter four as its own document, and keep the remaining chapters as a separate document regarding planning. - It will be important to ensure that there are adequate mechanisms to keep the document updated to reflect the changing planning context.
Roger Houghtow	<ul style="list-style-type: none"> - Suggests bringing the Highways department under planning control and to employ Community Right-to-Build at the MOD sites.
Nick Stevens	<ul style="list-style-type: none"> - Suggested alternate wording throughout document to clarify the message and emphasise different elements. - In the second section, suggests the emphasis upon planning applications rather than development management, as it is more relevant to the general public. - Observation that the word 'engaged' is used overly frequently throughout the document, and perhaps misleadingly in at least one instance. - Insert cross-references for figure references (including page number)

	<p>throughout the document.</p> <ul style="list-style-type: none"> - A question is raised over the eligibility of people to provide verbal representations at DCC. Suggest reviewing information provided in document, and also emphasising that the majority of applications will be decided by delegated authority. - Suggested clarification of what constitutes an ‘aggrieved’ or ‘third’ party. - Update national policy references to reflect the publication of the NPPF and Local Planning Regulations
The Theatres Trust	<ul style="list-style-type: none"> - No specific comments regarding the content of the draft Neighbourhood Planning Protocol document, but a general observation that it appears well-presented and comprehensive. - The Theatres Trust wishes to be consulted wherever any neighbourhood plans, neighbourhood development orders or community right to build order proposes a new theatre or proposes development which will affect an existing theatre.
The Coal Authority	<ul style="list-style-type: none"> - No specific comments
Network Rail	<ul style="list-style-type: none"> - Network Rail observes that development that leads to an increase in vehicle traffic using existing level crossings may negatively impact safety and rail services. Such proposals would be in conflict with strategic and governmental aims to improve rail services. - Suggest that policy be brought in to ensure that Network Rail is consulted upon all development that will result in a material change in the use of a level crossing, and that highways assessments will be undertaken. - The Local Development plan should set out requirements for developer contributions to rail improvements. Many stations are operating close to capacity, and additional infrastructure may be required. - Network Rail would appreciate the opportunity to comment upon development proposed in proximity to a railway.
Valley Parishes Alliance	<ul style="list-style-type: none"> - The VPA considers the document to be helpful and also consider it will assist in encouraging greater public involvement in planning. - The VPA observe that the production of the draft document likely incurred considerable expenditure, given that changes and alterations to the draft would be necessary. - The VPA suggest that it would be helpful if the Council published a statement and guidelines as to how they are approaching planning applications. - Suggest that a ‘Pro Forma’ approach to consultation responses and representations be adopted to provide consistency to their content and relevance. - Suggest that the document could make it clearer that the Neighbourhood Plan, Neighbourhood Development Order and Community Right to Build are all individual planning tools which can operate independently of each other. - Though it is recognised that the Community Right to Bid and the Community Right to Challenge are not strictly planning tools, communities are likely to be interested in considering them in relation to the planning tools expressed here, and they may be crucial components to a wider planning process. As such, they would warrant being described in greater detail. - Suggest editorial changes, including alternate wording, spelling and grammar errors (detailed left).
Katie Lea	<ul style="list-style-type: none"> - Consider that the document appears to be good and very accessible. - Suggest including the process checklist referenced on pp. 30 & 31 in the appendices. - The document does not make it clear what requirement there is for pre-application consultation or what expectation the Council has for pre-application consultation.
Federation of Bath Residents’ Associations	<ul style="list-style-type: none"> - FOBRA’s comments do not relate to the updating of the Statement of Community Involvement, and their comments relate primarily to chapter 4.

	<ul style="list-style-type: none"> - FOBRA considers the proposals for the neighbourhood planning protocol to be careful and effective, having made effective use of stakeholder involvement. - FOBRA expresses concern about preventing neighbourhood forums being captured by 'vested interests', or be subject to pressure from developers. - This potentially presents a threat to the natural and historic environment, both of which are important characteristics of the World Heritage Site. Providing neighbourhood planning powers to communities cannot be at the expense of these issues. - FOBRA notes the protections against the manipulation or domination of neighbourhood forums by these groups, but regrets that B&NES appears to have been told they cannot reject candidates for Neighbourhood Forums based upon these criteria. FOBRA emphasise that the legislation implies LPA discretion in approving candidates for neighbourhood forums, and urges B&NES to seek further advice on the matter. - FOBRA suggests the Council explore alternative means of protecting future neighbourhood forums, by specifically interpreting schedule 9:61F:5j of the Act. - Reiteration that neighbourhood plans cannot be contrary to EU obligations, and citation of the Ljubljana Declaration regarding cultural heritage.
Saltford Parish Council	<ul style="list-style-type: none"> - Saltford Parish Council supports the document and the aim for greater community involvement.
Whitchurch Parish Council	<ul style="list-style-type: none"> - Whitchurch recognises the need for the document, but feel that the process outlined is overly complicated. They also observe the challenges (fiscal, technical and political) regarding the drafting of a plan. - The parish observes that they should have a role in planning even without having to draft a local [neighbourhood] plan. - Whitchurch suggests putting this document on hold until the outcome of the core strategy examination is published.
Woodland Trust	<ul style="list-style-type: none"> - The Woodland Trust emphasises the protection to ancient woodland and tress afforded by the NPPF and their increasing role as a non-statutory consultee. They urge a similar commitment to protecting ancient woodlands and trees in this document too, and invite B&NES to consider them as a non-statutory consultee for applications within or in the vicinity of such areas. - WT welcome their inclusion in the appendix as a statutory consultee. - WT suggest referencing their guidance for communities about including trees as part of their community, or incorporating it into the document itself. - WT welcomes section five, which recognises and addresses the benefits of trees and their role in planning.
Virginia Williamson	<ul style="list-style-type: none"> - Highlights inadequacies in the consultation process for this document. - Suggests that consultee groups should be held on a database, which could display which have been consulted on any particular issue. - On page 26, highlights an issue with the wording, and suggests that there is a legal requirement for all to be an elected councillor. - Queries the relationship between the community right to build and the neighbourhood plan, and questions whether there would be any conflict between neighbourhood forums and 'community groups'. - Queries the criteria for defining an area as a business neighbourhood. - Comments that judgement of this document is difficult in the absence of the final neighbourhood planning regulations.
Paulton Parish Council	<ul style="list-style-type: none"> - Suggest clarifying criteria needed to satisfy independent inspection
Sport England	<ul style="list-style-type: none"> - Sport England note that they are a <i>statutory</i> consultee on applications affecting playing fields. - The thrust of their statement is that a planned approach to the provision of facilities and opportunities for sport is necessary to meet local community needs. - Sport England emphasise the duties to plan for sports and recreation, and

	<p>note B&NES' own efforts to do this.</p> <ul style="list-style-type: none"> - Sport England encourage B&NES to promote ACTIVE DESIGN principles in future.
Cllr Mrs Deborah Porter	<ul style="list-style-type: none"> - P.11: suggest referencing that hard copy planning documents are available as case files at Council Offices. This should also include reference to the specific sections of government acts, as well as a lay description - Suggests that within the list of <i>relevant planning issues</i> referencing the NPPF, its emphasis upon delivering environmentally, socially and economically sustainable development, and its emphasis upon the importance of biodiversity, and that not to emphasise this would be misleading. This is systemic of a general lack of attention to biodiversity in B&NES historically. - Section two does not mention approaching the planning committee, councillor champions or with ward or parish councillors. Doing this can provide them with useful additional information, and this should be discussed in the document. - Page 14 – The section about making a complaint should also mention the option of Judicial Review, if there is a case of Unlawfulness of Process - Page 19, suggest including a telephone number here as well as a web link to improve accessibility - Queries the reference to 'relevant consultees' and how this will be decided. - Section 4: Considers that this section may not give the community enough information about what is important to them, and prejudices consideration of built development alone. - The NPPF (para 76) states local communities should seek to identify green spaces of importance, and this should be reflected in the NPP. - Queries whether only Town and Parish Councils can prepare a plan, suggesting they could lead it in name only. Suggests alternate wording to emphasise to communities that even if a parish or town council is leading the plan it does not preclude their involvement. Suggests also that the wording of the process implies that it is a Council led process, rather than a community led process, and that it should be re-worded to emphasise the involvement of the wider community. Also suggests that the wording around neighbourhood plans be altered to reflect that they are only required to be in 'general conformity' with the local plan or core strategy. - Suggest that the text make it clearer that the supporting role envisaged by B&NES is not one which has been nationally prescribed. A grant scheme should be setup to fund proposed neighbourhood plans, and should have preference for those who meet the B&NES criteria. - Detail upon the examination process should be clarified. - Suggests expansion of the toolkit provided in appendix A. - Suggests the inclusion of a Glossary, and also considers that this consultation has not been inclusive enough.
Bath Preservation Trust	<ul style="list-style-type: none"> - BPT supports the publication of the Neighbourhood Planning Protocol and broadly supports the content. They are keen that the document acts as a helpful tool for communities. - The Trust notes some curious omissions from this document, including Enforcement, Advertisement Control, Listed Buildings, Conservation areas and the World Heritage Site. These omissions lead to a general lack of balance. - BPT has concerns about neighbourhood planning in the unparished areas of Bath, and urges B&NES to make clear their approach to applications for neighbourhood forums in Bath. - The grey text is hard to read, and the small page numbering and absence of paragraph numbers make it hard to reference. - Referencing the absence of significant text discussing enforcement, BPT suggest including it in a flow-chart, and also text reflecting the NPPF view of the role of enforcement (para 207). - BPT also suggest including a narrative of what is required for Listed Buildings, including a reference to Listed Building enforcement

	<p>explaining the difference from traditional enforcement.</p> <ul style="list-style-type: none"> - BPT considers that the text on pages 6-9 implies that pre-application consultation is to be done through the Council's own service. The document should encourage developers to engage with the community regardless of their use of pre-application advice from the Council. BPT also suggest that there needs to be a provision to allow applicants to get general advice from a duty-officer service, highlighting Oxford City Council as an example. - Suggest also emphasising the NPPF encouragement of community engagement, and including reference to civic amenity societies and residents' associations in figure 2. - BPT objects to the changes relating to the provision and accessibility of hard planning documents, and suggests that this information needs to be expanded. - Alternate wording regarding conservation areas supplied on p.11 - P.11 – BPT considers the wording in column 3 does not reflect the level of information available (e.g. history of community response is not always clear) and that large documents for large developments are difficult to view online. Either this reference ought to change or the information archived for applications needs to be altered. - The Trust highlights that the list of statutory consultees is currently incomplete, and also raise concerns about a lack of reference to consulting civic societies, and more specifically the Bath Preservation Trust, throughout the document. - Section 5 is raised as being disproportionately detailed considering the purpose of the document and the omission of details on heritage planning. - The Trust considers the reference to conservation area appraisals is insufficient and should be expanded to reflect the importance of this when undertaking a neighbourhood plan.
The Glass-House Community Led Design	<ul style="list-style-type: none"> - Request that the Glass-House needs to be referenced correctly, to avoid confusion with similarly named organisations.

6 Responses to issues raised and proposed amendments

6.1 The responses to the key issues raised are summarised in table 2 below. The vast majority of these comments have been able to be accommodated with relatively minor amendments.

Table 2: Response to key issues raised:

Key issue	Change
Request for more detail in relation to community involvement in relation to listed buildings and enforcement	More detail included
Request to include details of Community Right to Bid and Challenge in the document	Included in chapter 6
Request for further details on Neighbourhood Plan examinations and referendums	As much extra detail added as possible – updates to be added to the website as practice emerges (there has only been one examination to date and Referendum regulations published in draft in June 2012).

Request that checklist/diagram for Community Right to Build and Neighbourhood Plans be included	New diagrams included
Request for additional local criteria in relation to the assessment of Neighbourhood Forum applications to determine whether the Forum contributes to “promoting or improving the social, economic and environmental well-being” of the proposed Neighbourhood area	Additional local criteria are already included. No other local authorities have pursued this approach to defining social, economic and environmental well-being and the preference is to judge applications on a case by case basis.
Request for more detailed definition of “Business Neighbourhoods”	In the absence of a definition nationally this has not been expanded on in the document. Take up in B&NES for this is perceived to be low.
Minor editorial changes and improvements	Accommodated

- 6.2 Other changes have also been made to reflect the final version of the Neighbourhood Planning Regulations 2012, to reflect the West of England Planning toolkit and to add greater clarity.