

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Cllr Matthew McCabe, Cabinet Member for Built Environment, Housing and Sustainable Development	
DECISION DATE:	On or after 14th June 2025	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3621
TITLE:	High Littleton and Hallatrow Neighbourhood Development Plan	
WARD:	High Littleton	
AN OPEN PUBLIC ITEM		
<b>List of attachments to this report:</b> Appendix 1: High Littleton and Hallatrow Neighbourhood Plan – available at: <a href="https://www.bathnes.gov.uk/sites/default/files/Final-Referendum-HLH-Neighbourhood-Plan.pdf">https://www.bathnes.gov.uk/sites/default/files/Final-Referendum-HLH-Neighbourhood-Plan.pdf</a>		

## **1 THE ISSUE**

- 1.1 Following the successful examination and referendum, this report seeks to make and bring into force the High Littleton and Hallatrow Neighbourhood Plan (Appendix 1), so that it will be used by the Local Planning Authority to help determine planning applications within the Neighbourhood Area.
- 1.2 High Littleton and Hallatrow Parish Council is the qualifying body authorised to act in relation to the Neighbourhood Plan.

## **2 RECOMMENDATION**

**The Cabinet Member is asked to;**

- 2.1 Make and bring into force the High Littleton and Hallatrow Neighbourhood Development Plan, as set out in Appendix 1 (see link above), as part of the Development Plan for the High Littleton and Hallatrow Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended).**

### 3 THE REPORT

- 3.1 The plan area comprises the whole parish of High Littleton and Hallatrow in the Bath & North East Somerset Council authority area (B&NES). On 6th October 2016, B&NES Council approved that the High Littleton and Hallatrow Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 3.2 High Littleton and Hallatrow Parish Council submitted the draft High Littleton and Hallatrow Neighbourhood Plan, and supporting documents, to B&NES Council in February 2024.
- 3.3 B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 2<sup>nd</sup> July and 23<sup>rd</sup> August 2024 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012.
- 3.4 In September 2024, B&NES Council appointed an independent examiner, Janet L Cheesley BA (Hons) DipTP MRTPI to review the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received on 6<sup>th</sup> February 2025 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum.
- 3.6 The referendum took place on the 1<sup>st</sup> May 2025. In accordance with the regulations, the question posed in the referendum was:  
  
*'Do you want Bath & North East Somerset Council to use the Neighbourhood Plan for High Littleton and Hallatrow to help it decide planning applications in the neighbourhood area?'*
- 3.7 There was a 34.7% turnout of the overall Neighbourhood Area electorate. A majority (88.79%) were in favour of using the High Littleton and Hallatrow NDP to help decide planning applications in the Neighbourhood Area.

#### **Compatibility with EU Legal Obligations & Human Rights**

- 3.8 The Council does not have to bring the Plan into force if it is considered that the making of the Plan would breach, or be incompatible, with any retained EU legal obligations or the European Convention on Human Rights (Section 38A(6) of the Planning & Compulsory Purchase Act 2004).
- 3.9 The Independent Examiner considered this issue and concluded that, subject to the recommended modifications (all of which have been incorporated into the final draft of the Plan), the Plan would not breach or be incompatible with any retained EU laws or the European Convention on Human Rights. Officers have reviewed the Plan and concur with the examiner's view. As such, it is considered that the legal duty under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 applies in this case.
- 3.10 In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) the Council has a duty to make the High Littleton and Hallatrow Neighbourhood Plan part of the Development Plan. The Development Plan is the framework for determining planning applications in

B&NES (and currently comprises the Core Strategy (2014); Placemaking Plan (2017); Local Plan Partial Update (2023); Saved Policy from the 2007 B&NES Local Plan; the Joint Waste Core Strategy; and already made Neighbourhood Plans). This will mean that the High Littleton and Hallatrow Neighbourhood Plan will have full statutory weight in decision making on planning applications within the Neighbourhood Area.

3.11 It is recommended that the Cabinet Member makes the Plan and brings it into force.

3.12 The Council must also publicise (on the web site or in any other manner to bring it to the attention of those who live, work or carry on business in the Neighbourhood Area) their decision on the Neighbourhood Plan and the reasons for that decision in a 'Decision Statement' (Section 38A(9) of The Planning & Compulsory Purchase Act 2004 & Regulation 19 of the Neighbourhood Planning (General) Regulations 2012). Under delegated authority the Head of Planning and Building Control will issue a Decision Statement. The Council must also publish where and when the Decision Statement can be inspected and send a copy to High Littleton and Hallatrow Parish Council. The Decision Statement will be published on the B&NES website and will be made available for inspection in the following locations:

- Bath Housing, Welfare and Advice Services, 3 to 4 Manvers St, Bath (normal opening hours)

## **Call In**

3.13 The Council has a legal duty to make the Plan and bring it into force within 8 weeks once it has been approved at referendum. It is therefore considered that this decision falls within the exceptions to call in contained in the Call In of Executive Decisions, namely, that the effect of call in would be to cause the Council to miss the statutory deadline.

## **4 STATUTORY CONSIDERATIONS**

4.1 The Localism Act 2011 has reformed the planning system to give local people new rights to shape the development of the communities in which they live.

4.2 The Council has a duty to assist communities in the preparation of Neighbourhood Development Plans and orders and to take a Plan through a process of examination and referendum and to bring the Neighbourhood Plan into force. This duty includes making the plan as soon as is reasonably practicable but in any event within 8 weeks after the referendum approving the plan has taken place.

## **5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)**

5.1 The main costs of producing the High Littleton and Hallatrow Neighbourhood Plan related to in-kind technical support provided, plus the costs of the external examination and referendum. These costs will be funded through a £20,000 Government Neighbourhood Planning Grant, which will be received by the Council by the end of this financial year (Neighbourhood Planning Grants are paid quarterly).

- 5.2 Significant community resources have been invested into the High Littleton and Hallatrow Neighbourhood Plan preparation, including substantial volunteer time.
- 5.3 Once the Neighbourhood Plan is made, High Littleton and Hallatrow Parish Council will receive 25% of CIL payments for development within their Neighbourhood Area, in line with the CIL Regulations (rather than the typical 15%).

## **6 RISK MANAGEMENT**

- 6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

## **7 EQUALITIES**

- 7.1 The Plan was the subject of extensive community engagement and a formal examination. No adverse equalities impacts have been identified.

## **8 CLIMATE CHANGE**

- 8.1 A key objective of the Neighbourhood Plan is to Safeguard and enhance the natural environment and biodiversity within the parish and encourage measures to increase resilience and adaptation to climate change. This is implemented through policies proposed in the Plan; for example, the Plan introduces policies relating to design principles, encouraging green corridors and biodiversity, as well as: Deliver Carbon Net Zero and build resilience to Climate Change.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 No other options were considered given that the Council has a duty to make the Plan and bring it into force.

## **10 CONSULTATION**

- 10.1 The Monitoring officer, Section 151 officer and Head of Planning have been given the opportunity to review this report and have cleared it for publication.
- 10.2 Considerable consultation has been undertaken alongside the preparation of the Plan.
- 10.3 No additional consultation has taken place or is necessary with regard to the recommendation of this Report; at this stage the only publicity required is in line with paragraph 3.12 above.

<b>Contact person</b>	George Blanchard - 01225 477684
<b>Background papers</b>	High Littleton and Hallatrow Neighbourhood Plan Area:  Neighbourhood Plan Evidence Base and other Background documents: <a href="https://www.bathnes.gov.uk/high-littleton-and-hallatrow-neighbourhood-plan">https://www.bathnes.gov.uk/high-littleton-and-hallatrow-neighbourhood-plan</a>
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