

From: Jeremy Edge [REDACTED]
Sent: Tuesday, August 28, 2018 7:11 PM
To: Celia Dring <Celia.Dring@n-somerset.gov.uk>
Subject: RE: Yatton Neighbourhood Plan

Dear Celia,

It was very helpful speaking with you this morning, thank you again for your time. Thank you also for providing the Council's decision of 24th April 2015 confirming the designation of the Yatton NDP Area. It is helpful to have this confirmed.

As to the Regulation 14 consultation, thank you also for clarifying the approach taken by the Parish Council and for confirming that North Somerset Council was consulted, albeit after the close of the formal consultation period. As no third party has complained that their interests have been prejudiced and that all parties consulted in relation to the Regulation 16 Consultation have accepted the approach taken to the earlier Regulation 14 Consultation, it would appear that no interests have been adversely affected or harmed. It is clear that significant effort has been made by the Steering Group on behalf of the Parish Council to publish and disseminate the content of the emerging draft neighbourhood plan, particularly to residents in the local area.

The Consultation Statement is not as clear as it might be regarding the Regulation 14 Consultation, although as noted, it appears that no party has taken any issue with the approach taken by the Parish Council. The Consultation Statement is sparse on detail as to:

- 1) who was consulted other than the residents within the Designated Plan Area; and
- 2) the justification for consulting / not consulting with particular groups within Schedule 1, paragraph 1 of the 2012 Regulations.

It has become the norm in preparing Consultation Statements to record in tabular form how issues raised during consultation activity, where relevant, have been addressed in the plan. However, this is not mandatory and I accept that the Parish may not have these details in any event.

Planning Aid England has prepared helpful advice on the preparation of Consultation Statements and Basic Conditions Statements at https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_write_a_consultation_statement.pdf and; https://www.ourneighbourhoodplanning.org.uk/storage/resources/documents/How_to_write_a_basic_conditions_statement.pdf, respectively; there are other sources of similar guidance from for example Locality and the RICS.

Regarding the Basic Conditions Statement, whilst I note that the Council is under no obligation to reach a view as to whether a draft neighbourhood plan is likely to pass the Basic Conditions test prior to independent examination, it is apparent that there is no consideration in the current Basic Conditions Statement, concerning the "prescribed condition," as to whether the 'making' of the neighbourhood plan is likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). The Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report, November 2017 prepared by North Somerset Council concluded that there are unlikely to be any significant environmental effects arising from the Yatton NP. It therefore appears that the Parish Council has simply omitted to make reference to this, as required, in the Basic Conditions Statement, despite the Screening Opinion being an examination document.

Having regard to national guidance in the NPPF, I note that the Basic Conditions Statement considers the overall YNDP against the 12 Planning Principles within the NPPF (2012), although the individual

Plan policies are not considered by reference to the NPPF guidance. Whilst there is no prescribed format for Basic Condition Statements, the clear guidance in the NPPG since 2014 is as follows:

“Which national policies are relevant to a neighbourhood plan or Order?”

..... The content of a draft neighbourhood plan or Order will dictate which additional national policy is or is not a relevant consideration to take into account. The basic condition allows qualifying bodies, the independent examiner and local planning authority to reach a view in those cases where different parts of national policy need to be balanced.

A qualifying body is advised to set out in its basic conditions statement how they have had regard to national policy and considered whether a particular policy is or is not relevant. **A qualifying body is encouraged to set out the particular national policies that it has considered, and how the policies in a draft neighbourhood plan or the development proposals in an Order take account of national policy and advice. (my emphasis)**

Paragraph: 070 Reference ID: 41-070-20140306

Revision date: 06 03 2014”

If the Basic Conditions Statement were to be revised, I would find it helpful in terms of presentation, if the “normal” approach of assessing the draft NP policies by reference to relevant national policy (NPPF 2012) were to be summarised in tabular form, although this is not essential.

If North Somerset Council and the Parish Council considered that it would be in the public interest to avoid this procedural error and to pause the examination to enable the Basic Conditions Statement to be corrected, I would be content to wait for the any alterations / corrections to the Basic Conditions Statement to be made. This would mean that the Yatton NDP would need to be subject to further Regulation 16 Consultation, (of 6 weeks) before resuming the examination of the existing submission version of the Plan. This might also give the opportunity to clarify matters relating to the earlier Regulation 14 consultation in the Consultation Statement, if the Parish Council considered that this might avoid any uncertainty or ambiguity.

This would need to be undertaken reasonably swiftly to enable the YNDP to be examined by reference to the NPPF 2012, but I suspect all parties would wish to conclude the examination as soon as possible.

I have been involved with a number of other circumstances where examinations have been paused to allow for SEA to be undertaken or revised where this has been considered desirable, subject to further subsequent consultation, before resuming the examination. This has not previously caused any difficulty. I suspect that if North Somerset Council and Yatton Parish Council wished to proceed on this basis, the approach would prove satisfactory, but the Council may wish to take legal advice before proceeding.

I look forward to hearing from you how the Council wishes to proceed.

Kind regards,

Jeremy

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