

**Bath and North East Somerset Council**

# Statement of Community Involvement for Planning

**2022**



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## 1. Introduction

Bath and North East Somerset Council want to see more people get involved in the planning process. Whether you live or work in the area or have an interest in the area we want to hear from you and we want to make that process of involvement as easy as possible.

It is important that we involve the wider community at an early stage in the decision-making processes, when it is possible to make a difference. There are a range of tried and tested ways in which you can get involved in planning issues.

This Statement of Community Involvement is an update of the Neighbourhood Planning Protocol for Bath & North East Somerset (adopted in 2012 and updated in 2014) and outlines all of the ways you can get involved in planning issues in your neighbourhood. This includes:

- Community involvement in Planning Applications
- Heritage Assets protection
- Community involvement in Planning Policy
- Neighbourhood Planning
- Protection of Tress
- Other tips and tools for communities

In February 2020 the Council adopted it's [Corporate Strategy 2020-2024](#). A key priority within the Corporate Strategy is a focus on '**Giving People a Bigger Say**' and involving local people in the decision-making process. Alongside the Corporate Strategy a [Community Engagement Charter](#) has also been developed to ensure that the Council provides an extensive and meaningful programme of engagement.

In addition, the [Parish Charter 2018](#) is currently being reviewed and will form part of the Corporate Strategy. The Parish Charter sets out a framework in which the Council and Parish and Town Councils will work together to serve residents of Bath and North East Somerset.

This document sits alongside the Community Engagement Charter, setting out the statutory requirements and legislative framework that are specific to Planning functions. The document has been prepared to provide advice and clarity to the community and developers with interest in Bath & North East Somerset.

The Draft Statement of Community Involvement was published for comment between 6 April to 1 June 2020. The Council has considered all comments received before finalising and adopting the document. This SCI will supersede the Neighbourhood Planning Protocol published in 2012 and updated in 2014.

## **2. Community involvement in Planning Applications**

This section of the Statement of Community Involvement explains the council's policy for notifying residents and consulting statutory consultees in the consideration of planning applications. This section also outlines the benefits of applicant undertaking pre-application consultation and obtaining pre-application advice.

### **Pre-application advice and consultation**

We strongly encourage applicants to discuss their proposals with local people adjoining the development site, the relevant Town or Parish Council, their Ward Member and the Council Officers, at an early stage before they submit their planning application.

The benefit of applicants to undertaking community engagement at pre-application advice stage is to help identify issues which can be resolved before a formal application is submitted in order to make the determination process smoother. In particular, community engagement can:

- Identify any issues that may be considered in any formal application
- Inform Members and the public of a development proposal at an early stage in the process
- Enable the developer to shape an application which addresses community issues

Early discussion of a proposal with Council Officers in the form of a pre-application advice can:

- Verify the information required to be submitted with the application
- Reduce the likelihood of submitting invalid applications
- Help the applicant to understand how planning policies and other requirements may affect their proposal
- Help applicants understand, and plan for, any planning obligations that the council may seek
- Raise the quality of development
- Identify the need for specialist involvement
- Receive an informal Officer opinion on the suitability of the proposal.

All pre-application advice will be treated as confidential, unless it is subject to a Freedom of Information request, whereupon the Council will be obliged to release the information. The pre-application advice service is chargeable, which assists the department in covering the costs of the service. [Details of the Pre-application Service and fees can be found here.](#)

### **Development Team**

Pre-application advice in relation to major developments is particularly recommended and can take place through the Council's multi-disciplinary Development Team service. A productive dialogue at this stage can resolve issues and help ensure that the application submitted is well presented and includes the appropriate information to enable the proposal to be assessed and understood by the

Local Authority, consultees, communities and stakeholders. [More information on the Development Team process can be found here](#)

### **Pre-application consultation for major sites**

The Council actively encourages applicants of major sites to engage the community in pre-application consultation. To ensure that a developer undertakes pre-application community involvement that is suitable for the size and type of development proposed, guidelines have been produced see **Figure 1**.

When undertaking consultation applicants should ensure that involvement is inclusive and that efforts are made to include all sections of the community. Details of any pre-application public consultation undertaken by developers should be outlined alongside the planning application in the form of a consultation statement. The pre-application consultation will be organised, managed and funded by the potential developer. It must be noted that the Council cannot refuse a planning application because pre-application consultation has not taken place. However, failure to carry out suitable consultation activities could result in objections being made which lead to the delay or refusal of the subsequent planning application.

### **Planning Applications**

The planning application process has three key stages:

1. Planning application – application is submitted to the Council who will consult on the planning application.
2. Decision making – a decision is made by either a planning committee or delegated to the Head of Planning
3. Appeals – the applicant has a right to appeal to the Planning Inspectorate to review the decision of the Council to refuse permission, to challenge the imposition of a planning condition or to appeal for the ‘non-determination’ of the application.

**FIGURE 1: Community involvement in planning applications**

Approach	Level 1 Applications where there are issues of scale and controversy or which are contrary to local development framework policy or development of the size requiring pre-application engagement under the provisions of the Localism Act	Level 2 Applications broadly in accordance with the local development framework but raising a controversial issue or detail.	Level 3 Applications of a scale or on a site for which authorities require wider community involvement. Also, applications that fall within sites that are 'sensitive' to development pressures.
Public Meetings	✓		
Public Exhibition	✓	✓	
Surgeries	✓	✓	
Development briefs	✓		
Workshops	✓		
Workshops and other interactive events	✓	✓	
Citizen Panel	✓	✓	✓
Consultation Panel	✓		
Town/parish councils	✓	✓	✓
Media	✓		
Website	✓	✓	✓
Ward Councillors	✓	✓	✓
Local Architectural or design panel	✓	✓	
Letter/Leaflet	✓	✓	✓
Involvement of community interest and amenity groups	✓	✓	✓

### **Planning Performance Agreements (PPA)**

B&NES Council is committed to dealing with all applications in a timely and effective way and many proposals can benefit from a Planning Performance Agreement (PPA), irrespective of their size or type. A PPA is a negotiated agreement signed at each stage of an application a key part of which will often be engagement between developers and the Council. The level of community engagement will be dependent upon the type of development proposal and will be identified in the PPA, if necessary. A PPA agrees a level of service only. It does not secure a specific outcome or ensure the likelihood of permission being granted.

[Further information on Planning Performance Agreements is available here.](#)

### **Once a planning application is submitted**

The statutory publicity requirements for planning applications are set out in legislation <https://www.gov.uk/guidance/consultation-and-pre-decision-matters>. Each application has an

initial statutory consultation period of 21 days. The **Figure 2** sets out how applications are publicised.

**FIGURE 2: How planning applications are publicised**

Method	Description of how this will be used
Weekly list of applications	A weekly list of planning applications received by the Council is available on the Council website We send all Councillors, Parish and Town Councils a copy of the weekly list
Council website	Also known as The Planning Register where all applications are published. The site is fully searchable by address, area, application type etc. <u>You can also sign up to receive notifications on the progress of a particular planning application, or to hear about new applications in a particular area</u>
Neighbour notification letter	We notify adjoining owners or occupiers of applications by letter
Display a site notice	A site notice briefly describing the planning application, is displayed in a prominent place on or near the site. Site notices are used when a planning application: <ul style="list-style-type: none"> <li>• relates to Listed Building consent, variation of condition(s) or discharge of condition(s);</li> <li>• affects the setting of a Listed Building;</li> <li>• affects a Conservation Area;</li> <li>• where the proposed development is a departure from the Development Plan (i.e. it is not in agreement with Local Development Framework);</li> <li>• is subject to an Environmental Impact Assessment;</li> <li>• affects a public right of way;</li> <li>• where the development constitutes a major development;</li> <li>• where no neighbour notification letters are sent *</li> </ul> <p>The use of site notices is in accordance with the <i>Development Management Procedure Order (2015) (as amended)</i>, except where asterix</p>
Consult statutory organisations	In accordance with the nature of the proposed development the Council must consult statutory consultees. Statutory consultees are listed in Appendix A
Consult Town or Parish Councils	Town and Parish Councils will be consulted on all planning applications made within their administrative boundary. Consultation with adjoining Parish and Town Councils may occur where the proposal is considered to be significant
Consult other consultees *	Special interest groups or community groups are consulted where there are planning applications of particular interest, at the discretion of the Case Officer. Specialist teams within the Council will also be consulted on Planning Applications e.g. Historic Environment, Trees & Woodland who will in turn consult other consultees as appropriate
Local Advertisement	Some planning applications are advertised in a local paper in accordance with the <i>Development Management Procedure Order (2015) (as amended)</i> .
Contact us *	Members of the public who do not have access to a computer can contact Planning with general enquiries about current planning applications

\* Beyond Statutory minimum requirement



## **How to comment on an application**

Anyone can comment on a planning application; however we cannot accept confidential or anonymous comments and your name will be published on the [Planning Register](#). For more information on what Planning does with personal information please [see the Council's privacy policy](#) and [the Planning specific privacy policy](#).

Comments for current applications can be [submitted online via our website](#), by email to [development\\_management@bathnes.gov.uk](mailto:development_management@bathnes.gov.uk) or by post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Please quote the planning application reference number in all correspondence.

[Further information on how to comment on planning applications is available on our website](#)

Comments submitted in writing will not receive an acknowledgement or response but your points will be considered.

## **Determining a planning application**

Following the end of the consultation period, we will consider any comments received and make a decision on the planning application having regard to the development plan policies and other material planning considerations. Most applications are dealt with under delegated powers where a decision is made by a planning officer. However, some applications are referred to the Planning Committee for determination by elected members. The determination of applications is subject to the provisions of the adopted scheme of delegation.

Should an application be determined at committee by giving notice to the Democratic Services Officer, any person may indicate their wish to make a statement to the Committee.

[Further information on how to make a statement at a planning committee is available online](#)

## **Appeals**

The applicant has a right to appeal where they disagree with the Council's decision to refuse planning permission, where they do not agree with a condition imposed on a planning permission or where a decision is not made within the statutory time period known as a non-determination appeal. Once the council has been notified of an appeal by the Planning Inspectorate, we will notify all interested parties, including those who submitted comments on the application. We will provide a copy of all the comments received in respect of the application to the Planning Inspectorate. Interested parties will be advised of how they can be involved in the appeal process. If an appeal is to be considered at an informal hearing or public inquiry, the Council will also notify all interested parties of the venue and time of the hearing in accordance with the Planning Inspectorate's requirements.

### 3. Heritage Assets

#### Heritage Assets in Bath and North East Somerset Council

We are fortunate in having a rich variety of designated and undesignated heritage assets. Designated heritage assets include the City of Bath World Heritage Site, as well as features such as listed buildings and conservation areas.

National policy states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the heritage asset, the greater the weight. World Heritage Sites are considered to be of the highest significance among heritage assets, along with (amongst others) Grade 1 and II\* listed buildings, grade 1 and II\* registered parks and gardens and battlefields, all of which exist in B&NES, and therefore any significant harm to any of these should be wholly exceptional.

The significance of locally important, undesignated heritage assets is specifically noted in the Local Planning Authority's policies and they are included in the Historic Environment Record. The impact of development proposals on undesignated heritage assets are a material consideration in the determination of planning applications.

Heritage Assets are a finite resource. They can provide a foundation for the regeneration of an area and reinforce a sense of community, a shared sense of place and identity. Heritage assets are enjoyed and valued by present communities and should be preserved for future communities to enjoy and value. Listed buildings are protected for their special architectural or historic interest. Works of alteration that affect their architectural or historic interest and character requires listed building consent. Listed building consent is also required for works of alterations to curtilage listed buildings.

However the Local Planning Authority seeks to assist and help manage sensitive, thoughtful and informed change within the historic environment as a whole to meet the needs of present day communities whilst preserving it for future generations.

The application process for listed buildings is similar to planning applications. However, there are additional requirements to consider. The primary consideration is the duty placed on the Council under S16 of the Planning (listed buildings and conservation areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Applicants must justify why their proposals do not harm the special architectural or historic significance of the listed building. Important issues that will be considered in these applications include:

- Impact upon external and internal features
- Impact upon historic fabric
- Integrity of original design, plan form and materials.
- Impact of extensions on the character of the building in terms of scale, style, design and materials
- proposals contained within planning applications that impact on the setting of heritage assets.
- Impact on the setting of the listed building or the setting of other listed buildings for example where buildings form part of an architectural composition.

It is good practice for conservation areas to be accompanied by detailed appraisals that identify their key characteristics and significance and they constitute important policy documents that can significantly inform the determination of planning applications. However they require significant resources and many conservation areas do not yet have conservation area appraisals. Communities are in a unique position to assist in the process of writing conservation area appraisals and the Local Planning Authority encourages community engagement and partnership. The preparation of recent appraisals has included varying degrees of community involvement and has proved highly successful.

The Council will engage with communities on new initiatives such as the use of Local Listed Building Consent Orders and local listing. Further information on these processes will be provided on the council's website as they evolve.

### **Heritage Assets and Neighbourhood Planning**

Surveys and studies to identify important heritage assets in the production of a Neighbourhood Plan are strongly encouraged. The impact of Neighbourhood Plan proposals on the historic environment will be a key consideration. Neighbourhood planning can also help to identify buildings of local historic interest.

Historic England have produced information on the importance and role of the historic environment in the neighbourhood planning process:

<https://historicengland.org.uk/advice/planning/improve-your-neighbourhood/>

### **Conservation area designation and character appraisals**

Once a conservation area is formally designated a thorough character appraisal has to be done to guide decisions about planning applications. Such studies are expensive and have usually been done entirely by specialists. As a result, many conservation areas do not yet have full appraisals in place. Recent practice now includes varying degrees of community involvement in their preparation. B&NES Council has produced a number of conservation area character appraisals working with local communities.

## 4. Community involvement in Planning Policy

Local Authorities are required to produce local planning policies which conform with national planning policy.

There are two different types of local policy documents that the Council will consult on:

### Development Plan Documents

These are policy documents whose preparation is controlled through statutory processes and which are subject to independent examination of their 'soundness' by a Planning Inspector appointed by the Secretary of State.

### Supplementary Planning Documents

These policy documents add detail to policies contained within Development Plan Documents. They must also follow a statutory process but are not subject to formal examination. They can be prepared more quickly and must be adopted by the Council.

The Local Development Scheme sets out the programme for planning policy documents preparation and provides a starting point for members of the public and stakeholders to find out which documents are being produced, the timetable for their production and consultation opportunities.

[Click here to view the Local Development Scheme](#)

### Who will we engage with?

**Appendix A** lists the local and national consultees that the Council will engage with. If you are interested in local planning policy please get in touch and we can add you to our mailing list and tell you about opportunities to get in involved.

[You can register online to join our mailing list.](#)

We have identified a range of seldom-heard groups we need to make extra effort to engage, as illustrated in **Figure 3**. Consultation with and participation from with these groups will be targeted depending on the nature of the local policy.

### FIGURE 3: Seldom-heard groups we need to involve in the preparation of planning policy documents

#### Young people

Children and young people have not traditionally been involved in planning issues.

Involvement will be encouraged through initiatives linked to local universities, colleges, schools and youth groups or other voluntary and community organisations. To effectively engage young people we will need to provide information which is accessible, relevant and engaging. Interactive workshops and the use of models and diagrams would be appropriate.

We will seek to secure the support of youth workers, teachers and play workers to assist us in developing and delivering appropriate activities.

#### Ethnic Minority people

Further work needs to be done to ensure that people from a wide range of ethnic backgrounds are engaged and informed in the planning process. Voluntary and community organisations representing ethnic minorities will be routinely consulted. Information might also be disseminated through community newsletters or at community events and made available in different languages.

#### Faith communities

We also want to ensure that people from a wide range of faith backgrounds are engaged in the planning process. Work undertaken by other initiatives within the Council will be used to guide us in the best ways to engage faith communities. This may include disseminating information through places of worship.

#### Disabled people

We will seek ideas and feedback from disabled individuals as well as local and national organisations representing disabled people to ensure that community consultation is inclusive and their views are obtained. We will ensure that all community involvement events are fully accessible, and will always respond to any accessibility requests in a positive way by providing Easy Read documents where appropriate.

#### Gypsies and travellers and boat dwellers

We will involve gypsy and traveller groups and boat dwellers, particularly as part of the policy evidence gathering process. We will consult members of the gypsy and traveller and boat dwelling communities, particularly where issues are of direct relevance.

#### People living in rural areas

Residents in rural areas may not have easy access to council offices and may have less access to community events depending on where these are held. We aim to build on established Parish Council networks in order to disseminate information and attain feedback at the most local level possible. We will also make links with the creation of Neighbourhood Plans and help to support the development of these Plans.

The development of e-consultation within the Council will ensure that consultation reaches a wider audience.

Information, posters and leaflets will be provided for display on village notice boards and in community libraries and mobile libraries for those who may not have access to the internet.

#### Small business owners

Small businesses have an important role in the local economy. However, there is evidence that small business owners often do not have the time or resources to spare to become involved in planning issues. To overcome this, organisations representing small businesses will be consulted.

#### Residents

We acknowledge that we need to ensure that all residents in the district have opportunities to be involved in planning issues. Information about a variety of opportunities to be involved in the preparation of planning policy will need to be disseminated widely, and advertised in good time. Residents Associations will also be utilised as a way of disseminating information where they are established. It is noted that unlike residents in the rest of the district, residents of Bath are not represented by either Town or Parish Councils, and that extra effort is needed to reach these residents.

## How we will engage you

As well as meeting the statutory consultation requirements during the later stages of plan production, the Council will also undertake early engagement at the beginning of the plan preparation process. This is perhaps when involvement of communities and interested groups can have the greatest opportunity to influence and shape a plan. A broad range of methods, such as focus groups, targeted consultations and information gathering meetings may be used and these will be tailored to the specific document and the stage of preparation.

We will do this in three ways:

- Information - We will always make our consultation documents available online via our website. Documents will also be made available to view in our libraries and One Stop Shops. Details of the opening hours and locations will be made available to consultees prior to the start of a consultation.
- Consultation - As a minimum, we will consult the organisations and individuals identified as statutory and 'general consultee' bodies (listed in Appendix A) on planning documents at the relevant statutory consultation stages, along with anyone who has asked to be notified of the consultations. This will be by email, where we hold email addresses as this is more efficient and makes better use of resources; however we will send a letter by post where we do not have an email address.
- Participation - We encourage consultees to make comments electronically, either using the online survey or returning a completed response form. It is important that your comments are received during the consultation period, which may be extended if they fall over bank holidays. We encourage participation with our emerging proposals/plans, **Appendix B** presents a toolbox of methods which the Council can use as appropriate to encourage community involvement in the creation of planning policy and go beyond the statutory minimum requirements.

We always aim to improve the way that we communicate and are committed to making sure that all consultations are accessible and that documents produced are available in a variety of formats on request. The Council has a provider for Interpreting and Translating services, requests for documents will be considered on a case-by-case basis.

## When we will engage

The regulations<sup>1</sup> set out the various stages in the preparation process for each different type of planning document and when we must formally publish the document for comment and for how long. These requirements will be met. We consider that there should be significant effort to engage

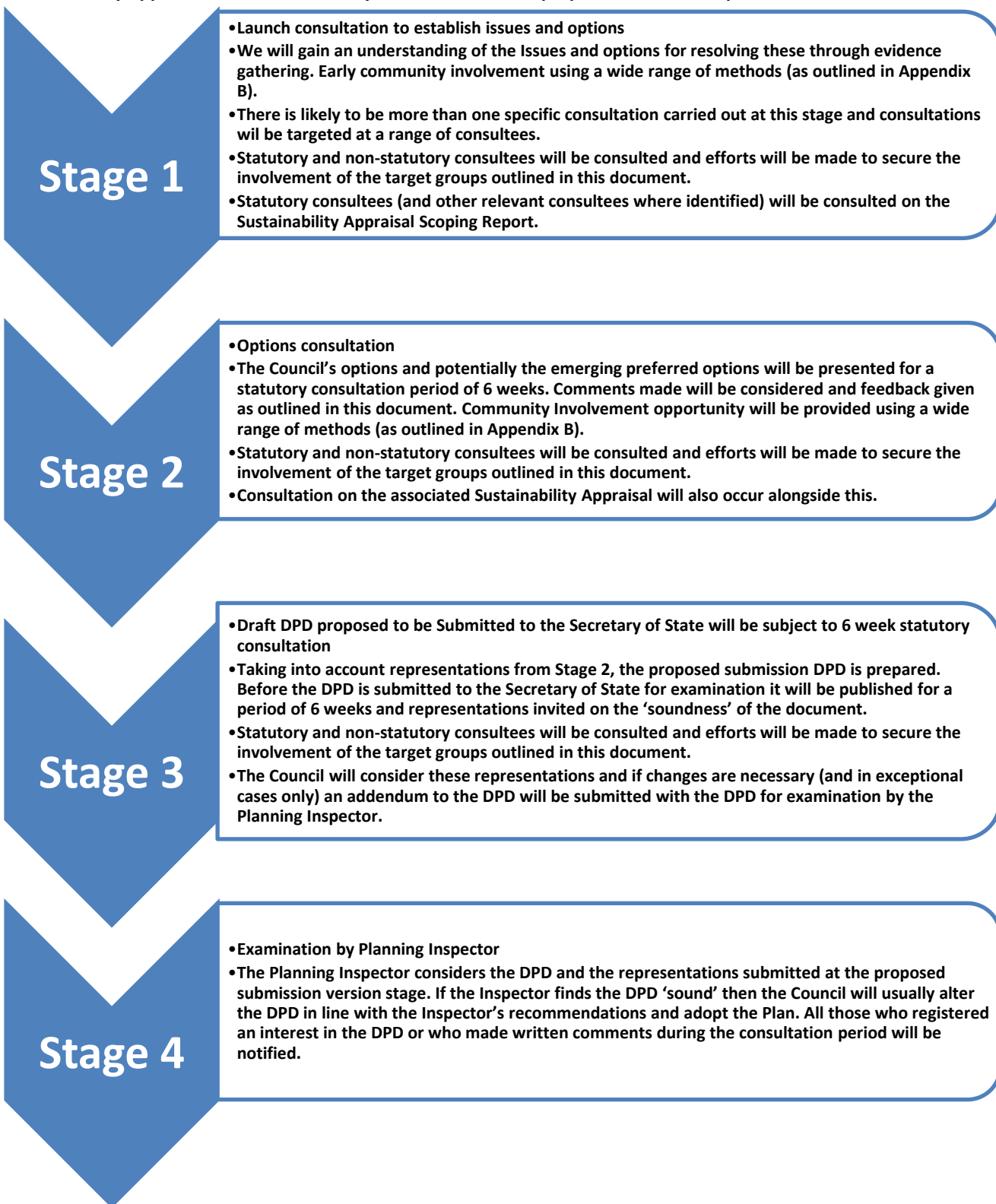
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<sup>1</sup> The minimum requirements set out in Town and Country Planning (Local Planning) England Regulations 2012 Part 6. Sections 18-22 relate to consultation on Local Plans. Minimum requirements for SPDs in the Town and Country Planning (Local Planning) (England) Regulations 2012 are Part 5 11-14.

people at the early stages of preparing planning documents, where there is greatest opportunity to influence policies and strategies.

Figures 4 & 5 set out the key stages in the preparation of the various planning documents and how we will engage residents and interested parties.

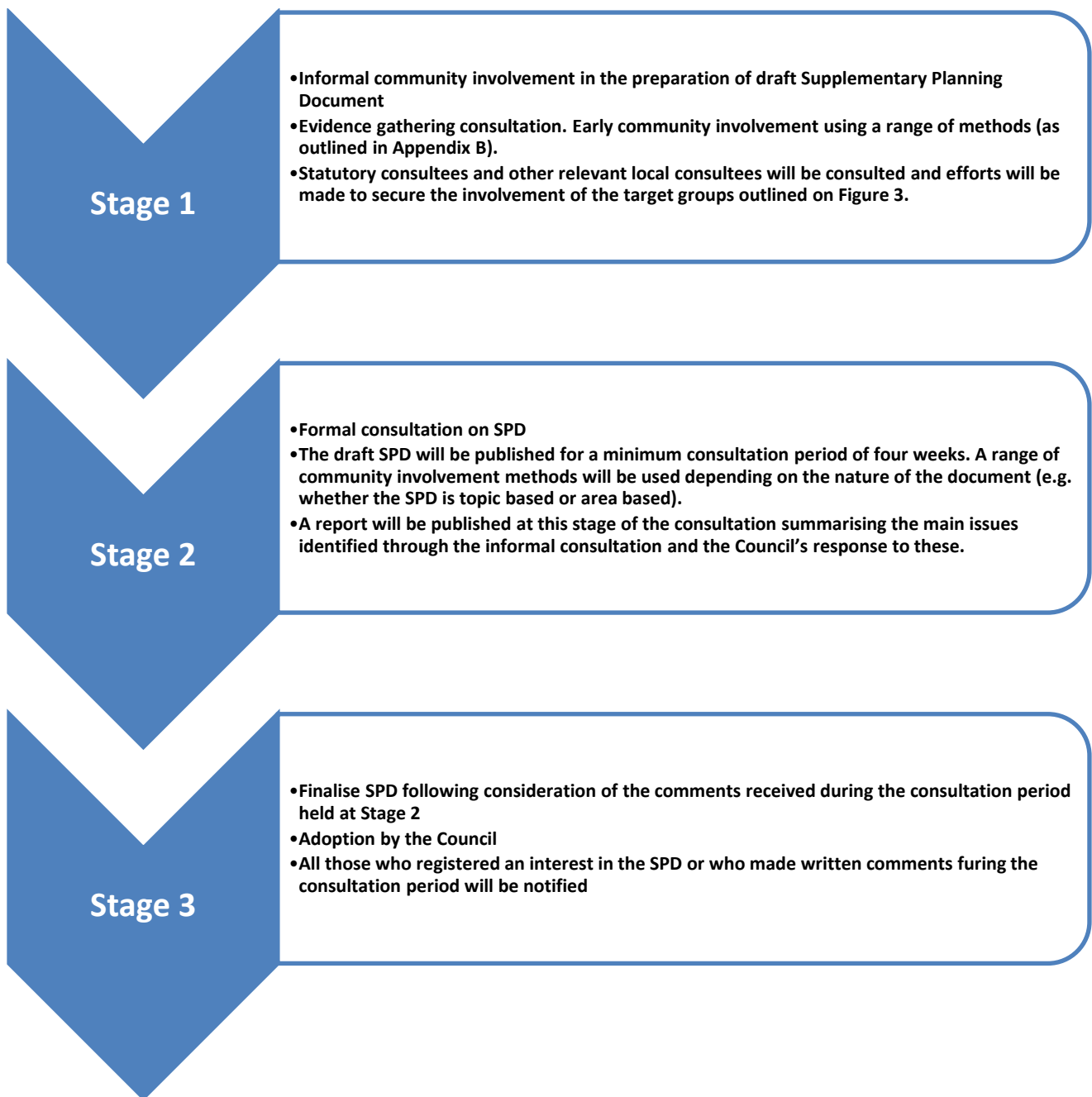
FIGURE 4: Key opportunities for community involvement in the preparation of Development Plan Documents\*



**\*The minimum requirements for consultation are set out in the Town and Country Planning (Local Planning) England Regulations 2012 Part 6. Sections 18-22 relate to consultation on local plans.**



**FIGURE 5: Key opportunities for community involvement in the preparation of Supplementary Planning Documents\***



\*The minimum legal consultation requirements for SPDs in the Town and Country Planning (Local Planning) (England) Regulations 2012 Part 5 11-14.

## **What will happen to your views and comments**

When undertaking community involvement on planning issues it is crucial that the purpose and parameters of particular consultations are clear. We are aware of the importance of providing feedback and the need to show the community how their views have been taken into account.

Anyone can comment on consultations on Local Development Documents; however we cannot accept confidential or anonymous comments and your name (but not any other details) will be published alongside the comments. For more information on what Planning does with personal information please [see the Council's privacy policy](#) and [the Planning specific privacy policy](#).

Following the end of consultation period comments submitted will be made publicly available, if appropriate.

A **consultation report**, for each key stage in the preparation local policy document will also be produced, which sets out who was consulted, how they were consulted, a summary of the main issues raised in comments received and how these have been addressed. The consultation report will also incorporate a Statement of compliance with the SCI. These reports will be made available on our website.

The Council is committed to providing an equal service for the whole community of the District and use the process of Equality Impact Assessments (EqIA's) to ensure this happens.

The EqIA will be updated as the plan-making process moves forward. It will sit alongside other key documents that support the Local Plan including the Sustainability Appraisal (incorporating the requirement for Strategic Environmental Assessment), Habitat Regulations Assessment and the Health Impact Assessment, as well as a refreshed/updated evidence base.

## 5. Neighbourhood Planning

### What is Neighbourhood Planning?

Neighbourhood planning allows people to come together as a community through a local Parish/Town Council or Forum to prepare a Neighbourhood Development Plan, a Neighbourhood Development Order or Community Right to Build Order.

Neighbourhood Development Plans can be very simple or go into considerable detail. Local communities would, by creating a Neighbourhood Development Order, be able to give full or outline planning permission in areas where they most want to see new homes and businesses. Neighbourhood planning requires support from the Council.

The Neighbourhood Planning (General) Regulations 2012<sup>2</sup> set out the requirements for publicity and consultation in relation to the production of Neighbourhood Plans and Orders.

### Community involvement in Neighbourhood Planning

While a community is developing their draft Neighbourhood Development Plan, the qualifying body is responsible for engaging with the community, usually through a steering group made up of community volunteers who work together to produce the plan. If you live or work within a neighbourhood plan area, you can get involved and influence the content of the plan. **Figure 6** sets out the key stages in the preparation of a Neighbourhood Development Plan or Order and who is responsible for the community involvement.

### How we support Neighbourhood Planning

The council actively supports neighbourhood planning and has a statutory duty to provide advice and assistance to town and parish councils and other designated Neighbourhood Forums as they prepare neighbourhood plans. Support to groups preparing Neighbourhood Plans includes:

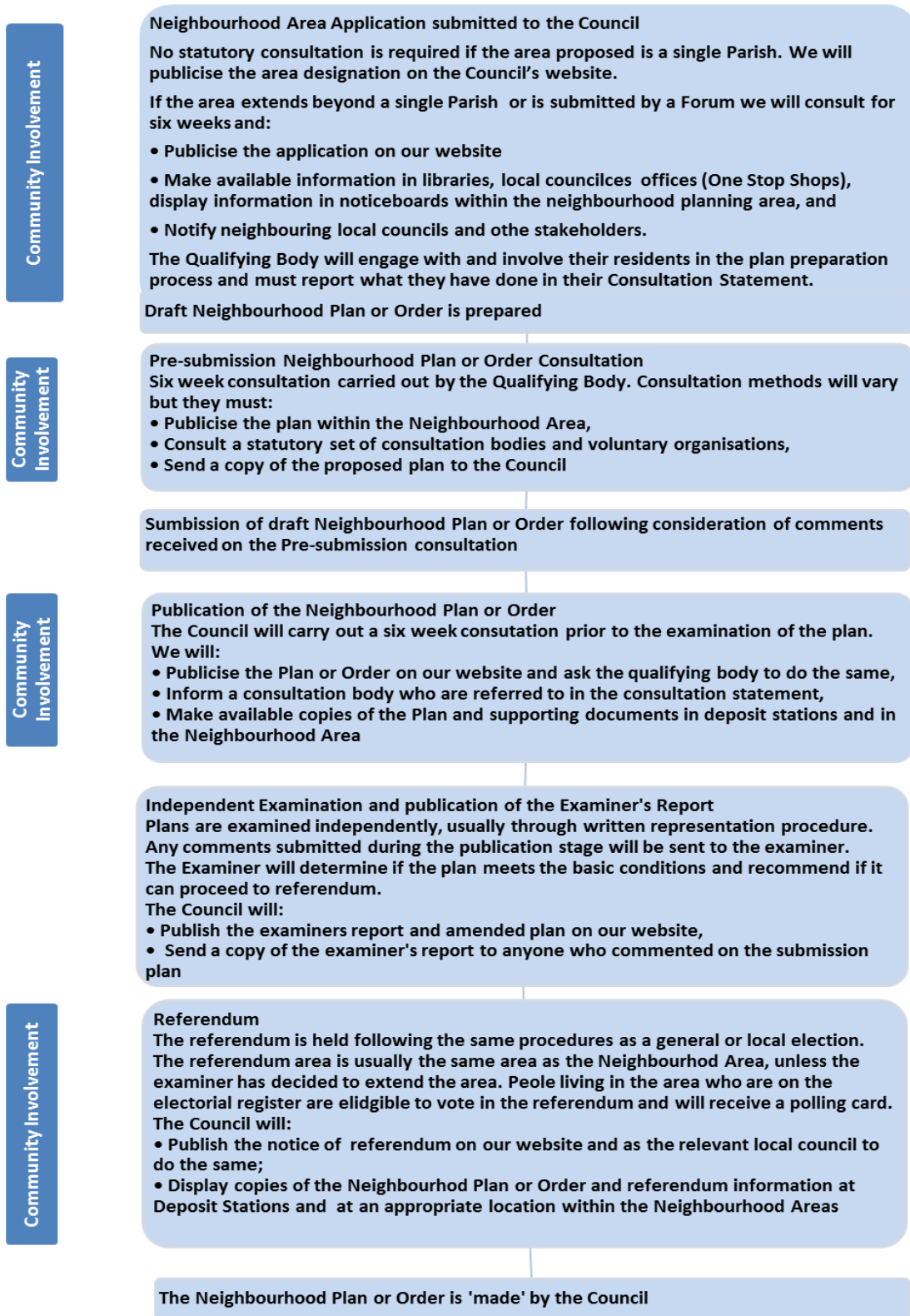
- Attend an initial meeting with the town or parish council to discuss the process for preparing a neighbourhood plan or order
- Attend Steering Group meetings where the council's specific input is required and requested
- Make relevant elements of the Local Plan evidence base available
- Provide comments on emerging neighbourhood plan policies, or draft orders; and
- Provide advice on who to consult in relation to Neighbourhood Plans and additional requirements for Neighbourhood Development Orders
- Information on planning designations and planning policies
- Guidance in designing community consultation activities on planning issues
- Online mapping and geographical information is available to Parishes and Neighbourhood Planning Groups

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<sup>2</sup> <http://www.legislation.gov.uk/uksi/2012/637/contents/made>

Please give ample notice for us to respond to your requests in the most helpful way.

In addition to the support offered above, we will carry out the necessary steps in the formal process of developing and eventually adopting the Neighbourhood Plan (see **Figure 6** below).



**FIGURE 6:** key stages in the preparation of a Neighbourhood Development Plan or Order and who is responsible for the community involvement

## Updating a Neighbourhood Plan

Whilst Local Plans have to be reviewed every 5 years to remain up to date, there is no statutory requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, less effective or need to respond to a change in circumstances.

There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or the permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

Requirements for the Neighbourhood Planning Group to carry out consultation and the need for an examination or referendum will depend on the type of modification being proposed. The council will be able to advise on the scope of the review and the requirements for the Neighbourhood Plan update. Support, as outlined in the section, above will be provided to groups wishing to carry out an update of their plan.

## 6. Protection of Trees

The importance of our trees is embedded in the Council's policy documents such as the Bath and North East Somerset Placemaking Plan, Core Strategy, Green Infrastructure Strategy, Landscape Character Assessment and the City of Bath World Heritage Site Setting SPD.

Trees in the district are protected if they are growing within a conservation area as designated under the Planning (listed buildings and conservation areas) Act 1990 and can be protected by Tree Preservation Orders (TPO).

Trees can also be protected by virtue of landscape conditions attached to planning consents and, more unusually, by section 106 agreements attached to planning consents. Landscape conditions are not suitable for long term tree protection because they last for a finite period of time, normally 5 years following completion of a development.

### What is a Tree Preservation Order?

It is a legal document made by a local planning authority which in general makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the planning authority's permission.

A Tree Preservation Order is made when trees are considered to be under threat and when an assessment determines that they are important trees.

A tree can be considered under threat for development or when a notification has been received for tree works in a conservation area for instance.

[More information regarding Tree Preservation Orders and Trees in conservation areas can be accessed online.](#)

### What happens once a Tree Preservation Order is made?

Once the TPO is made it is served on the persons interested in the land affected by the order. Parish and Town Councils are also provided copies and a copy is made available for public inspection. People affected by the order can object or make representations. The Council must decide whether the TPO should be confirmed or not within 6 months from the date the order was made. This is likely to be decided by the planning committee if an objection is made.

### How are trees assessed for a Tree Preservation Order?

The Council will assess a tree, groups of trees or woodland to determine whether they are worthy of a TPO using the following criteria:

- visibility to the general public
- overall health, vigour and appearance
- suitability of their location and anticipated future management

Special factors will also be considered such as contribution to the character of a conservation area, World Heritage Site setting or overall green infrastructure; their rarity; their ecological contribution and whether they have historical significance such as in the case of ancient or veteran trees.

Not all trees can be protected by a TPO which may be for a number of reasons such as;

- the trees are unsuitable for their location, for instance they are close to a house and would require regular and significant work as a result.
- the trees have developed significant structural weaknesses or poor shape.
- the trees are not visible to the public and have no other exceptional attributes to support a TPO.

If a tree is protected by either a TPO or conservation area then an application or notification respectively must be sent to the Council for tree surgery or felling unless an exemption applies (please see later for further information).

### **Publicity**

The Council publicises all details provided with Tree Protection Order applications and notifications to undertake work to protected trees in the following ways:

- All applications, notices and accompanying details and documents are recorded on the public planning database and on the Council website. A decision will not be made within 21 days of the registration of an application or notification unless there are exceptional circumstances for doing so.
- Town and Parish Councils are notified of applications and notices within their area.
- Applications and notices are placed on the weekly lists – available to Ward Members and the public.
- Applicants are advised to contact tree owners if the applications or notices relate to neighbouring trees and seek their consent if the work extends beyond the boundary.
- Tree owners will be notified if they are not the applicant.

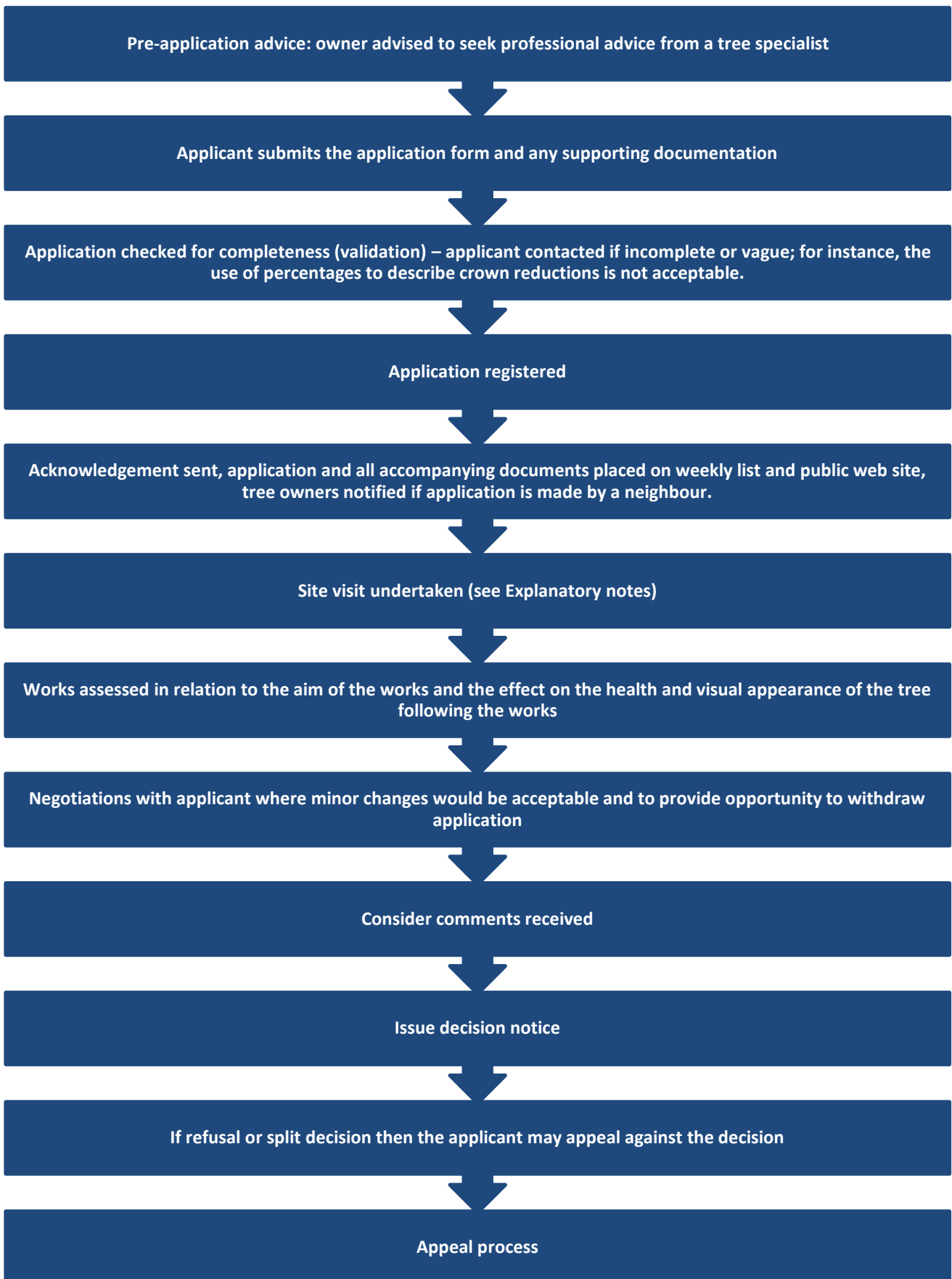
### **Exemptions**

There are instances where work is exempt from the normal tree application or notification process. The Council's permission is not required for cutting down or carrying out work on trees which are dead or have become dangerous. Anyone who proposes to carry out work under this exemption is advised to give 5 working days' notice before carrying out the work, except in an emergency. Anyone who is not sure if their tree falls within this exemption should seek advice from an arboriculturalist since the burden of proof to show that the work was exempt rests with them.

5 day notices are not always publicised.

If insufficient supporting evidence is provided for the work proposed within a 5 day notice then the Council will request an application (in respect of a tree covered by a Tree Preservation Order) or 6 weeks notification (in respect of trees within a conservation area).

**FIGURE 7: How is an application for tree works for trees protected by a Tree Preservation Order decided by the Council?**





**FIGURE 8: How is a tree works notification for trees protected by a conservation area processed?**



## Explanatory notes

**Important** – in terms of biodiversity; historical or cultural (where apparent)

**Highly Visible** – Tree clearly visible to the general public from major vantage points; for instance, main roads or heavily-used footpaths or where the tree is overlooked by many properties.

**Site Visit** - A site visit may reveal that major works, which might not normally be considered to follow best practice, has been proposed and that the work would have a significant impact on the visual amenity or health of a tree which is highly visible to the general public. In these cases, if the Council is unlikely to intervene, for instance because sound supporting information has been provided, then immediate neighbours will be notified by letter or site notice.

## Find out more

### Arboricultural Association

A registered charity which champions the sustainable management of trees for the benefit of Society. It provides help and advice to arborists and tree owners: <https://www.trees.org.uk/>

### Forestry Commission

The government department responsible for protecting, expanding and promoting the sustainable management of woodlands. It administers felling licences and provides information on pests and diseases: <https://www.gov.uk/government/organisations/forestry-commission>

### National Legislation

Government advice explaining the legislation governing Tree Preservation Orders and tree protection in conservation areas can be found at: <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

### Forest Research

Forest Research is the principal organisation for forestry and tree related research: <https://www.forestresearch.gov.uk>

### Ancient Tree Forum

Champions ancient trees and their associated wildlife and heritage : <http://www.ancienttreeforum.co.uk/>

## Appendix A: Consultees

As defined in the Town and Country Planning Regulations (2012) as amended and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

### Specific Consultation Bodies

- The Coal Authority
- Environment Agency
- Historic England
- Highways England
- Home and Communities Agency
- Local Bodies (a relevant authority any part of whose area is in or adjoins the local planning authority's area) including Town & Parish Councils, Avon & Somerset Police, Avon Fire
- Marine Management Organisation
- Natural England
- Network Rail
- NHS Primary Care Trust
- Utilities Providers

### General Consultation Bodies

- Voluntary bodies some or all of whose activities benefit any part of the local planning authority's area
- Bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area
- Bodies which represent the interests of different religious groups in the local planning authority's area
- Bodies which represent the interests of disabled persons in the local planning authority's area
- Bodies which represent the interests of persons carrying on business in the local planning authority's area

## Appendix B: Toolbox of consultation methods

### Consultation

Method	Usefulness/Considerations	Target groups
Local Development Documents available for Public Inspection (Council website, OneStopShops and all public libraries in the district).	Statutory requirement. It should be clear how and when people should respond. All council offices are accessible to people with disabilities and there are members of staff available to assist members of the public and answer queries during office hours. The statutory consultation period should be advertised widely and in good time	Local people – including residents, employees & businesses.
Formal and informal dialogue with statutory consultees (see Appendix A for a list of Statutory Consultees)	Statutory requirement to formally inform statutory consultees of document publication and formal consultation periods.	Statutory consultees
Town & Village meetings and forums	Meetings must be well-organised and need to be chaired effectively. Useful to gain a better understanding of the issues as they are seen from a local perspective and directly engage with local people.	Parish Councils People living in rural area & rural businesses and other organisations.
Public exhibitions and road shows	Prior publicity is required to make this method worthwhile. Exhibitions should be held in accessible locations and may need to be held over a number of days and at different times to ensure that all member of the community can attend. Exhibitions should be part of a wider exhibition or in an area which is frequently used for such purposes. High quality promotional material and display stands are required to make the exhibition eye catching.	Can be used to build the capacity and awareness of local residents or local organisations. Can be tailored to reach the 'target groups we need to engage' that are identified in this SCI.
Meetings & Workshops organised to involve the community	Can be used to identify and gain a fuller understanding of key issues. Efforts must be made to ensure these are well attended, purposeful and organised in good time.	Wide audience. Can be tailored to reach the 'target groups we need to engage' that are identified in this SCI.
Surveys (e.g. e-consultation and questionnaires)	Good method for involving and seeking views of a large number of people.	Wide audience. Can be tailored to reach the 'target groups we need to engage' identified

### Participation

Method	Usefulness/Considerations	Target groups
Workshops	Engages local communities in an interactive and proactive way to identify priorities and help create action plans. This approach can help generate ideas and secure greater ownership of proposals. It is also useful for identifying and discussing controversial issues. Feedback and continuing dialogue necessary. Must be managed and delivered well. Need to build trust and communication to make this successful.  Involves officer involvement and/or external facilitators required. Workshops must have target audience	Can be used to build the capacity and awareness of local residents or local organisations

Steering/ Advisory/ Working groups	Key stakeholders, statutory consultees and elected representatives can be involved in discussing key planning issues. Useful for facilitating discussions on controversial topics or discussing themes. Role of the group should be clear. There should be a transparent approach to member selection	Statutory consultees Non-statutory consultees Elected representatives
Linking with existing community involvement initiatives	Linking into meetings and events organised by existing community groups would also be beneficial. This approach can help avoid consultation fatigue. Low cost as avoids duplication of consultation.	Wide audience.
Discussions with individuals and groups not involved with existing community initiatives (through outreach & prearranged meetings with specific groups e.g. gypsies and travellers, young people in schools and colleges)	Use of personal interaction to overcome barriers to participation can be effective. Although it is difficult to reach large number of people using this method. This method relies on building relationships over the longer-term. Members of the local community should be trained and supported to facilitate dialogue with their own communities. This is useful for building skills and capacity building within communities. The reliance on individuals to carry this method forward can be problematic if they move on. Facilitating members of local communities to play an active role in this can lead to capacity building	Local residents and businesses not represented by any other organisation
Internal Corporate Discussion with elected representatives	Ensures effective participation of elected representative and cross-council officer involvement. Encourages integrated working and provides a system to feedback to constituents and council employees. The role of councillors within these discussions is crucial. They are often the first to hear of local concerns, and they need to be aware of key policies and initiatives. The Planning Policy team will contact Ward Councillors directly when developing Local Development Documents to keep them informed of progress. We will also signpost aspects of the policies which will directly impact on their Ward (e.g. area specific allocations).	Elected representatives
Collaborative Projects	Work with local community groups and amenity groups to bring forward linked or joint projects	Voluntary and Community groups within B&NES.
Informal dialogue with local consultees	Dialogue with relevant local groups can bring clarity over proposals, and a useful third party perspective and source of local information	Voluntary and Community; Lobby & Pressure Groups; Neighbourhood and Residents' Groups; Sports, Activity and Social Societies.