



Tuesday 30 November 2021

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CABINET MEMBER FOR DEVELOPMENT MANAGEMENT AND LICENSING - DECISION MAKING MEETINGS

A meeting of the Cabinet Member for Development Management and Licensing - Decision Making meetings will be held virtually on **Wednesday, 8 December 2021 at 10.00 am.**

Rob Weaver
Chief Executive

To: Members of the Cabinet Member for Development Management and Licensing -
Decision Making meetings
(Councillor Juliet Layton)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Administrator know prior to the date of the meeting.

AGENDA

I. **Neighbourhood Planning: Decision to Make the South Cerney Neighbourhood Development Plan (Pages 3 - 6)**

This report recommends that the Cabinet Member for Development Management and Licensing considers the referendum result for South Cerney, and should it have received more than 50% of votes cast in its favour, agrees to make the plan.

Reporting Officer: Joseph Walker (01285 623146)

DATE OF DECISION: NO EARLIER THAN WEDNESDAY 8 DECEMBER 2021

DEADLINE FOR COMMENTS: NOON ON TUESDAY 7 DECEMBER 2021

Note: Any Member who wishes to comment on an item is requested to send those comments (preferably by e-mail) to the Reporting Officer, copied to Democratic Services, by the deadline identified.

Any comments received will be reported to the Decision-Maker prior to the decision(s) being taken.

(END)

Agenda Item 1



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET MEMBER FOR DEVELOPMENT MANAGEMENT AND LICENSING DECISION MAKING MEETING - 08 DECEMBER 2021
Report Number	AGENDA ITEM 01
Subject	NEIGHBOURHOOD PLANNING: DECISION TO MAKE THE SOUTH CERNEY NEIGHBOURHOOD DEVELOPMENT PLAN
Wards affected	South Cerney Village, Siddington and Cerney Rural
Accountable member	Cllr Juliet Layton, Cabinet Member for Development Management and Licensing Email: juliet.layton@cotswold.gov.uk
Accountable officer	Joseph Walker, Community Partnerships Officer Email: joseph.walker@cotswold.gov.uk
Summary/Purpose	To consider the result of the referendum held on the 2nd December, and subject to the results, to formally 'make' the Neighbourhood Plan.
Annexes	To be tabled - Declaration of Results: South Cerney Neighbourhood Plan Referendum
Recommendation(s)	<i>That the Cabinet Member for Development Management and Licensing considers the referendum result for South Cerney, and should it have received more than 50% of votes cast in its favour, agrees to make the plan;</i>
Corporate priorities	<ul style="list-style-type: none"> ● Presenting a local plan that's green to the core ● Helping residents and communities access the support they need for good health and wellbeing
Key Decision	NO
Exempt	NO
Consultees/ Consultation	None specifically for this decision. The plan is the product of extensive consultation through a number of informal and statutory stages, and has been subjected to independent examination by a suitably qualified person.



1. BACKGROUND

- 1.1** South Cerney Neighbourhood Plan was put forward to Referendum on 2nd December. If a Referendum results in more than 50% of the turnout voting in favour of the proposal the Local Planning Authority (LPA) must make the Plan as soon as reasonably practical unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention Rights. For clarification, the term 'make' is the legal term introduced in the Localism Act 2011 for NDPs to enter into force, equivalent to the term 'adopt'. This decision was delegated to the Cabinet Member with responsibility for Neighbourhood Planning on 17th December 2016.

2. MAIN POINTS

- 2.1** South Cerney Parish Council (SCPC) applied to this Council to designate a Neighbourhood Area in early 2016. The Neighbourhood Area applied for, and subsequently approved, was the entirety of South Cerney Parish. Since that point, a Steering Group consisting of local residents and consultancy support has consulted locally, reviewed and developed a local evidence base, and drafted a Plan, the South Cerney Neighbourhood Development Plan (SCNDP). This Plan was duly consulted upon in late 2020 (Regulation 14 pre-submission consultation) – a consultation to which this Council responded – and representations were considered in preparing a submission draft.
- 2.2** Following the submission of this draft to the Council, Regulation 16 consultation was launched in May 2021, closing on 2 July 2021. The Plan was then put through an independent examination, carried out by Mr Andrew Mead. At a decision on 12th October 2021 the Council accepted his modifications and recommendation that the Plan proceed to Referendum. This decision, the examiner's report and the Neighbourhood Plan documents are published on the Council's website, as the 'specified documents' supporting the Referendum process.
- 2.3** The Referendum question asked, in accordance with the Neighbourhood Planning (Referendums) Regulations 2012, was:
Do you want Cotswold District Council to use the Neighbourhood Plan for [South Cerney] to help it decide planning applications in the neighbourhood area?
- 2.4** This paper was drafted prior to the referendum results being known, and thus will only require decision should the results be in favour. The requirement is for a simple majority – over 50% of ballots cast in favour of a plan. The actual result will be shared at the decision meeting.



- 2.5** There has been no suggestion that this Plan breaches, or is otherwise incompatible with, any EU obligation or any of the Convention Rights, the only grounds for the Council not to proceed to making the Plan after a public endorsement through Referendum.
- 2.6** In recognition of the mandate given to Neighbourhood Plans through the Referendum process, the Council has chosen to expedite this decision. By law, the Council has up to 8 weeks to make an NDP after referendum. The Neighbourhood Planning Act 2017, section 3 makes it clear that post Referendum, Neighbourhood Plans have full force. This means that at the time of this decision the Plan already has full weight in planning terms, but requires the decision of the Local Planning Authority for it to be formally 'made'. However, as a decision not to make a Plan is theoretically possible, proceeding swiftly to a decision increases certainty of the Plan's status and gives assurance to the Parish Council that has prepared the Plan. Moreover, it will ensure that the Parish Council qualifies for the increased Neighbourhood share of the Community Infrastructure Levy, which increases from 15% (capped at £100 per dwelling) to a full 25%.

3. CONCLUSIONS

- 3.1** Subject to a mandate being given to the Plan through Referendum, the officer recommendation is that the Plan should be made.

4. FINANCIAL IMPLICATIONS

- 4.1** This section must be completed by the finance team

Comment from previous reports at this stage: *None*

5. LEGAL IMPLICATIONS

- 5.1** Any legal implications are set out in the body of this Report. The Report is necessarily set out in contingent terms given that the outcome of the Referendum is unknown at the point of publication.

6. RISK ASSESSMENT

- 6.1** This decision is the final stage in a statutory process and a decision that must be made. To mitigate the risk that there is challenge to the Council's decision, the Council has participated fully in this process to ensure that the presented Plan and the preparatory process is technically and legally robust.



7. EQUALITIES IMPACT

7.1 Not required for this decision.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

8.1 The neighbourhood plan was tested against the Basic Conditions at examination, which, amongst other considerations, considers whether the plan has environmental implications, and if so, how these have been taken into account. The South Cerney Plan was assessed as having limited implications - but it is worth noting that its policies and supporting text seek to encourage climate and ecology positive development, and to protect identified natural assets.

9. ALTERNATIVE OPTIONS

9.1 None for this decision.

10. BACKGROUND PAPERS

10.1 None.

(END)