



19 September 2023

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## **CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING**

A meeting of the Cabinet Member for Planning and Regulatory Services Decision Meeting will be held at Council Chamber - Trinity Road on **Wednesday, 27 September 2023 at 1.00 pm.**

Rob Weaver  
Chief Executive

To: Members of the Cabinet Member for Planning and Regulatory Services Decision Meeting  
(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

1. **Protocol for Decision Meetings (Pages 5 - 6)**  
The protocol sets out the process for how Individual Cabinet Member Decisions are taken.
2. **Declarations of Interest**  
To note any declarations of interest from the Cabinet Member or Officers present.
3. **Neighbourhood Planning: Representation to the Regulation 16 consultation on the Down Ampney Neighbourhood Development Plan (Pages 7 - 14)**

## Purpose

To agree a representation from the Council to the Regulation 16 consultation on the Down Ampney Neighbourhood Development Plan.

## Recommendations

That the Cabinet Member considers the draft representation, and subject to any amendments, agrees it for submission to inform the review by the Independent Examiner.

Reporting Officer: Joseph Walker ([joseph.walker@cotswold.gov.uk](mailto:joseph.walker@cotswold.gov.uk))

DATE OF DECISION: NO EARLIER THAN 27 SEPTEMBER 2023

DEADLINE FOR COMMENTS: NOON ON 26 SEPTEMBER 2023

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.

4. **Habitats Regulations: Suitable Alternative Natural Greenspace Spending 2023 (Pages 15 - 18)**  
Purpose  
For the Cabinet Member to review officer recommendations on external bids for funding from the *Suitable Alternative Natural Greenspace* (Cotswold Beechwoods SAC) funds held by the Council

Recommendation

That the Cabinet Member agrees to;

- 1) Approve the bid as recommended by Officers

Reporting Officer: Jasper Lamoon ([jasper.lamoon@cotswold.gov.uk](mailto:jasper.lamoon@cotswold.gov.uk))

DATE OF DECISION: NO EARLIER THAN 27 SEPTEMBER 2023

DEADLINE FOR COMMENTS: NOON ON 26 SEPTEMBER 2023

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)

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## Cabinet Member Decision Meeting Protocol

### **Prior to the decision date**

Agenda and report to be published 5 clear working days prior to the decision specifying the time and place and the name of the Cabinet Member.

Agenda to include declarations of interest

Cabinet Member decisions will be included on the Cabinet Work Plan for completeness where time allows.

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 1 working day before the meeting takes place

### **Decision Making Proceedings**

#### **1. Cabinet Member introduction**

Welcome to the public and introducing participants

Confirmation of comments received by the officer or by Democratic Services (if any have been received)

#### **2. Officer overview of the report**

Officer to provide a short verbal summary of the report with key details relating to the decision

Providing any updates that need to be considered by the Cabinet Member when taking the decision.

#### **3. Public Questions**

The Cabinet Member may invite public contributions or representations verbally at the meeting from members of the public present. Questions must relate directly to the decision. If a question is asked which in the view of the Cabinet Member is not relevant to the decision the member of the public will be advised where to direct their question.

#### **4. Cabinet Member Questions**

Cabinet Member to ask for any clarifications regarding the report and the decision which is required, including any alternative options which might be considered.

#### **5. Decision**

The Cabinet Member will verbally confirm the decision stating whether they accept the recommendations of the officer, whether they decide to take a different decision contrary to the officer's recommendation, or whether to refer the decision to a meeting of Cabinet.

The Cabinet Member then must inform the Democratic Services officer present of the reason for the decision which will be formally recorded on the decision notice.

**Meeting is then closed and webcasting is shut off**

### **After the meeting**

A draft decision notice is sent by Democratic Services to the Overview and Scrutiny Committee to allow 5 clear working days for 'call-in' of the decision.

If the decision is not called-in to the next Overview and Scrutiny Committee, the decision is then implemented on the next working day.

If the decision is called-in it will be referred to the next meeting of the relevant Overview and Scrutiny Committee.

# Agenda Item 3



**COTSWOLD**  
DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING – 27 SEPTEMBER 2023</b>
Subject	<b>NEIGHBOURHOOD PLANNING: REPRESENTATION TO THE REGULATION 16 CONSULTATION ON THE DOWN AMPNEY NEIGHBOURHOOD DEVELOPMENT PLAN</b>
Wards affected	The Ampneys and Hampton
Accountable member	Juliet Layton, Cabinet Member for Planning and Regulatory Services Email: <a href="mailto:juliet.layton@cotswold.gov.uk">juliet.layton@cotswold.gov.uk</a>
Accountable officer	Charlie Jackson, Assistant Director, Planning and Sustainability Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Report author	Joseph Walker, Community Partnerships Officer Email: <a href="mailto:joseph.walker@cotswold.gov.uk">joseph.walker@cotswold.gov.uk</a>
Summary/Purpose	To agree a representation from the Council to the Regulation 16 consultation on the Down Ampney Neighbourhood Development Plan.
Annexes	Annex A: Down Ampney Neighbourhood Plan A1: Down Ampney Neighbourhood Plan Regulation 16 Draft A2: Appendices A3: Annexes A4: Design Code A5: Basic Conditions Statement A6: Consultation Statement A7: Strategic Environmental Assessment and Habitat Regulations Assessment Screening Annex B: Cotswold District Council Draft Representation
Recommendation(s)	That the Cabinet member considers the draft representation, and subject to any amendments, agrees it for submission to inform the review by the Independent Examiner.
Corporate priorities	<ul style="list-style-type: none"> <li>• Respond to the climate crisis</li> <li>• Make our local plan green to the core</li> <li>• Support health and wellbeing</li> <li>• Enable a vibrant economy</li> </ul>



Key Decision	NO
Exempt	NO
Consultees/ Consultation	<p>The plan has been consulted on by the Parish Council, and is currently subject to a consultation carried out by this Council. Local residents, businesses and a range of statutory and non-statutory organisations have been informed of the consultation. It should be noted that the consultation does not present an opportunity to add to or alter the plan directly – but is instead an opportunity for consultees to raise concerns with the examiner to inform the decision on whether the submitted plan meets the Basic Conditions – the legal requirements for a Neighbourhood Development Plan to proceed to referendum.</p>





## **1. EXECUTIVE SUMMARY**

- 1.1 This report outlines the progress to date with the Down Ampney Neighbourhood Development Plan, attached at Annex A, and the rationale for submitting a representation, the draft of which is attached at Annex B.

## **2. BACKGROUND**

- 2.1 Down Ampney Parish Council (DAPC) applied to this Council in late 2018 to designate a Neighbourhood Area. The area applied for, and subsequently approved, was the entirety of the civil parish. Since then, a steering group of local residents, with support from expert consultants, has prepared the Down Ampney Neighbourhood Development Plan (DANDP). The Plan was duly consulted upon in Spring 2023 – a consultation to which this Council responded – and representations have been considered in preparing a submission draft, recently received by this Council. This is attached at Annex A, along with supporting information and additional evidence, in line with procedural requirements. Following the submission of this draft to the Council, ‘the Regulation 16’ consultation was launched on 25 August 2023, closing on 6 October 2023.

## **3. MAIN POINTS**

- 3.1 This consultation gives Cotswold District Council a further opportunity to seek to influence the content of the DANDP. Should a neighbourhood plan proceed through examination, and subsequent referendum, and be made by this Council, it will become part of the Local Development Framework through which planning applications are determined. As the Local Planning Authority making those determinations, it is in the Council’s interests to ensure that so far as possible, neighbourhood plans meet the necessary legal standards and provide a useful framework for decision-making.
- 3.2 The representation attached at Annex B has been prepared and reviewed by a number of officers who have an involvement within Development Management, Planning Policy and Neighbourhood Planning. Through informal discussions with members of the DANDP steering group, and through the Council’s representation to the Regulation 14 consultation, the Council has had earlier opportunity to share its perspective on the policies proposed by the DANDP. This consultation provides an opportunity to update that view in light on the most recent edits, and share with the independent examiner, to inform their judgement on whether the plan should proceed to referendum, and if so, with what modifications.

## **4. ALTERNATIVE OPTIONS**

- 4.1 The Council could choose not to provide a representation. However, this would be unusual, and contrary to established practice in Cotswold District. To do so would take away the opportunity to share with the Independent examiner the points proposed in Annex B. In all likelihood, not sharing a view on the submitted plan would lead the examiner to issue clarification questions seeking to understand the Council’s position.



## **5. CONCLUSIONS**

- 5.1 The draft representation at Annex B provides what is in officers' view, a reasonable commentary on the DANDP. Subject to the examiner's review and opinion, amendments as suggested could improve the application of the proposed plan, without significantly impacting on the ambitions of DAPC in promoting this document.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 None – this decision purely concerns the response to the current consultation.

## **7. LEGAL IMPLICATIONS**

- 7.1 None – this decision purely concerns the response to the current consultation, and informs the independent examiner's review of the submitted DANDP

## **8. RISK ASSESSMENT**

- 8.1 This is a low risk decision, but mitigates the risk of the DANDP being examined without the Council's concerns being taken into account.

## **8. EQUALITIES IMPACT**

- 8.1 Not required for this decision.

## **9 CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 9.1 None directly for this decision, as it is purely a consultation response. The DANDP encourages high quality design, and expects development proposals to demonstrate minimisation and mitigation of climate change impacts. Furthermore, it supports the protection and enhancement of green infrastructure.

## **10 BACKGROUND PAPERS**

- 10.1 None. (END)

## **Down Ampney Regulation 14 draft: CDC Officer Comment.**

**August 2023**

Please find below comments from **Cotswold District Council** (CDC) on the Down Ampney Neighbourhood Plan (NDP).

CDC acknowledges the work that has been put in by the authors of this NDP and commends them for their efforts, and commitment to full consultation.

The Council hopes that the following comments, observations and suggested amendments will assist the Independent examiner's review of this plan. In general these have been written to try to identify either points which in officers' opinion may not meet the Basic Conditions against which the NDP will be assessed, or where the wording used may be open to interpretation during the development management process.

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### **Chapter 4 Landscape**

**p.22 Policy LP2.** The final sentence in this policy adds a new dimension to the assessment of a development proposal affecting the Local Green Space, and so may not be consistent with the NPPF. We would welcome simpler wording.

### **Chapter 5 Infrastructure – Roads, Transport, and Drainage**

We support and welcome policies IP1 and IP2 to form part of the local development framework.

### **Chapter 6 Infrastructure: Community and Leisure**

#### **CP1 Protection of Existing Community Facilities.**

We welcome a policy that identifies valuable community assets.

It could be helpful if the Reasoned Justification directs the reader towards 'INF2 of the Local Plan, or successor policies' to accommodate any future edits of the Local Plan.

The Church and school are grade I and II listed, respectively, and their specific functions properly confer a degree of protection of use besides. We wonder therefore whether this policy goes as far as existing constraints in protecting the community interest, but we have no objection in principle.

### **Chapter 7 Economy and Employment, and Tourism**

This section contains no proposed policies, but instead provides local context and a reassurance that the Neighbourhood Plan has developed from a holistic review of local evidence.

## Chapter 8 Residential Housing and Non-Residential Building Design

### p.50, section 8.4, Density.

The calculation of current density does not follow the industry norm, so suggests a lower current density than is the case following an established methodology (the calculation appears to be a 'gross' figure for the settlement, including roads, etc, whereas the industry norm, and the figure that would need to be used on a development site is 'net'). Using this miscalculated figure as an aspiration for the future is flawed, and does not accord with national guidance on best use of land.

In addition to this, we note that the 12.5 dwelling per hectare density is calculated on the basis of the *"current number of houses plus the 44 houses planned for at Broadway Farm divided by the Local Plan defined settlement area."*

The Local Plan Development Boundary incorporates the land allocated for development in the Local Plan. However, the calculation does not factor in the number of dwellings that can reasonably be accommodated on these sites. In particular, [CDC's Housing Land Supply Report \(Appendix 1\)](#) confirms that the site allocations in Down Ampney continue to be developable and provides to the indicative capacities based on the most recent data available:

- DA\_2 Dukes Field (**10 dwellings net**) - a planning application for 10 dwellings is awaiting a decision (ref: 22/03992/FUL)
- DA\_5A Buildings at Rooktree Farm (**9 dwellings net**) - planning permission has now been granted for 9 dwellings
- DA\_8 Land adjacent to Broadleaze (**15 dwellings net**)

The capacity of these sites should be factored into the calculation.

The calculation also incorporates one site with planning permission (Broadway Farm). However, it excludes one further site with planning permission within the Development Boundary, which should be included for consistency (The yard, Rear of The Brambles, ref: 19/03065/FUL).

For clarity, it would also be useful for the text to specify the number of dwellings in the village and the size of the land in hectares that the calculation uses.

### HP1: Village Character and Housing Density

The Council advises that this policy should be amended. The policy is currently unlikely to be in general conformity with national policy nor the local plan. Local Plan Policy DS1 identifies Down Ampney as a Principal Settlement. The village is a location where the Local Plan supports the principle of development (Policy DS2). This includes windfall developments inside the Development Boundary, which are a vital component of the Local Plan housing land supply.

Policy HP1 is far too prescriptive and tries to address an issue normally seen in the reverse within metropolitan authorities that seek to ensure a minimum density is achieved on sites. As drafted it would mean the allocated sites in the village will undershoot on the expected numbers of dwellings, which would lead to undersupply or further allocations. It is also overly constraining on windfall developments.

The Local Plan already does the job that this policy is trying to achieve, in particular, Local Plan Policies EN1 and EN2. In addition, developments should respond positively to their surroundings. Setting a maximum density risks opportunities being missed to do so.

There are also likely to be unintended consequences of this policy. For example, it is likely to promote large houses over smaller houses; it will affect the delivery of affordable housing in the district (a strategic policy); and overall site viability.

The proposed policy is also likely to promote unsustainable forms / densities of development in the district and runs contrary to the Council's transport decarbonisation strategies, which seek to ensure suitable or higher density and use of land in settlements to promote self sufficiency and the viability of services. National policy requires optimal use of land, the art is in the planning balance of various policies and material considerations ensuring densities protect and enhance the character of the area.

The supporting text comments, *"If more houses are required for the village, these inevitably will be outside the Local Plan defined settlement boundary [Note: any references to Settlement Boundary should be changed to Development Boundary for consistency with the terminology used in Local Plan Policy DS2]. New development should, therefore, keep the housing density to no more than the current average level of 12.5 dwellings per hectare. This is not to disallow a few small developments of terraced houses of the type shown in Figure 8.4."*

If any homes are permitted inside the development boundary, it would increase the average density of the village above 12.5 dph. The 12.5 dph limit is therefore somewhat illogical.

The NDP consultation document correctly identifies that NPPF (2021) paragraph 124 (Achieving Appropriate Densities) states that "Planning policies and decisions should support development that makes efficient use of land". Development sites in Cotswold District are difficult to find and, where there are sites available, particularly outside the Cotswolds AONB, it is really important that the development supports an efficient use of land. We cannot see how a 12.5 dph density achieves this. For context, the calculation of the indicative capacity of Local Plan site allocations of up to 0.5 hectares is 30 dph.

The response to Question 10 of the consultation document also indicates *"very strong or strong support for "a range of small-scale developments (4 - 9 units) at 66%, and 61% for "one or two dwellings, filling gaps between houses in existing built-up areas". There was less than 10% support for developments larger than 9 units, and less support for developments concentrated in one area of the village."* This would suggest there is support for increasing the housing density within the Down Ampney Development Boundary above an average of 12.5 dph.

**HP2 House Types:** The wording of the policy does not provide sufficient certainty. The guidance of 'some 60%', coupled with a gentle exhortation to provide bungalows, means that the policy provides some direction, but lacks clarity on the circumstances where these expectations might not apply.

Inevitably, developers will seek to meet their smaller property quota through the affordable dwellings. It therefore risks underserving evidenced local need - as it increases the risk that the affordable portion of a development doesn't provide family sized affordable dwellings. It should be noted that policy HP1, as drafted above, is likely to make the delivery of this policy difficult.

### **HP3: Design of New Development in Down Ampney**

We have some doubt over whether the final section of the policy really works - how would it be used at the application stage? Would all the usual details that are dealt with by condition (e.g. landscape scheme) to form part of the initial application submission? We endorse the position of not diluting the quality of development as the planning process progresses, noting that para 135 in the NPPF seeks to address this.

#### **Design Guide**

We note that the Cotswold Design Code will be extensively updated and extended as part of the partial review of the Local Plan.

2.3.1 A more detailed analysis of the landscape in that area can be found in the CWP integrated landscape character assessment - <https://www.cotswold.gov.uk/planning-and-building/landscape/landscape-character/>

2.3.1 It should be noted that the Zone of Influence for North Meadow has been reviewed. There are now two Zols for North Meadow, an Inner zone 0 – 4.2km from the SAC and an Outer zone 4.2 – 9.4km from the SAC. Down Ampney Village, and virtually the entirety of the parish sit within the Inner Zone. See [Habitats regulations assessment - Cotswold District Council](#).

p.26 Under built form - it states "The historic estates vary in building height..." It would be helpful to clarify whether this means 'housing estates', as the term could equally be read as a reference to grander houses and their grounds. We're unsure of the intention behind the HE website reference.

We welcome the encouragement this guide provides on sustainable design, and the well-sourced detail on the existing buildings, but we wonder whether the guide could provide more direction on how these can work together. There's some positive mention of biodiversity opportunities, and we note that shortly biodiversity net gain will in fact be mandatory. The checklist is helpful.

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# Agenda Item 4



**COTSWOLD**  
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	Cabinet Member for Planning and Regulatory Services Decision-making Meeting
Subject	HABITATS REGULATIONS: SUITABLE ALTERNATIVE NATURAL GREENSPACE SPENDING 2023
Wards affected	None
Accountable member	Councillor Juliet Layton Cabinet Member for Planning and Regulatory Services Email: <a href="mailto:juliet.layton@cotswold.gov.uk">juliet.layton@cotswold.gov.uk</a>
Accountable officer	Charlie Jackson – Assistant Director Planning and Sustainability Email: <a href="mailto:charlie.jackson@cotswold.gov.uk">charlie.jackson@cotswold.gov.uk</a>
Report authors	Jasper Lamoon – Infrastructure Delivery Lead Email: <a href="mailto:jasper.lamoon@cotswold.gov.uk">jasper.lamoon@cotswold.gov.uk</a> Sophia Price – Heritage and Design Manager Email: <a href="mailto:sophia.price@cotswold.gov.uk">sophia.price@cotswold.gov.uk</a>
Summary/Purpose	For the Cabinet Member to review officer recommendations on external bids for funding from the <i>Suitable Alternative Natural Greenspace</i> (Cotswold Beechwoods SAC) funds held by the Council
Annexes	N/A
Recommendation(s)	<i>That the Cabinet Member agrees to::</i> <i>1. Approve the bid as recommended by Officers</i>
Corporate priorities	<ul style="list-style-type: none"> <li>• Respond to the climate crisis</li> <li>• Make our local plan green to the core</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Officers from different departments (Heritage and Design, Forward Planning and Climate Action) were involved in the assessment of the bids



## 1. EXECUTIVE SUMMARY

- 1.1 From March to May 2023, the Council invited bids from infrastructure providers and other relevant partners to access Suitable Alternative Natural Greenspace (SANG) (Cotswold Beechwoods Special Area of Conservation) funds.
- 1.2 The Council received one bid:
  - from the National Trust to access funds from the CDC Cotswold Beechwoods Special Area of Conservation (SAC) Suitable Alternative Natural Greenspace Fund.
- 1.3 Officers are recommending approval of the bid to the Cotswold Beechwoods SAC SANG fund, as the project will help to deliver the required ecological and recreational mitigation.

## 2. BACKGROUND

- 2.1 From March to May 2023, the Council invited bids from Infrastructure Providers and other relevant partners to access available Suitable Alternative Natural Greenspace (SANG) (Cotswold Beechwoods SAC) funds.
- 2.2 The CDC Cotswold Beechwoods Special Area of Conservation (SAC) Suitable Alternative Natural Greenspace Fund is funded from financial contributions from planning applicants. These contributions are provided in order to deliver the Cotswold Beechwoods SAC Recreation Mitigation Strategy, ensuring that new development does not lead to increased recreational impacts on this internationally important wildlife site. The Fund is aimed at delivering mitigation that will encourage potential users of the SAC to visit other sites and not the SAC itself. Not only will this help prevent impacts on the SAC, but should also benefit biodiversity and local communities by creating new and improving existing greenspaces that will be accessible to all.
- 2.3 The Council received one bid:
  - from the National Trust to access funds from the *CDC Cotswold Beechwoods Special Area of Conservation (SAC) Suitable Alternative Natural Greenspace Fund*.
- 2.4 The bid was assessed by an Officers' panel consisting of Sophia Price (Heritage and Design Manager), James Brain (Forward Planning manager), Chris Crookall-Fallon (Head of Climate Action) and Jasper Lamoon (Infrastructure Delivery Lead).
- 2.5 A scoring matrix was used to assess the bids, this matrix had been made public in advance for transparency.

## 3. Bid – Sherborne Big Nature Better Access

- 3.1 A bid was received from the National Trust for £26,000 from the CDC Cotswold Beechwoods Special Area of Conservation (SAC) Suitable Alternative Natural Greenspace





Fund. The funding would be used to improve tracks and paths around the Sherborne Estate to make them accessible all year round and to everyone; and also to improve cycle infrastructure. These works form a key part of the National Trust's Sherborne Big Nature Better Access Project, which aims to create "a Cotswold landscape for everyone – where nature and people can thrive."

3.2 The accessibility works should encourage visitors (walkers and leisure cyclists) to use the Sherborne Estate rather than the Cotswold Beechwoods SAC and therefore are eligible for funding. Natural England have been consulted and have raised no objections to this use of the mitigation contributions.

3.3 For this reason, **Officers recommend approval of the bid.**

#### 4. CONCLUSIONS

4.1 The National Trust bid will deliver mitigation as set out in the Cotswold Beechwoods SAC mitigation strategy and lead to improved access to nature and the countryside for all.

4.2 Officers will continue to work with potential partners to develop further SANG projects.

#### 5. FINANCIAL IMPLICATIONS

5.1 If the bid is approved, funding of £26,000 will be transferred from the Council's S.I.I.I. Habitat Regulation Assessment earmarked reserve which holds financial contributions from planning applications to deliver the Cotswold Beechwoods SAC Recreation Mitigation Strategy. There will be no impact on the Council's revenue or capital budget.

#### 6. LEGAL IMPLICATIONS

6.1 None other than those identified elsewhere in this report.

#### 7. RISK ASSESSMENT

7.1 If no suitable SANG projects come forward (or the Council does not agree to support suitable projects from the Fund) the Council will not be able to show that potential recreational impacts on the SAC are being mitigated and therefore, under the relevant legislation, planning applications may have to be refused.

(END)

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