



25 September 2024

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CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING

A Cabinet Member for Planning and Regulatory Services Decision Meeting will be held at the Council Chamber - Council Offices, Trinity Road, Cirencester, GL7 1PX on **Thursday, 3 October 2024 at 2.30 pm.**

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. **Declarations of Interest**

To note any declarations of interest by the Cabinet Member or officers present.

2. **Neighbourhood Planning: Decision to make the Stow-on-the-Wold and the Swells Neighbourhood Development Plan (Pages 3 - 8)**

Purpose

To consider the result of the referendum held on the 26 September 2024, in line with statutory duty.

Recommendations

That the Cabinet Member for Planning and Regulatory Services resolves to:

1. Consider the referendum result;
2. Subject to the referendum returning a vote in favour of using the Neighbourhood Plan, make the Plan in line with the Neighbourhood Planning Regulations 2012.

(END)

Agenda Item 2



COTSWOLD
DISTRICT COUNCIL

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| Council name | COTSWOLD DISTRICT COUNCIL |
| Name and date of Committee | CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING |
| Subject | NEIGHBOURHOOD PLANNING: DECISION TO MAKE THE STOW ON THE WOLD AND THE SWELLS NEIGHBOURHOOD DEVELOPMENT PLAN |
| Wards affected | Stow Ward – Stow on the Wold and Swell Parishes directly |
| Accountable member | Cabinet Member for Planning and Regulatory Services, Councillor Juliet Layton Email: Juliet.Layton@Cotswold.gov.uk |
| Accountable officer | Jon Dearing, Interim Executive Director Email: Democratic@Cotswold.gov.uk |
| Report author | Joseph Walker, Community Partnership Officer Email: Joseph.Walker@Cotswold.gov.uk |
| Summary/Purpose | To consider the result of the referendum held on the 26 September 2024, in line with statutory duty. |
| Annexes | Annex A – Stow on the Wold and the Swells Neighbourhood Development Plan Referendum: Declaration of the Result – TO FOLLOW |
| Recommendation(s) | That the Cabinet Member for Planning and Regulatory Services resolves to: <ol style="list-style-type: none">1. Consider the referendum result;2. Subject to the referendum returning a vote in favour of using the Neighbourhood Plan, make the Plan in line with the Neighbourhood Planning Regulations 2012. |
| Corporate priorities | <ul style="list-style-type: none">• Delivering Good Services• Responding to the Climate Emergency |



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|-----------------------------|---|
| | <ul style="list-style-type: none">• Delivering Housing• Supporting Communities• Supporting the Economy |
| Key Decision | NO |
| Exempt | NO |
| Consultees/ Consultation | 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, prior to undergoing public Referendum. |



1. EXECUTIVE SUMMARY

- 1.1 The Stow on the Wold and the Swells Neighbourhood Plan goes to referendum on 26 September 2024. Should this referendum return a vote in favour of using the plan, it immediately gives the Plan full planning weight, but an executive decision of the Council is required to formally determine the status of the Plan. At the time of writing, the referendum result is not known, but the intention is to expedite a decision should there be a vote in favour.

2. BACKGROUND

- 2.1 Stow Town Council (STC) submitted a request for area designation to this Council in 2012, when their parish boundaries were designated as a Neighbourhood Area. In 2015, at the joint request of STC and Swell Parish Council (SPC), this designation was revoked, and a new area encompassing the full extent of both parishes was designated, Stow and the Swells (SSNP). The Neighbourhood Planning Regulations 2012 require that in a multi-parish area, one parish takes on the role of qualifying body, that is, the organisation legally capable of presenting a neighbourhood plan to the Local Planning Authority. STC took on this role. Since then, local residents, and more recently, professional planning consultancy support have been developing the evidence base and draft policies for this Neighbourhood Plan. The Plan was duly consulted upon in early 2023 – a consultation to which this Council responded – and representations were considered in preparing a submission draft.
- 2.2 Following submission to the Council, the ‘Regulation 16’ consultation was launched on 14 November 2023, closing on 5 January 2024. The Independent Examination commenced immediately thereafter. On the 2 April 2024 the Independent Examiner issued his report, recommending that subject to modifications, the Plan should proceed to referendum. On 17 July, the Regulation 18 decision was taken, determining that the Plan should proceed to referendum. The referendum is scheduled for 26 September, after this report was drafted, so the result will be presented at the meeting.

3. MAIN POINTS

- 3.1 The Regulation 18 decision on the SSNDP, agreeing to send the Plan to Referendum, was made on 17 July 2024. That decision, the examiner’s report and the Neighbourhood Plan documents are published on the Council’s website, as are the ‘specified documents’ required to support the Referendum process.
- 3.2 The Referendum question to be asked, in accordance with the Neighbourhood Planning (Referendums) Regulations 2012, is:
‘Do you want Cotswold District Council to use the Neighbourhood Plan for [Stow on the Wold and the Swells] to help it decide planning applications in the neighbourhood area?’



- 3.3** The SSNDP goes forward to Referendum on 26 September 2024. The result of that referendum, once available, will be annexed to this report as Annex A. 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 17 December 2016. If the vote does not return a majority in favour of the Plan being made, the Council is not able to make the Plan.
- 3.4** At the time of writing 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. This point will be updated at the meeting.
- 3.5** By law, the Council has up to 8 weeks to make an NDP after the 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, if the referendum result has been in favour of making the Plan, it 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 local council that has prepared the Plan. Moreover, it will ensure that the Local Council qualifies for the increased Neighbourhood share of the Community Infrastructure Levy (CIL), which increases from 15% (capped at £100 per dwelling) to a full 25%.

4. ALTERNATIVE OPTIONS

- 4.1** As noted above, the Council is expected to make the Plan unless there is a legal justification not to, so there is limited discretion in this matter. Should the referendum not return a vote in favour, the Council cannot make the Plan.

5. FINANCIAL IMPLICATIONS

- 5.1** Should a decision to make the Plan be made, it will increase the share of CIL payable to the neighbourhood area to 25% from a capped 15%, and reduce the share held by CDC by the same amount.



6. LEGAL IMPLICATIONS

- 6.1 Should a decision to make the Plan be resolved, the Neighbourhood Plan will become an adopted part of the Local Development Framework, and the policies within will be used to determine planning applications within the neighbourhood area. Expediting this decision reduces the period between the referendum and the decision, when the Plan has weight but is not yet made.

7. RISK ASSESSMENT

8. 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.

9. EQUALITIES IMPACT

- 9.1 Not required. This decision is a duty on the Council, which is constrained in its decision-making to the considerations in the Neighbourhood Planning Regulations 2012.

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 10.1 Not required. This decision is a duty on the Council, which is constrained in its decision-making to the considerations in the Neighbourhood Planning Regulations 2012.

11. BACKGROUND PAPERS

- 11.1 None.

(END)

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