

 <p>COTSWOLD DISTRICT COUNCIL</p>	<p>COTSWOLD DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>CABINET MEMBER FOR THE PLANNING DEPARTMENT, TOWN AND PARISH COUNCILS, 11 May 2021</p>
<p>Report Number</p>	<p>AGENDA ITEM 2</p>
<p>Subject</p>	<p>NEIGHBOURHOOD PLANNING: DECISION TO MAKE THE NEIGHBOURHOOD DEVELOPMENT PLANS FOR KEMBLE AND EWEN, PRESTON AND SOMERFORD KEYNES AND SHORNCOTE</p>
<p>Wards affected</p>	<p>Kemble, Siddington and Cerney Rural</p>
<p>Accountable member</p>	<p>Councillor Clive Webster, Cabinet Member for the Planning Department, Town and Parish Councils. Tel: 01285 623000 Email: clive.webster@cotswold.gov.uk</p>
<p>Accountable officer</p>	<p>Joseph Walker, Community Partnerships Officer Tel: 01285 623146 Email: joseph.walker@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To consider the results of the three Neighbourhood Plan referendums held on the 6th May, and subject to the results, to formally 'make' the Neighbourhood Plans.</p>
<p>Annexes (to be tabled at the meeting)</p>	<p>Declaration of Results: Kemble and Ewen Neighbourhood Plan Referendum Declaration of Results: Preston Neighbourhood Plan Referendum Declaration of Results: Somerford Keynes and Shorncote Neighbourhood Plan Referendum</p>
<p>Recommendation/s</p>	<p>a) <i>That the Cabinet Member for the Planning Department, Town and Parish Councils considers the referendum result for Kemble and Ewen, and should it have received more than 50% of votes cast in its favour, agrees to make the plan;</i></p> <p>b) <i>That the Cabinet Member for the Planning Department, Town and Parish Councils considers the referendum result for Preston, and should it have received more than 50% of votes cast in its favour, agrees to make the plan;</i></p> <p>c) <i>That the Cabinet Member for the Planning Department, Town and Parish Councils considers the referendum result for Somerford Keynes and Shorncote, and should it have received more than 50% of votes cast in its favour, agrees to make the plan.</i></p>

Corporate priorities	The Council has a duty to support neighbourhood planning. 'Ensure that all services delivered by the Council are delivered to the highest standard.'
Key Decision	No
Exempt	No
Consultees/ Consultation	None specifically for this decision. The three plans are the product of extensive consultation through a number of informal and statutory stages, and have been subjected to independent examination by a suitably qualified person.

1. BACKGROUND

- 1.1. During 2020-21, three Neighbourhood Development Plans (NDPs) have undergone independent examination, and the Council has agreed to take these forward to referendum, at the earliest appropriate date, this being the 6th May. 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 for Neighbourhood Planning on 17th December 2016.

2. MAIN POINTS

- 2.1. Somerford Keynes and Shorncote NDP underwent examination in the Spring/Summer of 2020. The Council made its Regulation 18 decision, when it determined that the Plan should proceed to referendum, on 28th August 2020. Later in 2020, Kemble and Ewen NDP was examined, and the Council made the Regulation 18 Decision on 17th November 2020. Preston was examined earlier this year, with the Regulation 18 decision made on 11th March. These decisions, the examiners' reports and the modified Neighbourhood Plan documents themselves are all published on the Council's website, as the 'specified documents' supporting the referendum process.
- 2.2. The referendum question asked, in accordance with the Neighbourhood Planning (Referendums) Regulations 2012, is:
- Do you want Cotswold District Council to use the Neighbourhood Plan for [name of neighbourhood area] to help it decide planning applications in the neighbourhood area?
- 2.3. 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 results for the three plans will be shared at the decision meeting.
- 2.4. There has been no suggestion that any of these plans breach, or are otherwise incompatible with, any EU obligation or any of the Convention Rights, the only grounds for the Council not to proceed to making the Plans after a public endorsement through referendum.

2.5. Subject to a mandate being given to each plan through referendum, the officer recommendation is that the Plans should be made.

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, the 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 would increase certainty of the Plan's status and gives assurance to the parish councils that have prepared the plans. Moreover, it will ensure that those parish councils qualify for the increased Neighbourhood share of the Community Infrastructure Levy, which increases from 15% (capped at £100 per dwelling) to a full 25%.

3. FINANCIAL IMPLICATIONS

3.1. None.

4. LEGAL IMPLICATIONS

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 referenda are unknown at the point of publication.

5. RISK ASSESSMENT

5.1. 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.

6. EQUALITIES IMPACT

6.1. Not required for this decision.

7. CLIMATE CHANGE IMPLICATIONS

7.1. None for this decision.

ALTERNATIVE OPTIONS

7.2. None for this decision

8. BACKGROUND PAPERS

None