

 <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 Decision making meeting</p>
<p>Report Number</p>	<p>AGENDA ITEM 3</p>
<p>Subject</p>	<p>NEIGHBOURHOOD PLANNING: REGULATION 15 DECISION FOR SOUTH CERNEY NEIGHBOURHOOD DEVELOPMENT PLAN</p>
<p>Wards affected</p>	<p>South Cerney Village and Siddington and Cerney Rural directly</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 whether a neighbourhood plan submitted by South Cerney Parish Council meets the legal criteria necessary to progress to public consultation, and subsequent independent examination.</p>
<p>Annexes</p>	<p>Annex A South Cerney Neighbourhood Plan A1: South Cerney Neighbourhood Plan Regulation 16 Draft A2: Appendices A to N A3: Appendix M; Neighbourhood Character Assessment Annex B: Basic Conditions Statement Annex C: Consultation Statement Annex D: SEA and HRA Screening Report</p>
<p>Recommendation/s</p>	<p>a) <i>That the Cabinet Member agrees that the submitted documents meet the requirement of Regulation 15 of the Neighbourhood Planning Regulations 2012;</i> b) <i>Consequently, the Council will launch the statutory 'Regulation 16' 6 week publicity period.</i></p>
<p>Corporate priorities</p>	<p>The Council has a duty to support neighbourhood planning. 'Ensure that all services delivered by the Council are delivered to the highest standard.'</p>

Key Decision	No
Exempt	No
Consultees/ Consultation	The plan has been consulted on by the parish council, and subsequent to this decision, will be consulted upon again following a statutory process.

1. BACKGROUND

1.1. South Cerney Parish Council (SCPC) applied to this Council in early 2016 to designate a neighbourhood area. The area applied for, and subsequently approved, was the entirety of South Cerney Parish. Since that point, a steering group consisting of local residents and supported by an independent consultant has consulted locally, reviewed and developed a local evidence base, and drafted a plan. This plan was duly consulted upon in autumn 2020 – a consultation to which this Council responded – and representations have been considered in preparing a submission draft, which has recently been received by this Council.

2. MAIN POINTS

2.1. At this stage, the Local Planning Authority (LPA) has a duty to assess the Plan for its compliance with the requirements of the Regulations and determine if it can proceed for Regulation 16 consultation and Examination.

2.2. The assessment requires consideration of:

- whether the parish council (or neighbourhood forum) is authorised to act;
- whether the proposal and accompanying documents comply with rules of submission to the LPA, whether it meets the definition of a Neighbourhood Development Plan (NDP), and whether it meets the ‘scope’ of NDP provisions; and
- whether the parish council or neighbourhood forum has undertaken the correct procedures in relation to consultation and publicity.

2.3. Should it be deemed that the above criteria have *not* been satisfied, and therefore the Plan *cannot* proceed for Regulation 16 Consultation and Examination, the Local Planning Authority must refuse the Plan and notify the qualifying body of the reasons. In addition to this, it must also publicise its decision in a ‘Decision Statement’.

2.4. Once the Council is satisfied that the qualifying body has complied with the criteria, it must administer a 6 week period of consultation (Regulation 16 consultation), inviting comment on the Neighbourhood Plan from statutory consultees and other stakeholders with an interest in the Plan. All comments are then submitted with the Neighbourhood Plan documentation to the independent examiner for assessment of whether or not the Plan meets the Basic Conditions (below) set out in the Regulations.

2.5. Following this consultation, the plan will proceed to examination, and should it pass, subject to modifications, it would proceed to referendum and be ‘made’ (adopted) by this Council.

2.6. SCPC has submitted to Cotswold District Council a portfolio of documents, as required by the Neighbourhood Planning Regulations 2012. These evidence the other requirements which must be met (specified at section 2.2 above). The documentary evidence required is:

- a map or statement identifying the area to which the plan relates,
- the consultation statement,
- the proposed NDP,
- a statement explaining how the NDP meets the 'basic conditions' (the legal conditions that must be satisfied for an NDP to pass examination),
- One of the following: a) a statement of reasons for a determination that the proposal is unlikely to have significant environmental effects OR b) an environmental report [in this instance, the former],
- Where appropriate, the information to enable appropriate environmental assessments if required.

2.7. These points have been satisfied and therefore the officer recommendation is that the submission meets the criteria laid out in section 2.2 above, and should proceed to public consultation.

3. FINANCIAL IMPLICATIONS

3.1. *The consultation is a statutorily defined process, with minimal costs, which is delivered using the current staff complement. The subsequent examination is paid for by the authority, but should it be successful, the authority is eligible to claim grant from the Ministry of Housing, Communities and Local Government, which will also cover the costs of the Neighbourhood Plan referendum.*

4. LEGAL IMPLICATIONS

4.1. As a published draft NDP, the plan has some limited weight in planning determinations – this increases post examination, and takes on full planning weight following a confirmatory vote at referendum.

5. RISK ASSESSMENT

5.1. This is a low risk decision, as the consequence of the decision is the launch of a consultation on a document prepared by a third party, which will subsequently be reviewed by an independent examiner.

6. EQUALITIES IMPACT

6.1. Not required for this decision.

7. CLIMATE CHANGE IMPLICATIONS

7.1. None for this decision, as it is procedural. Once the regulation 16 consultation starts, the Council has an opportunity to comment on the content of the attached draft plan.

8. ALTERNATIVE OPTIONS

8.1. None.

9. BACKGROUND PAPERS

9.1. None