



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET MEMBER FOR DEVELOPMENT MANAGEMENT AND LICENSING – 12 October 2021
Report Number	AGENDA ITEM 01
Subject	NEIGHBOURHOOD PLANNING: REGULATION 18 DECISION ON THE EXAMINER'S REPORT ON THE SOUTH CERNEY NEIGHBOURHOOD DEVELOPMENT PLAN
Wards affected	South Cerney Village and Siddington and Cerney Rural directly
Accountable member	Cllr Juliet Layton - Cabinet Member for Development Management and Licensing Email: <a href="mailto:juliet.layton@cotswold.gov.uk">juliet.layton@cotswold.gov.uk</a>
Accountable officer	Joseph Walker, Community Partnerships Officer Email: <a href="mailto:joseph.walker@cotswold.gov.uk">joseph.walker@cotswold.gov.uk</a>
Summary/Purpose	To consider whether the South Cerney Neighbourhood Plan, as modified, meets the Basic Conditions required by the Localism Act 2011, and therefore proceeds to Referendum.
Annexes	Annex A: Examiner's Report on South Cerney Neighbourhood Plan Annex B: South Cerney Neighbourhood Plan Referendum version Annex C: Table of Modifications
Recommendation(s)	<i>That the Cabinet Member for Development Management and Licensing considers the recommendations of the examiner, and the proposed modifications, and agrees that the Plan meets the Basic Conditions.</i>
Corporate priorities	<ul style="list-style-type: none"><li>• The Council has a duty to support neighbourhood planning.</li><li>• 'Ensure that all services delivered by the Council are delivered to the highest standard.'</li><li>• 'Present a Local Plan which is green to the core'</li></ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The draft Plan was consulted upon by the Parish Council, and subsequently by the District Council, in line with the statutory requirements of the Neighbourhood Planning process.



## **1. BACKGROUND**

- 1.1 South Cerney Parish Council (SCPC) applied to Cotswold District Council (“the 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 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 the Council responded – and representations were considered in preparing a submission draft. Following the submission of this draft to the Council, consultation was launched in May 2021, closing on 2 July 2021. Thereafter independent examination commenced, and took place over the Summer.

## **2. MAIN POINTS**

- 2.1 Following the prescribed process for Neighbourhood Plans, the Council procured an independent examination of the South Cerney Neighbourhood Development Plan (SCNDP) from an experienced Examiner, Andrew Mead (‘the Examiner’). This examination process is typically carried out using written representations, so is effectively a desk-based exercise, usually supplemented with a visit to the neighbourhood area. The Examiner issued his final report on 29 September 2021.
- 2.2 The Examiner concluded that the NDP, as amended following his recommendations, meets the Basic Conditions laid out in law for neighbourhood plans, and should proceed to Referendum, and that the Referendum should cover the area of the Plan, that is, South Cerney Parish.
- 2.3 It should be noted that the Examiner’s recommendations are exactly that, and are not binding. However, the Council would need robust planning grounds not to accept these recommendations, a decision which would also prompt a further round of consultation on the SCNDP. These recommendations (contained in the Examiner’s report at Annex A) and subsequent modifications are highlighted in table form at Appendix C, and have been made to the submission draft plan at Appendix ‘B’. It is the role of the Council to make the changes recommended by the Examiner, in consultation with the qualifying body.
- 2.4 Subject to the decision on this report, the SCNDP will proceed to Referendum in November 2021. This timeframe is within the usual window for a Neighbourhood Plan to proceed to Referendum.



### **3. FINANCIAL IMPLICATIONS**

- 3.1** This decision will enable the Council to draw down a grant from the Department of Levelling Up, Housing and Communities (previously, Ministry of Housing Communities and Local Government). While this is set at a standard rate of £20,000, in this instance it will cover the costs of the Examination and the Referendum, as well as other cash costs incurred on this plan.

### **4. LEGAL IMPLICATIONS**

- 4.1** Making a decision on this report is a statutory duty. While the Council is expected to take on board the Examiner's findings, these are non-binding, and the decision is the Council's. This decision will give the plan significant weight in planning decisions, as noted above, but will still need to be subject to a Referendum and, subject to the outcome of that ballot a formal decision to make the Plan.

### **5. RISK ASSESSMENT**

- 5.1** This is part of 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 AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 7.1** None for this decision.

### **8. ALTERNATIVE OPTIONS**

- 8.1** None for this decision.



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**9. BACKGROUND PAPERS**

9.1 None

(END)