



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>Cabinet Member for Development Management and Licensing Decision Meeting – Wednesday 19 October 2022</b>
Report Number	<b>AGENDA ITEM I</b>
Subject	<b>NEIGHBOURHOOD PLANNING: REGULATION 15 DECISION FOR THE FAIRFORD NEIGHBOURHOOD DEVELOPMENT PLAN</b>
Wards affected	Fairford North, Lechlade, Kempsford and Fairford South
Accountable member	Cllr Juliet Layton 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 a Neighbourhood Plan submitted by Fairford Town Council meets the legal criteria necessary to progress to public consultation, and subsequent independent examination.
Annexes	Annex A Fairford Neighbourhood Plan A1: Fairford Neighbourhood Plan Regulation 16 Draft A2: Site Assessments A3: Landscape and Local Green Space Study A4: Character and Design Assessment Annex B: Basic Conditions Statement Annex C: Consultation Statement Annex D: Strategic Environmental Assessment Annex E: Habitat Regulations Assessment
Recommendation(s)	a) <i>That the Cabinet Member agrees that the submitted documents meet the requirement of Regulation 15 of the Neighbourhood Planning Regulations 2012;</i>

	<i>b) Consequently, the Council will launch the statutory 'Regulation 16' publicity period for the standard six week period.</i>
Corporate priorities	<ul style="list-style-type: none"> <li>● Responding to the challenges presented by the climate crisis</li> <li>● Providing good quality social rented homes</li> <li>● Presenting a local plan that's green to the core</li> <li>● Helping residents and communities access the support they need for good health and wellbeing</li> <li>● Supporting businesses to grow in a green, sustainable manner, and to provide high value jobs</li> </ul> <p>Neighbourhood Plans are prepared by or on behalf of parish councils, and express their priorities, albeit that they need to be in general conformity with the policies of the Local Plan. In this instance, the ambitions of Fairford Town Council align well with the Council's Corporate Priorities, as the Plan contains planning policies seeking to deliver housing, address climate change, promote residents' health and wellbeing and support local businesses.</p>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The Plan has been consulted on by the Town Council, and subsequent to this decision, will be subject to public consultation, following a statutory process. The Council will have the opportunity to make representations on the content of the Plan, for the consideration of an Independent Examiner.

## **I. BACKGROUND**

1.1 Fairford Town Council (FTC) applied to this Council in late 2013 to designate a neighbourhood area. The area applied for, and subsequently approved, was the then-future boundaries of the parish which came into effect in 2015. An earlier version of the Fairford Plan was submitted in 2017. This Plan failed independent examination, so since that date, FTC has been addressing the concerns raised, and responding to changing circumstances. The amended 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 ‘qualifying body’ (a 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 LPA 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 Where the LPA 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 FTC 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 and submitted is as follows:

- 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, FTC have submitted an full Strategic Environmental Assessment;
- Where appropriate, the information to enable appropriate environmental assessments if required. On advice from Natural England, FTC has submitted the information necessary for this Council to carry out a Habitats Regulations Assessment, which has already been subject to separate statutory consultation.

### **3. CONCLUSIONS**

3.1 These statutory requirements 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. The submission will be thoroughly reviewed, and any specific concerns will be brought to the attention of the Cabinet Member as part of a Council Representation to the Regulation 16 Consultation.

### **5. FINANCIAL IMPLICATIONS**

5.1 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 Department for Levelling Up, Housing and Communities, which will also cover the costs of the Neighbourhood Plan referendum.

5.2 The cost of the examination is estimated to be up to £8,000. In the unlikely event that the examination fails these costs can increase, as the examination process tends to be more complex, but could be funded from non ring fenced neighbourhood planning grant balances held from earlier successful examinations.

## **6. LEGAL IMPLICATIONS**

- 6.1** 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.

## **7. RISK ASSESSMENT**

- 7.1** 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.

## **8. EQUALITIES IMPACT**

- 8.1** Not required for this decision.

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

- 9.1** 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.

## **10. ALTERNATIVE OPTIONS**

- 10.1** None

## **11. BACKGROUND PAPERS**

- 11.1** None

(END)