



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	Cabinet Member for Development Management and Licensing Decision Meeting – February, 2022
Subject	NEIGHBOURHOOD PLANNING: REGULATION 18 DECISION ON THE FAIRFORD NEIGHBOURHOOD DEVELOPMENT PLAN
Wards affected	Fairford North, Lechlade, Kempsford and Fairford South
Accountable member	Cllr Juliet Layton Email: juliet.layton@cotswold.gov.uk
Accountable officer	Joseph Walker, Community Partnerships Officer Email: joseph.walker@cotswold.gov.uk
Summary/Purpose	To consider whether the Fairford Neighbourhood Plan, as modified, meets the Basic Conditions required by the Localism Act, and therefore proceeds to referendum.
Annexes	Annex A: Examiner's Report on the Fairford Neighbourhood Plan Annex B: Table of Modifications
Recommendation(s)	<i>1) 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">● Responding to the challenges presented by the climate crisis● Providing good quality social rented homes● Presenting a local plan that's green to the core● Helping residents and communities access the support they need for good health and wellbeing● Supporting businesses to grow in a green, sustainable manner, and to provide high value jobs <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 draft plan was consulted upon by Fairford Town Council, and subsequently by Cotswold District Council, in line with the statutory requirements of the Neighbourhood Planning process.



1. BACKGROUND

- 1.1** Fairford Town Council (FTC) applied to Cotswold District Council (CDC) 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 Neighbourhood Development Plan (FNDP) 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 and representations were considered in preparing a submission draft, submitted to CDC in September 2022. Regulation 16 consultation was launched on 1 November 2022, closing on 13 December 2022, and the Independent Examination commenced immediately thereafter. On 1 February 2023 the examiner issued his report, a decision on which is the subject of this report.

2. MAIN POINTS

- 2.1** Following the prescribed process for neighbourhood plans, Cotswold District Council procured an independent examination of the Fairford Neighbourhood Development Plan (NDP) 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, supplemented with a visit to the neighbourhood area. The examiner issued his final report on 1 February 2023.
- 2.2** The examiner concluded that the NDP, as modified following his recommendations, meets the Basic Conditions laid out in law for neighbourhood plans, and should proceed to referendum, and that the referendum covers the area of the plan, that is, Fairford Parish.
- 2.3** It is the role of this Council to make the changes recommended by the examiner, in consultation with the qualifying body. It should be noted that the examiner's recommendations are exactly that, and are not binding, but any material variation from these modifications would require a further consultation period. These recommendations (contained in the examiner's report at Annex A) and subsequent modifications are highlighted in table form at Appendix B. It should be noted that the examiner also noted a number of non-material changes could sensibly be made, to reflect: the modifications in the supporting text; changing circumstances, and; observations made in representations at the Regulation 16 stage.
- 2.4** Subject to the decision on this report, the FNDP will proceed to referendum on 4 May 2023, alongside the other ballots scheduled for this date. 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 grant from the Department of Levelling Up, Communities and Housing. 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, and recoup some of the other costs CDC has incurred supporting the FNDP to reach this stage.



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 a final, 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 a 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, but it should be noted that the Examiner has considered Human Rights requirements in his report, and concluded that he is satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

7. CLIMATE CHANGE IMPLICATIONS

- 7.1** None for this decision.

8. ALTERNATIVE OPTIONS

- 8.1** None for this decision

9. BACKGROUND PAPERS

- 9.1** None