



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET MEMBER FOR DEVELOPMENT MANAGEMENT AND LICENSING 5 th June 2023
Subject	NEIGHBOURHOOD PLANNING: DECISION TO MAKE THE FAIRFORD NEIGHBOURHOOD DEVELOPMENT PLAN
Wards affected	Fairford North, Lechlade Kempsford and Fairford South (Fairford Parish)
Accountable member	Cllr, Cabinet Member for Planning and Regulatory Services Email: juliet.layton@cotswold.gov.uk
Accountable officer	Joseph Walker, Community Partnerships Officer Email: joseph.walker@cotswold.gov.uk
Summary/Purpose	To consider the result of the referendum held on the 4 May 2023, in line with statutory duty.
Annexes	Annexe A: Declaration of Results: Fairford Neighbourhood Plan Referendum
Recommendation(s)	<i>That the Cabinet Member for Development Management and Licensing considers the referendum result and agrees to make the plan;</i>
Corporate priorities	<ul style="list-style-type: none">● Presenting a local plan that's green to the core● Helping residents and communities access the support they need for good health and wellbeing
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The plan is the product of extensive consultation through a number of informal and statutory stages, and has been subjected to independent examination by a suitably qualified person, prior to undergoing public Referendum.



1. BACKGROUND

- 1.1** Fairford Neighbourhood Plan was put forward to Referendum on 4 May, returning a result of 89.8% in favour of the Plan. 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 with responsibility for Neighbourhood Planning on 17th December 2016.

2. MAIN POINTS

- 2.1** 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. That 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, concluding 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.
- 2.2** The Regulation 18 decision, agreeing with this recommendation, and consequently agreeing to send the Plan to Referendum, was made on 9 March. This decision, the examiner's report and the Neighbourhood Plan documents are published on the Council's website, as the 'specified documents' supporting the Referendum process.
- 2.3** The Referendum question asked, in accordance with the Neighbourhood Planning (Referendums) Regulations 2012, was:
- Do you want Cotswold District Council to use the Neighbourhood Plan for [Fairford] to help it decide planning applications in the neighbourhood area?
- 2.4** The result of the Referendum was 89.8% of votes cast in favour. The Declaration of Results is attached as Annexe A.
- 2.5** There has been no suggestion that this Plan breaches, or is otherwise incompatible with, any EU obligation or any of the Convention Rights, the only grounds for the Council not to proceed to making the Plan after a public endorsement through Referendum.



- 2.6** By law, the Council has up to 8 weeks to make an NDP after the Referendum. The Neighbourhood Planning Act 2017, section 3 makes it clear that post Referendum, Neighbourhood 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 increases certainty of the Plan's status and gives assurance to the Town Council that has prepared the Plan. Moreover, it will ensure that the Town Council qualifies for the increased Neighbourhood share of the Community Infrastructure Levy, which increases from 15% (capped at £100 per dwelling) to a full 25%.

3. CONCLUSIONS

- 3.1** The officer recommendation is that the Plan should be made.

5. FINANCIAL IMPLICATIONS

- 5.1** No direct implications

6. LEGAL IMPLICATIONS

- 6.1** *This section must be completed by the legal team*

7. RISK ASSESSMENT

- 7.1** 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.

8. EQUALITIES IMPACT

- 8.1** Not required for this decision.

9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1** The neighbourhood plan was tested against the Basic Conditions at examination, which, amongst other considerations, considers whether the plan has environmental implications, and if so, how these have been taken into account. The Plan was subjected to both Strategic Environmental Assessment and Habitats Regulations Assessment, but beyond these statutory requirements, it is also worth noting that its policies and supporting text seek to encourage climate and ecology positive development, and to protect identified natural assets.

10. ALTERNATIVE OPTIONS



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10.1 None for this decision.

11. BACKGROUND PAPERS

11.1 None.

(END)