



COTSWOLD
DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING– 10th August 2023
Subject	NEIGHBOURHOOD PLANNING: REGULATION 15 DECISION FOR THE DOWN AMPNEY NEIGHBOURHOOD DEVELOPMENT PLAN
Wards affected	The Ampneys and Hampton
Accountable member	Juliet Layton, Cabinet Member for Planning and Regulatory Services Email: juliet.layton@cotswold.gov.uk
Accountable officer	Charlie Jackson, Assistant Director, Planning and Sustainability Email: charlie.jackson@publicagroup.uk
Report author	Joseph Walker, Community Partnerships Officer Email: joseph.walker@cotswold.gov.uk
Summary/Purpose	To consider whether a Neighbourhood Plan submitted by Down Ampney Parish Council meets the legal criteria necessary to progress to public consultation, and subsequent independent examination.
Annexes	Annex A Down Ampney Neighbourhood Plan A1: Down Ampney Neighbourhood Plan Regulation 16 Draft A2: Appendices A3: Annexes A4: Design Code Annex B: Basic Conditions Statement Annex C: Consultation Statement Annex D: Strategic Environmental Assessment and Habitat Regulations Assessment Screening
Recommendation(s)	<i>a) That the Cabinet Member agrees that the submitted documents meet the requirement of Regulation 15 of the Neighbourhood Planning Regulations 2012;</i>



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	<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">● Make our local plan green to the core● Support health and wellbeing
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The Plan has been consulted on by the Parish 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.



1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider whether a Neighbourhood Development Plan, submitted by Down Ampney Parish Council, meets the necessary conditions set out in the Neighbourhood Planning Regulations 2012 to proceed to the Regulation 16 publicity period and subsequently independent examination.

2. BACKGROUND

- 2.1 Down Ampney Parish Council (DAPC) applied to this Council in 2018 to designate a neighbourhood area. The area applied for, and subsequently approved, was the boundaries of the parish. Since that date, volunteers and councillors in Down Ampney have been working up the Plan, a process delayed by Covid 19 restrictions. Nevertheless, they carried out a statutory Regulation 14 consultation from February to March 2022. Following some redrafting, and notably the creation of a Design Guide, a second Regulation 14 consultation was conducted from April to May 2023. Representations to these consultations have been considered in preparing a submission draft, which has recently been received by this Council.

3. MAIN POINTS

- 3.1 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.
- 3.2 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.
- 3.3 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'.
- 3.4 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.

- 3.5** 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.
- 3.6** DAPC 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.
 - Where appropriate, the information to enable appropriate environmental assessments if required.

In this instance, the statement of reasons suffices - a screening report was commissioned by the Council, which has been consulted upon with the statutory consultees, who upheld the Council's opinion.

4. CONCLUSIONS

- 4.1** 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. In previous years, the authority was eligible to claim grant from the Department for Levelling Up, Housing and Communities, which will also cover the costs of the Neighbourhood Plan referendum. At the time of writing, the grant arrangements for 2023-24 have not been confirmed, but Government have indicated that funding will continue to be made available.



- 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 after consultation and after 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)