



**COTSWOLD**  
DISTRICT COUNCIL

Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING– 3 NOVEMBER 2023</b>
Subject	<b>NEIGHBOURHOOD PLANNING: REGULATION 15 DECISION FOR THE STOW AND THE SWELLS NEIGHBOURHOOD DEVELOPMENT PLAN</b>
Wards affected	Stow (directly), Fosseridge
Accountable member	Juliet Layton, Cabinet Member for Planning and Regulatory Services Email: <a href="mailto:juliet.layton@cotswold.gov.uk">juliet.layton@cotswold.gov.uk</a>
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Summary/Purpose	To consider whether a Neighbourhood Plan submitted by Stow-on-the-Wold Town Council meets the legal criteria necessary to progress to public consultation, and subsequent independent examination.
Annexes	Annex A Stow and the Swells Neighbourhood Plan A1: Stow and the Swells Neighbourhood Plan Regulation 16 Draft A2: Design Code Annex B: Basic Conditions Statement Annex C: Consultation Statement Annex D1 Strategic Environmental Assessment Annex D2 Habitat Regulations Assessment Screening
Recommendation(s)	<ol style="list-style-type: none"><li>1. That the Cabinet Member agrees that the submitted documents meet the requirement of Regulation 15 of the Neighbourhood Planning Regulations 2012;</li><li>2. Consequently, the Council will launch the statutory ‘Regulation 16’ publicity period for the standard six week period.</li></ol>



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Corporate priorities	<ul style="list-style-type: none"><li>● Make our local plan green to the core</li><li>● Providing good quality social rented homes</li><li>● Support health and wellbeing</li></ul>
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.



## **1. EXECUTIVE SUMMARY**

- 1.1 The purpose of this report is to consider whether a Neighbourhood Development Plan, submitted by Stow-on-the-Wold Town 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 Stow-on-the-Wold Town Council (STC) first applied to this Council in 2012 to designate a neighbourhood area. The area applied for was the boundary of the parish. In 2015, STC and Swells Parish Council (SPC) applied for a new neighbourhood area, covering the entirety of the two parishes. They agreed that STC would act as the Qualifying Body, that is the body that qualifies to submit a neighbourhood plan for the designated neighbourhood area. Since that date, volunteers and councillors, and more recently, professional consultants have been working up the Plan, a process made more challenging by Covid 19 restrictions. Nevertheless, they carried out a statutory Regulation 14 consultation from February to March 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** STC 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, A Strategic Environmental Assessment has been provided, along with a screening report to determine whether a Habitat Regulations Appropriate Assessment was required, which has been consulted upon with the statutory consultees, who upheld the Council's opinion that it was not.



#### **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.
- 5.2 The cost of the examination is estimated to be up to £8,000. In the 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**



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**10.1** None

**11. BACKGROUND PAPERS**

**11.1** None

(END)