



Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING – 13 DECEMBER 2023
Subject	NEIGHBOURHOOD PLANNING: REGULATION 18 DECISION ON 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: Democratic@Cotswold.gov.uk
Report author	Joseph Walker, Community Partnerships Officer Email: joseph.walker@cotswold.gov.uk
Summary/Purpose	To consider whether the Down Ampney Neighbourhood Development Plan, as modified, meets the Basic Conditions required by the Localism Act, and therefore should proceed to referendum
Annexes	Annex A: Examiner's Report Annex B: Table of Modifications

Recommendation(s)	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
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Corporate priorities	<ul style="list-style-type: none">● Respond to the climate crisis● Make our local plan green to the core● Support health and wellbeing● Enable a vibrant economy <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 Down Ampney Parish Council echo the Council's Corporate Priorities,</p>
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	supporting greener development.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The plan has been consulted on by the Parish Council, and subsequently by the District Council, in line with the statutory process for neighbourhood plans. Local residents, businesses and a range of statutory and non-statutory organisations have participated in these consultations.



1. EXECUTIVE SUMMARY

- 1.1 This report updates on progress with the Down Ampney Neighbourhood Plan, and the outcome of the independent examination, which the Council is required in law to consider.

2. BACKGROUND

- 2.1 Down Ampney Parish Council (DAPC) applied to this Council in late 2018 to designate a Neighbourhood Area. The area applied for, and subsequently approved, was the entirety of the civil parish. Since then, a steering group of local residents, with support from expert consultants, has prepared the Down Ampney Neighbourhood Development Plan (DANDP). The Plan was duly consulted upon in Spring 2023 – a consultation to which this Council responded – and representations have been considered in preparing a submission draft, recently received by this Council. Following submission to the Council, ‘the Regulation 16’ consultation was launched on 25 August 2023, closing on 6 October 2023, and the Independent Examination commenced immediately thereafter. On the xxdatexx the Independent Examiner issued her report, a decision on which is the subject of this report.

3. MAIN POINTS

- 3.1 Following the prescribed process for neighbourhood plans, Cotswold District Council procured an independent examination of the DANDP from an experienced examiner, Wendy Burden (‘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 her final report on xxdatexx 2023.
- 3.2 The examiner concluded that the NDP, as modified following her 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, Down Ampney Parish.
- 3.3 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.
- 3.4 Subject to the decision on this report, the DANDP will proceed to referendum on xxdatexx 2024. This timeframe is within the usual window for a neighbourhood plan to proceed to referendum.

4. ALTERNATIVE OPTIONS



- 4.1 The Localism Act 2012, and subsequent regulations and guidance place a duty upon the Council to make a decision upon the Examiner's report within five weeks. The Council is empowered not to agree with the Examiner's recommendations, which would trigger a further consultation stage, but there are no identified grounds to do so.

5. CONCLUSIONS

- 5.1 The Examiner's Report at Annex A provides the perspective of a suitably qualified independent person on the DANDP. Agreeing to her recommendations will allow a modified draft of the DANDP to progress to public referendum, and subject to public support, take on full weight in the planning system.

6. FINANCIAL IMPLICATIONS

- 6.1 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 cash costs CDC has incurred supporting the DANDP to reach this stage, as well as the costs of the referendum.

7. LEGAL IMPLICATIONS

- 7.1 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.

8. RISK ASSESSMENT

- 8.1 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.

9. EQUALITIES IMPACT

- 8.1 Not required for this decision, but it should be noted that the Examiner has considered Human Rights requirements in her report, and concluded that she is satisfied that the policies will not have a discriminatory impact on any particular group of individuals.

9 CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 9.1 None directly for this decision. The DANDP does not allocate sites but its policies will play a role in the design and layout of any new development, helping to mitigate the environmental impact.

10 BACKGROUND PAPERS



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10.1 None.

(END)