



Council name	<b>COTSWOLD DISTRICT COUNCIL</b>
Name and date of Committee	<b>CABINET MEMBER FOR PLANNING AND REGULATORY SERVICES DECISION MEETING – 6 MARCH 2024</b>
Subject	<b>NEIGHBOURHOOD PLANNING: DECISION TO MAKE THE DOWN AMPNEY NEIGHBOURHOOD DEVELOPMENT PLAN</b>
Wards affected	The Ampneys and Hampton
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>
Accountable officer	Charlie Jackson, Assistant Director, Planning and Sustainability Email: <a href="mailto:Democratic@Cotswold.gov.uk">Democratic@Cotswold.gov.uk</a>
Report author	Joseph Walker, Community Partnerships Officer Email: <a href="mailto:joseph.walker@cotswold.gov.uk">joseph.walker@cotswold.gov.uk</a>
Summary/Purpose	To consider the result of the referendum held on the 29 February 2024, in line with statutory duty.
Annexes	Annex A: Declaration of Results: Down Ampney Neighbourhood Plan Referendum (to follow after the referendum results are given on 29 February 2024)
Recommendation(s)	That the Cabinet Member for Planning and Regulatory Services <ol style="list-style-type: none"><li>1. Considers the referendum result.</li><li>2. Subject to the referendum returning a simple majority in favour of the Neighbourhood Plan, agrees to make the plan;</li></ol>
Corporate priorities	Responding to the Climate Emergency Delivering Housing Supporting Communities Supporting the Economy  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, supporting greener development.



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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. The plan has been subjected to independent examination by a suitably qualified person, prior to undergoing public Referendum.



## **1. EXECUTIVE SUMMARY**

- 1.1** This report updates on progress with the Down Ampney Neighbourhood Plan, and addresses the Council's responsibility regarding the result of the referendum, which took place on 29 February, post-dating the drafting of this report. Accordingly, the result will be presented to the meeting as Annex A.

## **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).
- 2.2** The Plan was duly consulted upon in Spring 2023 – a consultation to which this Council responded – and representations were considered in preparing a submission draft, passed to the Council in July 2023. The 'Regulation 16' consultation was launched on 25 August 2023, closing on 6 October 2023, and the Independent Examination commenced immediately thereafter. On the 29 November 2023 the Independent Examiner issued her report. Subsequently, the Council's decision on her recommendations was made on 13 December 2023, triggering the referendum since held on 29 February 2024.

## **3. MAIN POINTS**

- 3.1** Down Ampney Neighbourhood Plan was put forward to Referendum on 29 February 2024. At the time of writing, the result is not known, but this information will be presented to the meeting as Annex A. 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. For information, should the referendum not return a vote in favour, the Plan cannot be made, and thus no Council decision is required.
- 3.2** To date, 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.
- 3.3** 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 [Down Ampney] to help it decide planning applications in the neighbourhood area?



**3.4** In recognition of the mandate given to Neighbourhood Plans through the Referendum process, the Council has chosen to expedite this decision. By law, the Council has up to 8 weeks to make an NDP after 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, if the Plan has been successful at referendum, the Plan 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 Parish Council that has prepared the Plan. Moreover, it will ensure that the Parish 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%.

#### **4. ALTERNATIVE OPTIONS**

**4.1** As outlined above, the Council has a duty to make the Plan should the referendum return a result in its favour, unless it considers that this would breach, or be incompatible with any EU obligation or any of the Convention Rights. While the Plan would have full weight in planning determinations immediately upon support at referendum, delaying a decision leaves a technical uncertainty, hence established practice at CDC is to expedite this decision. It is considered that there is no alternative option.

#### **5. CONCLUSIONS**

**5.1** Should the referendum have returned a vote in favour of the NDP, the Council should 'make' the Plan promptly. If the vote has not supported the Plan, then no decision on this matter is required, as the Plan cannot be 'made'.

#### **6. FINANCIAL IMPLICATIONS**

**6.1** This decision does not have direct income or expenditure impacts, but it does directly affect how any Community Infrastructure Levy contributions raised in Down Ampney will be distributing, increasing the community share from 15% to 25%, with a commensurate reduction in the share available for other activities.

#### **7. LEGAL IMPLICATIONS**

**7.1** Any legal implications are set out in the body of this Report. The Report is necessarily set out in contingent terms given that the outcome of the Referendum is unknown at the point of publication.



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**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 plan and its route to this point has been technically and legally robust.

**9. EQUALITIES IMPACT**

**9.1** Not required for this decision

**10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**10.1** 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.

**11 BACKGROUND PAPERS**

**11.1** None.

(END)