



COTSWOLD DISTRICT COUNCIL

Council name	COTSWOLD DISTRICT COUNCIL
Name and date of Committee	CABINET MEMBER FOR THE PLANNING DEPARTMENT, TOWN AND PARISH COUNCILS - 28 AUGUST 2020
Report Number	ITEM (1)
Subject	NEIGHBOURHOOD PLANNING: REGULATION 18 DECISION ON THE EXAMINER'S REPORT ON THE SOMERFORD KEYNES AND SHORNCOTE NEIGHBOURHOOD DEVELOPMENT PLAN
Wards affected	Kemble directly
Accountable member	Cllr. Clive Webster - Cabinet Member for the Planning Department, Town and Parish Councils. Email: clive.webster@cotswold.gov.uk
Accountable officer	Joseph Walker, Community Partnerships Officer Tel: 01285 623146 Email: joseph.walker@publicagroup.uk
Summary/Purpose	To consider whether the Somerford Keynes and Shorncote Neighbourhood Plan, as modified, meets the Basic Conditions required by the Localism Act, and therefore proceeds to referendum
Annexes	Annex A - Somerford Keynes and Shorncote Neighbourhood Plan, Report by Examiner Annex B - Somerford Keynes and Shorncote Neighbourhood Plan referendum version Annex C -Table of Modifications
Recommendation/s	<i>That the Cabinet Member for the Planning Department, Town and Parish Councils considers the recommendations of the examiner, and the proposed modifications, and agrees that the Plan meets the Basic Conditions.</i>
Corporate priorities	The Council has a duty to support neighbourhood planning. 'Ensure that all services delivered by the Council are delivered to the highest standard.'
Key Decision	No
Exempt	No
Consultees/ Consultation	The draft plan was consulted upon by the parish council, and subsequently by the district council, in line with the statutory requirements of the Neighbourhood Planning process.

1. BACKGROUND

- 1.1.** Somerford Keynes Parish Council (SKPC) applied to this Council in May 2014 to designate a neighbourhood area. The area applied for, and subsequently approved, was the entirety of Somerford Keynes Parish. Since that point, a steering group consisting of local residents has consulted locally, reviewed and developed a local evidence base, and drafted a plan, the Somerford Keynes and Shorncote Neighbourhood Development Plan (SKNDP). This plan was duly consulted upon in early 2019 – a consultation to which this Council responded – and representations have been considered in preparing a submission draft. Following the submission of this draft to the Council last year, consultation was launched in December 2019, closing on 24th January 2020.

2. MAIN POINTS

- 2.1.** Following the prescribed process for neighbourhood plans, Cotswold District Council (CDC) procured an independent examination of the Somerford Keynes and Shorncote Neighbourhood Development Plan (NDP) from an experienced examiner, Andrew Ashcroft ('the examiner'). This examination process is typically carried out using written representations, so is effectively a desk-based exercise, usually supplemented with a visit to the neighbourhood area. The examiner issued his final report on 29th July 2020.
- 2.2.** The examiner concluded that the NDP, as amended 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, Somerford Keynes Parish.
- 2.3.** Ordinarily, following this decision, the plan would be expected to proceed to referendum. As a measure to control the spread of Covid 19, the government has currently suspended public ballots, including neighbourhood development plan referenda, until May 2021. This delay to the referendum clearly delays the point at which this plan will be 'made' (the NDP equivalent of the Local Plan 'adoption'). However subsequent to this decision, the plan can be given significant weight in decision-making, so far as the plan is material to an application (NPPG Paragraph: 107 Reference ID: 41-107-20200513, Revision date: 13 05 2020).
- 2.4.** It is the role of CDC 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. These recommendations and subsequent modifications are highlighted in table form at Appendix C, and have been made to the submission draft plan at Appendix 'B'.

3. FINANCIAL IMPLICATIONS

- 3.1.** This decision will enable the Council to draw down grant from the Ministry of Housing Communities and Local Government. While this is set at a standard rate of £20,000, in this instance it will cover the costs of the examination and the referendum, as well as other cash costs incurred on this plan.

4. LEGAL IMPLICATIONS

- 4.1.** 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.

5. RISK ASSESSMENT

- 5.1.** This is part of 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.

6. EQUALITIES IMPACT

- 6.1.** Not required for this decision.

7. CLIMATE CHANGE IMPLICATIONS

- 7.1.** None for this decision.

8. ALTERNATIVE OPTIONS

- 8.1.** The Council could choose not to submit a representation, but would thus miss the opportunity to communicate its views to the independent examiner.

9. BACKGROUND PAPERS

- 9.1.** The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Report to the Cabinet Member for Planning Policy, Climate Change and Energy, dated 25 November 2019 and associated minutes.

- 9.2.** These documents will be available for inspection at the Council Offices at Trinity Road during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.

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