

# Cotswold District Local Plan 2018 – 2031 Update

## Town and Country Planning (Local Planning) Regulations 2012

### Regulation 18 “Issues and Options” consultation/participation

#### Evidence Paper: Neighbourhood Development Plans (NDPs)

## 1. Introduction

- 1.1 The focus of this paper is twofold. Firstly it considers the role Neighbourhood Development Plans have in responding to the climate and ecological emergencies, and secondly it examines how the Local Plan could be updated to support communities in the preparation of Neighbourhood Development Plans.
- 1.2 Neighbourhood Development Plans are sometimes referred to as NDPs, and frequently contracted to ‘neighbourhood plans’.

## 2. Objectives

- 2.1 No issues have been identified that would require an update to the Local Plan’s objectives.

## 3. NPPF, NPPG and other material considerations

- 3.1 Town and Parish councils are empowered by law to prepare plans for their local communities. Generally speaking these plans are coterminous with town or parish boundaries and they respond to local planning issues within their local communities. These plans must be in general conformity<sup>1 2</sup> with the District Council’s adopted Local Plan and they should not look to duplicate policies contained within the District Council’s adopted Local Plan or within the government’s National Planning Policy Framework.
- 3.2 There are actually three separate legal powers which are considered as ‘neighbourhood planning’.
  - 1) A **Neighbourhood Development Plan** is a plan developed by the community, which, once approved, becomes a part of the statutory development plan to be implemented by the Local Planning Authority (LPA).
  - 2) A **Neighbourhood Development Order** delegates powers to a Parish Council or Neighbourhood Forum.
  - 3) A **Community Right to Build Order** is a set of proposals that gives communities some power to decide what is built in their area. Where small scale developments for new houses (e.g. 5-10 homes), community facilities or shops have the agreement of the local community, a Community Right to Build organisation can be set up and

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<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#General-conformity-with-strategic-policies>

<sup>2</sup> <https://neighbourhoodplanning.org/toolkits-and-guidance/general-conformity-strategic-local-planning-policy/>

take a proposal forward through referendum. If this is successful, the development will not require planning permission.

- 3.3 While the orders can be exercised independently of a neighbourhood plan, they are more often used in conjunction to deliver on a particular aspiration within a neighbourhood plan. No community has sought to prepare an order in Cotswold District to date. Therefore, the topic paper focuses exclusively on neighbourhood development plans.
- 3.4 Sixteen neighbourhood areas have been designated (have defined their area boundaries) in Cotswold District, covering 18 parishes and approximately 30 towns, villages and hamlets, a total population of circa 50,000. These are Andoversford, Ampney Crucis, Blockley, Chedworth, Chipping Campden, Cirencester, Down Ampney, Ebrington, Fairford, Kemble and Ewen, Lechlade-on-Thames, Moreton-in-Marsh, Northleach with Eastington, Preston, Somerford Keynes, South Cerney, Stow-on-the-Wold and the Swells, Tetbury with Tetbury Upton, Upper Rissington.
- 3.5 Of these listed, Lechlade-on-Thames, Tetbury with Tetbury Upton and Northleach with Eastington, Somerford Keynes, Preston and Kemble Neighbourhood Development Plans have all been made (the legal equivalent of being adopted). At the time of writing the South Cerney plan has been independently examined and is expected to proceed to referendum in December 2021. Fairford, Down Ampney and Cirencester are due to consult on their draft plans in 2022. Some areas have been designated but are struggling to identify sufficient volunteer time to develop their plans, a common issue afflicting many town and parish councils.
- 3.6 The Local Plan was adopted in 2018 and since then the government has updated its national planning policy framework several times. Specifically it has strengthened the role of neighbourhood plans, and to an extent reinforced a role of delegating responsibility to neighbourhoods to plan for themselves. In areas with a higher initial take-up of neighbourhood planning, the first plans to reach examination are now being reviewed.
- 3.7 While neighbourhood planning was initially conceived of as an add-on to the planning system, it is now viewed as a mainstream tool to deliver local and national development priorities – particularly housing and responding to climate change and arresting the loss of ecology / biodiversity. It's within this context that the paper considers issues and possible options.

#### **4. Background evidence and Sustainability Appraisal – setting out the issues**

- 4.1 The sustainability appraisal does not speak directly to neighbourhood plans as a policy or thematic issue. That said and as explained earlier, neighbourhood plans are a well established component of the local planning framework. Therefore, it's worth reviewing issues that affect the process and consider whether an updated Local Plan could help town and parish councils to deliver effective and labour efficient NDPs that contribute to the wider ambition of a zero carbon future.
- 4.2 This section begs a series of questions to help bring issues to fore.

##### ***A. Why prepare a Neighbourhood Plan and what is the added value?***

Generally speaking neighbourhood plans that have prepared a plan for the following reasons have succeeded.

**To enable development:** the Local Plan directs growth towards settlements seen as sustainable in accordance with national policy – however smaller communities may feel that some additional development will improve their settlement. E.g. enabling local families to stay in the village, developing a brownfield site, creating live work units to allow economic growth.

**To recognise and protect local assets:** e.g. To provide protection to a vital community space through Local Green Space designation, to recognise the value of non-designated heritage assets.

**To encourage higher standards:** Neighbourhood plans frequently seek to improve design standards or environmental standards. They can enable development that meets higher standards, but cannot necessarily require higher standards, and policy requirements will still need to be financially viable.

**To influence and direct new development:** e.g. to influence the location and layout of new development, to specify community infrastructure benefits such as a play area.

**To create a shared vision:** while the policies are the binding element of a neighbourhood plan, the process also creates a particular vision and expectations, which may empower a parish or town council in its planning representations, or lead to other projects or initiatives.

**To direct CIL expenditure:** A neighbourhood plan means the community receive a greater share of the total CIL pot, enabling infrastructure development prioritised by the community rather than other infrastructure providers.

**To prepare non-strategic policies to complement the strategic policies of the Local Plan:** effectively the role ascribed to neighbourhood plans by the NPPF 2018, reviewing the Local Plan and determining where it addresses local concerns, and where additional detail is beneficial is a good starting point.

4.3 Those that fail and/or struggle to progress their neighbourhood plans have sought to prepare a neighbourhood plan for the following reasons:

**To prevent development:** A neighbourhood plan has to promote sustainable development – and has to be in general conformity with the Local Plan. It has to shape but not stop and/or frustrate development.

**To make something happen:** Planning policy enables, but it doesn't by itself deliver. It may be that a particular community aspiration does require a new policy, but often the barriers are practical or financial. E.g. Policies to limit change of use of retail premises won't make retail in a small settlement more viable.

**To get a greater share of CIL:** The community share of CIL comes from an equal reduction in the share available to other partners, so isn't additional investment as such. Moreover, the process of developing a neighbourhood plan will take significant effort

and potentially some expense which should be set against the likely CIL take – if a settlement isn't receiving much development, it won't receive much CIL.

***Dealing with issues outside of scope*** such as:

- Permitted development rights - The law enables property owners to make certain changes to the size, look or use of their property without having to seek development consent. Such changes are out of scope for an NDP (and the Local Plan), no matter what impact the community believes they have on the neighbourhood area;
- The transport network (Transport and Roads) – in terms of the physical network, and the use of it, is important to how our settlements function, but are not subject to the policies of a neighbourhood plan. A neighbourhood plan cannot have a policy to control on-road parking, or to put in a relief road, or a minimum level of bus service.

***B. Are Neighbourhood Plans responding to the climate and ecological crisis and how can they?***

- 4.4 In terms of the first part of the question, it can be best described as 'could do better', but to be fair the same could be said of the adopted Local Plan, which neighbourhood plans derive policy direction from.
- 4.5 Fortunately, there is a growing array of third sector guidance that provides practical guidance on how Neighbourhood Plans can respond to the Climate Crisis. A good example is The Centre for Sustainable Energy's "Neighbourhood Planning in a Climate Emergency"<sup>3</sup> and "How Green is my Plan?"<sup>4</sup> guidance notes.
- 4.6 Climate change has a multitude of causes and effects some of which can be dealt with at a very local level others at a national or supranational level e.g. COP26<sup>5</sup>. Neighbourhood Plans are naturally constrained by geography and scope but they are empowered to make locally important policy interventions, which cumulatively can deliver positive change. There is an increasing array of policies and interventions that town and parish councils are using in their neighbourhood plans to respond to the climate crisis.
- Walking and cycling audits are becoming increasingly common as local communities seek to reduce the dependence of the private motor vehicle and improve local quality;
  - Preparing Design Codes to promote sustainable patterns of development at the very local level, these are particularly powerful when combined with site allocation policies. The challenge with design codes is not to duplicate national guidance and

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<sup>3</sup> Neighbourhood planning in a climate emergency

<https://www.cse.org.uk/downloads/reports-and-publications/policy/planning/renewables/neighbourhood-planning-in-a-climate-emergency-feb-2020.pdf>;

<sup>4</sup> How Green is my Plan? (rural edition)

<https://www.cse.org.uk/downloads/reports-and-publications/policy/community-energy/planning/renewables/how-green-is-my-plan-rural.pdf>

<sup>5</sup> <https://ukcop26.org/>

the Council's design guide. Another challenge is aligning it with an out of date Manual for Streets guide, which is discussed in further detail in the design topic paper;

- Allocating local green spaces, nature improvement areas, allotments, etc.; and
- Identifying local infrastructure and prioritising the spending of the neighbourhood proportion of the Cotswold District Community Infrastructure Levy. Further information on this can be found in the Infrastructure topic paper.

### **C. How can neighbourhood plans be in general conformity with the Local Plan?**

4.7 There are two issues at play here, the first is a procedural matter and the second is a policy issue.

- Neighbourhood plans have to be in general conformity with the strategic policies of the local plan. The adopted Local Plan does not distinguish which policies are strategic and which are not and thus makes the process difficult for neighbourhood plans; and
- The District Council has charged itself with making its local plan 'green to the core' and because neighbourhood plans complement and add further policies to the District's 'Development Plan'<sup>6</sup> they have an inextricable role to play in helping the District to adapt to and mitigate climate change as well as arresting biodiversity decline; albeit at a very local level.

### **D. What is Cotswold District Council's role in providing advice or assistance to those preparing neighbourhood plans?**

4.8 The Local Government Association (LGA)<sup>7</sup> explains that the Government has not sought to prescribe how local planning authorities should meet the 'duty to support' requirement. This means Cotswold District Council has the discretion to tailor its support to take account of local circumstances, such as the complexity of the Neighbourhood Plan being prepared and the skills and resources of the local authority and the local groups. The LGA note provides a useful summary of the different types of advice and support the council could provide.

4.9 The Council's neighbourhood function<sup>8</sup> largely focuses on ensuring both parties are following due process as well as acting as a critical friend on emerging policy. The District Council has not published guidance on how it will discharge its 'duty to support' requirement, which may be affecting Town and Parish Council ability to prepare timely neighbourhood plans.

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<sup>6</sup> The 'Cotswold District Development Plan' is made up of Cotswold District Local Plan (2011-31), Mineral Local Plan for Gloucestershire (2018-32), Gloucestershire Waste Core Strategy (2012-27) and geographically relevant neighbourhood development plans.

<sup>7</sup> The role of local planning authorities (e.g. Cotswold District Council) in providing advice or assistance to those preparing neighbourhood plans <https://www.local.gov.uk/sites/default/files/documents/role-local-planning-autho-d43.pdf>

<sup>8</sup> The neighbourhood planning 'function' is coordinated from Community Planning, but requires significant input in time and expertise from other teams: notably Forward Planning and Heritage and Design (also representing the wider Development Management function), Electoral Services, and the Geographical Information Services team.

## 5. Current Local Plan policy

- 5.1 A Local Plan is the “starting point for determining planning applications”<sup>9</sup> but its role has become more nuanced in recent years. The Local Plan, much like national policy<sup>10</sup> and practice guidance<sup>11</sup>, is increasingly needing to provide guidance and policy direction to lower order planning documents, such as neighbourhood plans and local design guides / codes. The Local Plan does not have a specific policy on Neighbourhood Planning but it could consider creating a new policy (or update existing policies) to support town and parish councils to prepare neighbourhood plans that directly tackle Climate Change and biodiversity decline.

## 6. Potential policy responses

- 6.1 Potential responses can largely be split between policy (local plan) and non-policy interventions.
- 6.2 Policy interventions could consider:
- making clear which Local Plan policies are strategic. This will aid the ‘general conformity’ process and focus town and parish councils to parts of the local plan that can be altered and added to at a local level;
  - creating a new Neighbourhood Plan policy and /or updating existing policies to further clarify how neighbourhood plans can be in general conformity with the local plan; and
  - Place a duty within the local plan, possibly as part of the above intervention and/or as part of new strategic policy (as recommended in the Biodiversity and Climate Change papers) that neighbourhood plan must respond to climate change and biodiversity issues. The test would have to be passed to be found in general conformity with the Local Plan.
- 6.3 Non-policy interventions could consider:
- providing supplementary planning guidance to clarify the what ‘support’ the council will provide to town and parish councils, this could include offering more support to those town and parish councils that seek to deliver community led renewable energy schemes and / or housing and employment development; and
  - support Town and Parish Councils to better connect with one another to share knowledge and experience. There are great examples of this already happening across the district and the Council could further support these networks and knowledge exchanges, and further build on the Council’s recent Town and Parish Council forums model.

### Opt 1: Implement recommended policy responses

Policy Approach	Discussion of impacts, effectiveness etc - justification
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<sup>9</sup> INSERT LAW & SECTION

<sup>10</sup> INSERT LINK TO NPPF

<sup>11</sup> INSERT LINK TO NPPG

<p>(A) Preferred Option:</p>	<ol style="list-style-type: none"> <li>1) Make clear which local plan policies are strategic and non-strategic.</li> <li>2) Create a new Neighbourhood Plan policy that sets out conditions that neighbourhood plans will need to pass to be in general conformity with the adopted Cotswold District Local Plan. The policy would also act as a “hook” for further guidance on procedural matters.</li> <li>3) Place a duty on those preparing neighbourhood plans to respond to climate and ecological emergencies.</li> </ol>
<p>(B) Alternative Option:</p>	<ol style="list-style-type: none"> <li>1) There is no reasonable alternative. NPPF Paragraph 21 sets an expectation that plans should make explicit which local plan policies are strategic policies.</li> <li>2) Do not add a new policy but continue to provide improved local guidance on procedural matters.</li> <li>3) The recommended ‘duty’ is replaced with an ‘encouragement’ to respond to climate change when preparing neighbourhood plans.</li> </ol>
<p>(C) Rejected Option:</p>	<ol style="list-style-type: none"> <li>1) There is no rejected option</li> <li>2) The current situation. Do not prepare a new policy or new guidance.</li> <li>3) Do not explicitly require or encourage town and parish councils to prepare neighbourhood plans that respond to climate change and biodiversity matters.</li> </ol>