

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I110771
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1. **TITLE:** Making (adoption) of the Warfield Neighbourhood Plan 2013-2037

2. **SERVICE AREA:** Place, Planning & Regeneration

3. **PURPOSE OF DECISION**

To agree that the Warfield Neighbourhood Plan is 'made' because the majority of those who voted at the referendum on the Neighbourhood Plan were in favour of Bracknell Forest Council using the Neighbourhood Plan to help decide planning applications in the Warfield neighbourhood area.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

1 The formal "making" (keeping in legal force) of the Warfield Neighbourhood Development Plan to continue to form part of the statutory Bracknell Forest Development Plan pursuant to Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) be approved; and,

2 The form, content and publication of the Decision Statement (set out in Appendix B of the Executive Director: Place, Planning & Regeneration's report) pursuant to Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) be approved.

7. **REASON FOR DECISION**

The Council in its capacity as the Local Planning Authority has a statutory duty, as set out in Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) ("PCPA"), to make a neighbourhood development plan if more than half of those voting at referendum have voted in favour of making the neighbourhood development plan. This must be done as soon as reasonably practicable after the referendum is held and, in any event, within 8 weeks of the referendum (as prescribed by Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations")). Regulation 19 requires the Council to then publish a statement setting out the decision and details of where and when the decision statement may be inspected. This must be done as soon as possible after deciding to make the neighbourhood development plan.

8. **ALTERNATIVE OPTIONS CONSIDERED**

If the Council considers that the making of the Neighbourhood Plan would breach, or otherwise be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998 (as amended)), it would not have a duty to make the Neighbourhood Plan, as set out in Section 38A(6) of the PCPA, in which case the Neighbourhood Plan would cease to form part of the Development Plan, as set out in Section 38(3B) of the PCPA.

The independent Examiner who reviewed the Neighbourhood Plan considered that it met the basic conditions and statutory requirements (incorporating modifications), including the basic condition that the Neighbourhood Plan is compatible with EU obligations and Convention rights (within the meaning of the Human Rights Act 1998 (as amended)). The Council concurred with the Examiner's conclusions as set out in the published 'Post Examination Decision Statement.' Therefore, it would be in breach of the Council's statutory responsibilities in respect of Neighbourhood Planning under Section 38A(4) of the PCPA to refuse to make the Neighbourhood Plan. It would also expose the Council to the risk of legal challenge and attendant costs.

9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Place, Planning & Regeneration
10. **DECLARED CONFLICTS OF INTEREST:** Councillor Barnard advised the Executive that he wished everyone to be aware that, although not a formal interest, he was the Chairman of Warfield Parish Council.

Date Decision Made	Final Day of Call-in Period
13 December 2022	20 December 2022