

## **DECISION STATEMENT MAKING THE CROWTHORNE NEIGHBOURHOOD PLAN**

This document is the Decision Statement required to be prepared under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) and Regulation 19(a) of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”). It sets out the Council’s considerations and formal decision to make the Crowthorne Neighbourhood Plan following the successful local referendum held on 6 May 2021.

### **1.0 SUMMARY**

- 1.1 Following a successful local referendum held on 6 May 2021, the Crowthorne Neighbourhood Plan came into legal force as part of the statutory Development Plan for Bracknell Forest with immediate effect.
- 1.2 On 1 June 2021, Bracknell Forest Council’s Executive decided to formally make the Crowthorne Neighbourhood Plan under Section 38A(4) of the 2004 Act. The Crowthorne Neighbourhood Plan therefore continues to form part of the statutory Development Plan for Bracknell Forest.
- 1.3 In accordance with Regulation 19 of the Regulations, this Decision Statement can be viewed on the Council’s website: [www.bracknell-forest.gov.uk/developmentplan](http://www.bracknell-forest.gov.uk/developmentplan)
- 1.4 In accordance with Regulation 20 of the Regulations, the Crowthorne Neighbourhood Plan can be viewed at Crowthorne Library and on the Council’s website: [www.bracknell-forest.gov.uk/developmentplan](http://www.bracknell-forest.gov.uk/developmentplan)
- 1.5 Hard copies of this Decision Statement and the Crowthorne Neighbourhood Plan can be inspected at: Crowthorne Library, 162 High Street, Crowthorne, RG45 7AT (Open: Monday-Friday 9:30am to 5pm; Saturday 9:30am to 4pm). Due to public health guidelines, appointments must be booked to view the Decision Statement by phoning 01344 776431.
- 1.6 Due to public health guidelines, it is not currently possible to make the Decision Statement available for inspection at the Bracknell Forest Council or Crowthorne Parish Council offices.

## **2.0 BACKGROUND**

- 2.1 The Crowthorne Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 15 June 2016. This area is coterminous with the Crowthorne Parish boundary and is entirely within the Local Planning Authority area.
- 2.2 The Crowthorne Neighbourhood Plan was examined by Mr. Andrew Ashcroft; the Council received his Examiner's report on 24 March 2020. The report concluded that subject to making the modifications recommended by the Examiner, the Plan met the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommended that the referendum area was based on the Neighbourhood Area that was designated by the Council on 15 June 2016.
- 2.3 The Post Examination Decision Statement (a report that outlines all the Examiner's modifications and confirms the Council's consideration and decision on them) and the decision to submit the Crowthorne Neighbourhood Plan to a referendum were both agreed by the Executive Member for Planning and Transport on 9 June 2020. The Post Examination Decision Statement was published by the Council on its website on 17 June 2020.
- 2.4 On 6 May 2021, the Crowthorne Neighbourhood Plan successfully passed referendum with 84.6% of those who voted casting ballots in favour of the Crowthorne Neighbourhood Plan being used to help to decide planning applications in the Crowthorne Parish Neighbourhood Area. The Crowthorne Neighbourhood Plan came into legal force as part of the statutory Bracknell Forest Development Plan with immediate effect.
- 2.5 On 1 June 2021, the Executive of Bracknell Forest Council resolved that the Crowthorne Neighbourhood Plan (incorporating modifications set out in the Post Examination Decision Statement), be formally made and continue to form part of the statutory Development Plan for Bracknell Forest. It will sit alongside the other adopted Local Plans that together form the Development Plan.
- 2.6 Bracknell Forest Council is continuing to advance the Bracknell Forest Local Plan which will set the strategic context within which the Crowthorne Neighbourhood Plan will sit.

## **3.0 DECISION AND REASONS**

- 3.1 Section 38A(4)(a) of the 2004 Act requires the Council to make the Neighbourhood Plan if more than half of those voting in the referendum have voted in favour of the Plan being used to help decide planning applications in the Neighbourhood Area. The Crowthorne Neighbourhood Plan was endorsed by more than the required threshold in the referendum on 6 May 2021 (84.6% voted in favour).
- 3.2 Section 38A(6) of the 2004 Act states that the Local Planning Authority is not subject to the duty if it considers that the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998 (as amended)). In the report to Executive on 1 June 2021, the Council appended an Initial Equalities Impact Screening Assessment which concluded that that the policies in the Crowthorne Neighbourhood Plan were not considered to prejudice any particular section of the community. The Council issued a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in January 2019, which confirmed to Crowthorne

Parish Council that a SEA and a full HRA were not required on the Crowthorne Neighbourhood Plan. The Examiner also concluded in his March 2020 report that the Crowthorne Neighbourhood Plan is compatible with the Convention rights (within the meaning of the Human Rights Act 1998 (as amended)) and EU obligations. The Council therefore does not consider that the Crowthorne Neighbourhood Plan (incorporating modifications set out in the Post Examination Decision Statement) is in breach of the relevant legislation.

- 3.3 The Council considers that the Crowthorne Neighbourhood Plan meets the basic conditions (set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)), its promotion process was compliant with legal and procedural requirement, it does not breach the legislation (set out in Section 38A(6) of the 2004 Act) and confirms that more than half of those who voted in the referendum on 6 May 2021, voted in favour of making the Plan.
- 3.4 As a result of the Executive resolution of 1 June 2021, Bracknell Forest Council has made the Crowthorne Neighbourhood Plan, keeping it in legal force in accordance with Section 38A (4) of the 2004 Act. The Crowthorne Neighbourhood Plan forms part of the statutory Development Plan for Bracknell Forest and can be used in decision making on planning applications in Crowthorne Parish Neighbourhood Area. Consequently, decisions on whether or not to grant planning permission in Crowthorne Parish will need to be made in accordance with Crowthorne Neighbourhood Plan, unless material considerations indicate otherwise.

#### **4.0 OTHER INFORMATION**

- 4.1 In accordance with Regulation 19(b) of the Regulations, a copy of this Decision Statement has been sent to:
- The qualifying body, namely Crowthorne Parish Council
  - The persons who asked to be notified of the decision.
- 4.2 This Decision Statement, the Crowthorne Neighbourhood Plan and relevant documents can be viewed as set out in paragraph's 1.3 to 1.5 of this Decision Statement.

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