

Planning and Compulsory Purchase Act 2004 (as amended)

**DECISION STATEMENT MAKING
THE WARFIELD 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 Warfield Neighbourhood Plan following the successful local referendum held on 17 November 2022.

1.0 SUMMARY

- 1.1 Following a successful local referendum held on 17 November 2022, the Warfield Neighbourhood Plan came into legal force as part of the statutory Development Plan for Bracknell Forest with immediate effect.
- 1.2 On 13 December 2022, Bracknell Forest Council’s Executive decided to formally make the Warfield Neighbourhood Plan under Section 38A(4) of the 2004 Act. The Warfield 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: <http://www.bracknell-forest.gov.uk/developmentplan>
- 1.4 In accordance with Regulation 20 of the Regulations, the Warfield Neighbourhood Plan can be viewed at Whitegrove Library and on the Council’s website: www.bracknell-forest.gov.uk/developmentplan
- 1.5 Hard copies of this Decision Statement and the Warfield Neighbourhood Plan can be inspected at: Whitegrove Library, 5 County Lane, Warfield, Bracknell RG42 3JP (Open: Monday, Tuesday, Thursday & Friday - 9:30am to 5pm; Wednesday - 9:30am to 6pm; Saturday 9:30am to 4pm).

2.0 BACKGROUND

- 2.1 The Warfield Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 23 July 2014. This area is coterminous with the Warfield Parish boundary and is entirely within the Local Planning Authority area.
- 2.2 The Warfield Neighbourhood Plan was initially examined by Ms Jill Kingaby before being progressed to completion by Ms Mary O’Rourke. The Council received her Examiner’s report on 17 January 2022. 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 23 July 2014.

- 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 Warfield Neighbourhood Plan to a referendum were both agreed by the Executive Member for Planning and Transport on 27 Aug 2022. The Post Examination Decision Statement was published by the Council on its website on 30 August 2022.
- 2.4 On Thursday 17 November 2022, the Warfield Neighbourhood Plan successfully passed referendum with 83% of those who voted casting ballots in favour of the Warfield Neighbourhood Plan being used to help to decide planning applications in the Warfield Neighbourhood Area. The Warfield Neighbourhood Plan came into legal force as part of the statutory Bracknell Forest Development Plan with immediate effect.
- 2.5 On 13 December 2022, the Executive of Bracknell Forest Council resolved that the Warfield 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 Warfield 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 Warfield Neighbourhood Plan was endorsed by more than the required threshold in the referendum on 17 November 2022 (83% 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 13 December 2022, the Council appended an Initial Equalities Impact Screening Assessment which concluded that the policies in the Warfield Neighbourhood Plan were not considered to prejudice any particular section of the community. The WNP has been subject to a Sustainability Appraisal, incorporating Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) of the Plan was required to be undertaken. The Examiner concluded in her January 2022 report that the Warfield 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 Warfield 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 Warfield 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 17 November 2022, voted in favour of making the Plan.

3.4 As a result of the Executive resolution of 13 December 2022, Bracknell Forest Council has made the Warfield Neighbourhood Plan, keeping it in legal force in accordance with Section 38A (4) of the 2004 Act. The Warfield Neighbourhood Plan forms part of the statutory Development Plan for Bracknell Forest and can be used in decision making on planning applications in Warfield Neighbourhood Area. Consequently, decisions on whether or not to grant planning permission in Warfield Parish will need to be made in accordance with Warfield 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 Warfield Council
- The persons who asked to be notified of the decision.

4.2 This Decision Statement, the Warfield 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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Date: 25 November 2022