

To: **EXECUTIVE MEMBER FOR PLANNING AND TRANSPORT**
15 September 2023

**WINKFIELD NEIGHBOURHOOD PLAN - PUBLICATION OF DECISION STATEMENT
AND SUBMISSION OF WINKFIELD NEIGHBOURHOOD PLAN TO A REFERENDUM**

Executive Director: Place, Planning & Regeneration

1 Purpose of Report

- 1.1 The purpose of this report is to seek the agreement of the Executive Member for Planning and Transport to:
- i. the form, content and publication of a decision statement for the Winkfield Neighbourhood Plan;
 - ii. the submission of the modified plan to local referendum; and,
 - iii. the extent of the area within which the referendum is held.
- 1.2 Winkfield Parish Council prepared and submitted a Neighbourhood Development Plan (“Neighbourhood Plan”) pursuant to the Neighbourhood Planning (General) Regulations (2012) (as amended) (“the Regulations”) to Bracknell Forest Council (“the Council”) in its capacity as the Local Planning Authority, in accordance with Regulation 15.
- 1.3 The Council duly undertook publicity on the proposed Neighbourhood Plan (in accordance with Regulation 16) and arranged for the Neighbourhood Plan to be examined by an independent Examiner (Regulation 17). The Council is now in receipt of the Examiner’s report which recommends that, subject to recommendations put forward by the Examiner, the Neighbourhood Plan be submitted to referendum. It also recommends that the Neighbourhood Plan should proceed to a referendum based on the designated Winkfield Neighbourhood Area (the designated area is as amended on 14 July 2023 following minor changes to the parish boundary).
- 1.4 The Regulations require the Council to publish a ‘decision statement’, setting out what actions it proposes to take on each of the recommendations in the Examiner’s Report (Regulation 18). The Council must also decide whether to send the Neighbourhood Plan to referendum.
- 1.5 The responsibility for these functions and the submission of the Neighbourhood Plan to referendum, with regard to the making of the Neighbourhood Plan, were delegated to the Executive Member for Planning and Transport by a decision on 10 September 2015, made by the Executive Member for Council Strategy and Community Cohesion. This decision is documented in a report entitled ‘Arrangements for the exercise of powers relating to Neighbourhood Planning’.

2 Recommendation

2.1 That the Executive Member for Planning and Transport agrees the:

(1) form, content and publication of the ‘Decision Statement’ (set out in Appendix A of this report) pursuant to Regulation 18; and

(2) submission of the modified Winkfield Neighbourhood Plan, including

associated Policies Maps (contained in Appendices B of this report) to a local community referendum on the making of the Winkfield Neighbourhood Plan pursuant to paragraph 14 of Schedule 4B of the Town and Country Planning Act 1990 (as amended) (“the Act”) anticipated to be in November 2023); and,

(3) referendum area be restricted to the neighbourhood area as designated by the Council on 14 July 2023 as the Winkfield Neighbourhood Area.

3 Reasons for Recommendation

- 3.1 The Council has a statutory duty, as set out in paragraph 12 of Schedule 4B of the Act and Regulation 18 of the Regulations, to consider the recommendations made by the Examiner and if satisfied that the Neighbourhood Plan meets the basic conditions, to issue a ‘Decision Statement’. The Council is subsequently required to arrange and hold a referendum on the making of the Neighbourhood Plan in accordance with paragraph 14 of Schedule 4B of the Act.

4 Alternative Options Considered

- 4.1 An alternative option is for the Council to refuse the proposed Neighbourhood Plan if it is not satisfied. The ‘decision statement’ would need to be issued setting out the reasons for this decision (paragraph 12 of Schedule 4B of the Act and Regulation 18). The independent Examiner of the Plan has recommended modifications to ensure that the Plan meets the basic conditions. If the Council concurs with the Examiner’s conclusions, it would be in breach of the Council’s statutory responsibilities in respect of Neighbourhood Planning under paragraph 12 of Schedule 4B of the Act to refuse the Neighbourhood Plan. It would also expose the Council to the risk of legal challenge and attendant costs.

5 Supporting Information

Process

- 5.1 Winkfield Parish Council is the qualifying body for the purposes of neighbourhood planning in Winkfield. The Neighbourhood Plan area was originally designated in December 2015 and was amended on 14 July 2023 (see paragraph 5.6 below for further information).
- 5.2 Winkfield Parish Council submitted its Neighbourhood Plan and supporting documentation to the Council on 22 July 2022. The Executive Director: Place, Planning and Regeneration confirmed on 4 August 2022 that it complied with the statutory requirements. Following agreement by the Executive Member for Planning and Transport on 2 September 2022, the Neighbourhood Plan was published for consultation from 20 October to 2 December 2022 and an Examiner was appointed. The Council provided a formal consultation response, and the Plan was submitted for independent examination following agreement by the Executive Member for Planning and Transport on 24 November 2022.
- 5.3 With the consent of Winkfield Parish Council, the Council appointed Mr Andrew Ashcroft to undertake the independent examination of the Neighbourhood Plan. The

Council submitted the Plan along with the representations received during the consultation period and other supporting documentation to examination following the close of the consultation.

- 5.4 The purpose of the examination was to determine whether the Plan met the basic conditions required by legislation, other legal requirements, and whether or not the Plan should proceed to referendum. The basic conditions are set out in the Town and Country Planning Act 1990 (as amended).
- 5.5 The Examiner considered that a public hearing into the Plan was not necessary, and the examination was therefore conducted through written representations. The Examiner's report was issued on 24 July 2023 and has been published on the Council's website. The report recommends that, subject to a series of modifications, the Plan meets the basic conditions set out in legislation and should proceed to local referendum. It also recommended that the area for the referendum should be limited to the amended designated Neighbourhood Plan Area.
- 5.6 During the Examination, minor changes were made to the boundary of Winkfield Parish, which took effect from 2 March 2023. Subsequently, in May 2023, Winkfield Parish Council applied to the Council to amend the designated Neighbourhood Area to remove three small areas of land which now fall within an adjoining parish. The amendments to the designated Neighbourhood Area are minor and do not materially affect the Plan. Following agreement by the Executive Member for Planning and Transport on 14 July 2023 the amended area was designated by the Council as a Neighbourhood Area.

Bracknell Forest Council's statutory duties following receipt of the Examiner's Report

- 5.7 The Act requires the Council to consider each of the recommendations made in the Examiner's report (and the reasons for them) and to decide what action to take in response to each recommendation (paragraph 12(2) of Schedule 4B of the Act and Regulation 18 of the Regulations).
- 5.8 Several of the Examiner's proposed recommendations amend policy text to provide greater clarity on how policies should be applied to the assessment of planning applications. Others update the supporting text. The Examiner also comments that other consequential changes to the Plan may be required. A brief summary of the Examiner's key recommendations is set out below:
 - **Policy W1: A Spatial Plan for the Parish:** simplification of part C2 of the policy so that its focus is supporting the use of brownfield land; amendment of part C3 by deleting reference to 'openness' so it reflects paragraph 149e of the National Planning Policy Framework (NPPF) and amendment of part C5 so it applies in a general way by deleting reference to a local gap (which is addressed in Policy W9) and the strategic gap.
 - **Policy W3: Design of parking:** detailed modifications to the wording for clarity as required by the NPPF.
 - **Policy W4: Housing type, size, and choice:** revisions to the thresholds in part A so they apply proportionally; deletion of part B as the Council has not adopted a local plan policy requiring the use of National Described Space Standards and the deletion of reference to starter homes in part C as it is no longer supported by the Government.

- **Policy W5: Rural Exception Sites and entry-level exception housing:** modifications to part A for clarity; relocation of part D of the policy to the supporting text as it is concerned with implementation and modifications to part E iii to ensure consistency with modifications to Policy W9.
- **Policy W7: Employment and Retail:** in part A the deletion of reference to retail as the exception test is required and inclusion of a definition of small-scale employment development and simplification of part C to remove reference to matters which are beyond the control of land use planning.
- **Policy W8: Biodiversity and Wildlife Corridors:** modification of part A so it applies proportionally; refinement of part B for clarity and replacement of final sentence in part C to ensure policy to ensure sustainable drainage is achieved.
- **Policy W9: Local Gaps:** modifications to part A for clarity; deletion and relocation of part B to the supporting text as it is concerned with implementation and modification of the title so it refers to Winkfield Row local gap.
- **Policy W10: Dark Skies:** modification of the format for clarity and deletion and relocation of part B to the supporting text as it is concerned with implementation.
- **Policy W12: Pedestrian/Cycle Network:** detailed modifications to part C for clarity and to ensure it applies proportionately and deletion and relocation of final sentence of part C to the supporting text as it is concerned with implementation.
- **Policy W13: Martins Heron Station:** split part B into separate parts for clarity.

- 5.9 In accordance with the Examiner's recommendations, the 'decision statement' sets out that the Council agrees to make the required changes to the Plan, in order to meet the Basic Conditions.
- 5.10 In accordance with paragraph 7.71 of the Examiner's report, the Council has also proposed some further modifications to the Plan to ensure consistency with the modified policies, and to provide updated factual information.
- 5.11 The 'Decision Statement' also deals with sending the Neighbourhood Plan to referendum. Having considered the Examiner's recommendation on the extent of the referendum area (paragraph 8.4 of the Examiner's report), and the requirement in paragraph 12(7) of Schedule 4B of the Act that 'the area in which the referendum is to take place must as a minimum be the neighbourhood area to which the proposed Neighbourhood Plan relates', the Council agrees with the Examiner's recommendation that the referendum area should be the designated Winkfield Neighbourhood Area.
- 5.12 Regulation 17A requires the Council to decide how it intends to proceed within five weeks from the day after the date of receipt of the Examiner's Report unless a later date is agreed in writing by the local planning authority and the qualifying body. In this instance it has been necessary to agree a later date with Winkfield Parish

Council due to the summer holiday period and the need to prepare the 'Decision Statement' in consultation with the Parish Council.

- 5.13 If the Executive Member for Planning and Transport agrees the form and content of the 'Decision Statement' set out in Appendix A, it will be published by the Council. This is an administrative function delegated to the Director of Place, Planning and Regeneration by the 26 February 2016 Leader decision (decision 11). It will also be sent to Winkfield Parish Council and any person who has asked to be notified of the decision.

Submitting the Plan to referendum

- 5.14 Paragraph 12(4) of Schedule 4B of the Act requires a referendum to be held on the making of a plan, assuming that the local authority is satisfied that the plan meets the basic conditions and other legal requirements.
- 5.15 It is not possible to 'make' the Winkfield Neighbourhood Plan or bring it into force until the result of a referendum is known (more than 50% of those taking part in the referendum must vote in favour of the plan being made part of the development plan for the local area). However, government guidance (Planning Practice Guidance)¹, states that where a local planning authority has issued a 'Decision Statement' detailing its intention to send a neighbourhood plan to referendum, the policies can be given significant weight in decision-making, so far as they are material to an application. The policies must therefore be used in the determination of planning applications relating to land in the Winkfield Neighbourhood Plan designated neighbourhood area.

Resource Implications

- 5.16 As indicated above, this Council, as the local planning authority, has a statutory duty to provide advice and assistance and to carry out certain parts of the neighbourhood planning process, including holding and arranging any referendum.
- 5.17 The Council has already received £5,000 of government grant funding following the original designation of the Winkfield Neighbourhood Area in 2015. The Council has funded the independent Examination and will need to fund the referendum. Based on the size of the electorate in Winkfield Parish, the estimated cost of a standalone referendum is £25,000. In a letter from the Chief Planner (Department for Levelling Up, Housing and Communities) in July 2023, it was confirmed that for the 2023/24 financial year, local planning authorities can claim £20,000 where they have issued a decision statement detailing their intention to send a plan to referendum (rather than when a referendum date had been set).
- 5.13 The work of supporting the preparation of the Winkfield Neighbourhood Plan has been resourced from within existing planning budgets supplemented by the grant money from the Government.

6 Consultation and Other Considerations

Legal Advice

- 6.1 The recommendations of the report seek the Executive Member's approval for the Council to: publish the Decision Statement (in accordance with Regulation 18) and to submit the modified Winkfield Neighbourhood Plan to a local community referendum

¹ Paragraph: 107 Reference ID: 41-107-20200925

on the making of the Winkfield Neighbourhood Plan (in accordance with paragraph 14 of Schedule 4B of the Act).

- 6.2 Consideration has been given to the nature of and the appropriate level at which neighbourhood planning decisions can be made, whilst ensuring the process is fair and transparent.
- 6.3 Revised governance arrangements for the discharge of decisions in relation to facilitating the neighbourhood planning process were approved by the Leader in September 2015 and updated in February 2016. The approval of the designated areas for Neighbourhood Planning has been delegated to the Executive Member for Planning and Transport.

Financial Advice

- 6.4 The financial implications are set out in paragraph 5.17 of this report. Whilst there is no specific budget for the difference between the costs of the referendum and the amount that the Council can expect to receive as grant, any funding shortfall is unlikely to be significant and will be met from existing budgets.

Equalities Impact Assessment

- 6.5 An Equalities Impact Assessment screening exercise has been undertaken and has found that the policies in the Winkfield Neighbourhood Plan are not considered to prejudice any particular section of the community.

Strategic Risk Management Issues

- 6.6 There are no strategic risk management issues arising from this report.

Climate Change Implications

- 6.7 The recommendations are expected to have no impact on emissions of CO₂ as they are concerned with the Plan's Decision Statement and referendum.

Health and Wellbeing Considerations

- 6.8 There are no health and wellbeing considerations arising from this report.

Background Papers

- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- Town and Country Planning Act 1990
- National Planning Policy Framework
- National Planning Practice Guidance:
<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>
- Winkfield Parish Council's draft Winkfield Neighbourhood Plan pre-submission consultation: <http://winkfieldnp.org/pre-submission/>
- Bracknell Forest Council decision relating to the Winkfield Neighbourhood Plan Pre-Submission consultation response: <https://democratic.bracknell-forest.gov.uk/mgIssueHistoryHome.aspx?Id=105842&PlanId=2455&RPID=55533422>
- Bracknell Forest Council decision relating to the Winkfield Neighbourhood Plan publication and appointment of examiner: <https://democratic.bracknell->

forest.gov.uk/mglIssueHistoryHome.aspx?IId=107876&PlanId=2500&RPID=57554509

- Winkfield Neighbourhood Plan Regulation 16 Submission Consultation: www.bracknell-forest.gov.uk/winkfield-plan
- Bracknell Forest Council decision relating to the Winkfield Neighbourhood Plan consultation response and submission to examiner: <https://democratic.bracknell-forest.gov.uk/mglIssueHistoryHome.aspx?IId=109949&Opt=0>
- Minor amendments to Winkfield Neighbourhood Plan Designated Neighbourhood Area: www.bracknell-forest.gov.uk/winkfield-plan
- Bracknell Forest Council decision relating to minor amendments to Winkfield Neighbourhood Plan Designated Neighbourhood Area: <https://democratic.bracknell-forest.gov.uk/ieDecisionDetails.aspx?Id=3537>

Appendix A

Post Examination Decision Statement on the Winkfield Neighbourhood Plan

Appendix B

Winkfield Neighbourhood Plan (incorporating modifications)

Contact for further information

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