

Appendix A

Bracknell Forest Council Winkfield Neighbourhood Plan 2022-2037



Planning and Compulsory Purchase Act 2004 (as amended)

DECISION STATEMENT MAKING THE WINKFIELD 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 Winkfield Neighbourhood Plan following the successful local referendum held on 23 November 2023.

1.0 SUMMARY

- 1.1 Following the successful local referendum held on 23 November 2023, the Winkfield Neighbourhood Plan came into legal force as part of the statutory Development Plan for Bracknell Forest with immediate effect.
- 1.2 On 12 December 2023, Bracknell Forest Council resolved to formally make the Winkfield Neighbourhood Plan under Section 38A(4) of the 2004 Act. The Winkfield 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/winkfield-plan. A copy has also been sent to:
 - The qualifying body Winkfield Parish Council
 - The persons who asked to be notified of the decision.
- 1.4 In accordance with Regulation 20 of the Regulations, the Winkfield Neighbourhood Plan can be viewed on the Council’s website: www.bracknell-forest.gov.uk/winkfield-plan, and any person who asked to be notified of the making of the Neighbourhood Plan and where and when it may be inspected at the Regulation 16 stage has been notified.
- 1.5 In accordance with Regulations 19 and 20 hard copies of this Decision Statement and the Winkfield Neighbourhood Plan can be inspected during opening hours at:
 - Bracknell Forest Council's Offices, Time Square, Market Street, Bracknell, RG12 1JD
 - Winkfield Parish Council, Council Offices, Fernbank Road, North Ascot, SL5 8JW
 - Ascot Heath Library, Fernbank Road, North Ascot, SL5 8LA
 - Bracknell Library, The Avenue, Bracknell, RG12 1BH
 - Whitegrove Library, County Lane, Newell Green, RG42 3JP

2.0 BACKGROUND

- 2.1 The Winkfield Neighbourhood Plan relates to the amended area that was designated by the Council as a Neighbourhood Area on 14 July 2023.
- 2.2 The Winkfield Neighbourhood Plan was examined by Mr. Andrew Ashcroft. The Council received the Examiner's report on 24 July 2023. 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 amended Neighbourhood Area that was designated by the Council on 14 July 2023.
- 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 Winkfield Neighbourhood Plan to a referendum were both agreed by the Executive Member for Planning and Transport on 15 September 2023. The Post Examination Decision Statement was published by the Council on its website and hard copies were made available at the locations listed in paragraph 1.5.
- 2.4 On 23 November 2023, the Winkfield Neighbourhood Plan successfully passed referendum with over half of those who voted casting ballots in favour of the Winkfield Neighbourhood Plan being used to help determine planning applications in the Winkfield Parish Neighbourhood Area. The Winkfield Neighbourhood Plan came into legal force as part of the statutory Bracknell Forest Development Plan with immediate effect.
- 2.5 On 12 December 2023, the Council resolved that the Winkfield 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 Winkfield 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 Winkfield Neighbourhood Plan was endorsed by more than the required threshold in the referendum on 23 November 2023.
- 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 12 December 2023, the Council appended an Initial Equalities Impact Screening Assessment which concluded that the policies in the Winkfield 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, which confirmed to Winkfield Parish Council that a SEA and a HRA were required. A SEA and HRA were subsequently

published alongside the Pre-Submission and Submission Plan. The Examiner also concluded in his July 2023 report that the Winkfield 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 Winkfield 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 Winkfield 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 requirements, 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 23 November 2023, voted in favour of making the Plan.
- 3.4 As a result of the Executive resolution on 12 December 2023, Bracknell Forest Council has made the Winkfield Neighbourhood Plan, keeping it in legal force in accordance with Section 38A (4) of the 2004 Act. The Winkfield Neighbourhood Plan forms part of the statutory Development Plan for Bracknell Forest and can be used in decision making on planning applications in the Winkfield Neighbourhood Area. Consequently, decisions on whether or not to grant planning permission in Winkfield Parish will need to be made in accordance with the Winkfield Neighbourhood Plan, unless material considerations indicate otherwise.

Andrew Hunter, Executive Director of Place, Planning and Regeneration – 01344 351907
Email: Andrew.Hunter@bracknell-forest.gov.uk

Date: 20 December 2023