

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I117788
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1. **TITLE:** Making (adoption) of the Winkfield Neighbourhood Plan 2022-2037

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

3. **PURPOSE OF DECISION**

To agree that the Winkfield Neighbourhood Plan is 'made' if the majority of those who vote at the referendum on the Neighbourhood Plan are in favour of Bracknell Forest Council using the Neighbourhood Plan to help decide planning applications in the Winkfield neighbourhood area.

4. **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the Executive:

- i. Agrees the formal "making" (keeping in legal force) of the Winkfield 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); and
- ii. Agrees the form, content and publication of the Decision Statement (set out in Appendix A of the report) pursuant to Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

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 a referendum have voted in favour of making the neighbourhood development plan. This must be done 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**

1. 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.

2. The independent Examiner who reviewed the Neighbourhood Plan considered that, subject to modifications, it met the basic conditions and statutory requirements, 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 legal challenge and attendant costs.
9. **DOCUMENT CONSIDERED:** Report of the Executive Director: Place, Planning & Regeneration
10. **DECLARED CONFLICTS OF INTEREST:** None

Date Decision Made	Final Day of Call-in Period
12 December 2023	20 December 2023