

DECISION STATEMENT MAKING
THE BRACKNELL TOWN 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 Bracknell Town Neighbourhood Plan following the successful local referendum held on 9 September 2021.

1.0 SUMMARY

- 1.1 Following a successful local referendum held on 9 September 2021, the Bracknell Town Neighbourhood Plan came into legal force as part of the statutory Development Plan for Bracknell Forest with immediate effect.
- 1.2 On 19 October 2021, Bracknell Forest Council’s Executive decided to formally make the Bracknell Town Neighbourhood Plan under Section 38A(4) of the 2004 Act. The Bracknell Town 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
- 1.4 In accordance with Regulation 20 of the Regulations, the Bracknell Town Neighbourhood Plan can be viewed at Bracknell Central Library and on the Council’s website: www.bracknell-forest.gov.uk/developmentplan
- 1.5 Hard copies of this Decision Statement and the Bracknell Town Neighbourhood Plan can be inspected at: Bracknell Central Library, Town Square, Bracknell, RG12 1BH (Open: Monday 9:30am to 5pm; Tuesday, Thursday and Friday 9:30am to 7pm; Saturday 9:30am to 4pm).
- 1.6 It is not currently possible to make the Decision Statement available for inspection at the Bracknell Forest Council or Bracknell Town Council offices.

2.0 BACKGROUND

- 2.1 The Bracknell Town Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 11 February 2014. This area is coterminous with the Bracknell Town boundary and is entirely within the Local Planning Authority area.
- 2.2 The Bracknell Town Neighbourhood Plan was examined by Mr. John Slater; the Council received his Examiner's report on 23 April 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 11 February 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 Bracknell Town Neighbourhood Plan to a referendum were both agreed by the Leader/Executive Member for Council Strategy and Community Cohesion on 9 July 2021. The Post Examination Decision Statement was published by the Council on its website on 19 July 2021.
- 2.4 On 9 September 2021, the Bracknell Town Neighbourhood Plan successfully passed referendum with 84.6% of those who voted casting ballots in favour of the Bracknell Town Neighbourhood Plan being used to help to decide planning applications in the Bracknell Town Neighbourhood Area. The Bracknell Town Neighbourhood Plan came into legal force as part of the statutory Bracknell Forest Development Plan with immediate effect.
- 2.5 On 19 October 2021, the Executive of Bracknell Forest Council resolved that the Bracknell Town 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 Bracknell Town 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 Bracknell Town Neighbourhood Plan was endorsed by more than the required threshold in the referendum on 9 September 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 19 October 2021, the Council appended an Initial Equalities Impact Screening Assessment which concluded that that the policies in the Bracknell Town 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 July 2018, which confirmed to Bracknell Town Council that a SEA and a full HRA were not required on the Bracknell Town Neighbourhood Plan. The Examiner also concluded in his April 2020 report that the Bracknell Town 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 Bracknell Town 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 Bracknell Town 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 9 September 2021, voted in favour of making the Plan.
- 3.4 As a result of the Executive resolution of 19 October 2021, Bracknell Forest Council has made the Bracknell Town Neighbourhood Plan, keeping it in legal force in accordance with Section 38A (4) of the 2004 Act. The Bracknell Town Neighbourhood Plan forms part of the statutory Development Plan for Bracknell Forest and can be used in decision making on planning applications in Bracknell Town Neighbourhood Area. Consequently, decisions on whether or not to grant planning permission in Bracknell Town will need to be made in accordance with Bracknell Town 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 Bracknell Town Council
 - The persons who asked to be notified of the decision.
- 4.2 This Decision Statement, the Bracknell Town 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: 27 October 2021