

The Making of the Windlesham Neighbourhood Development Plan 2018-2028

Summary

The Windlesham Neighbourhood Plan is the first Neighbourhood Plan to be produced in Surrey Heath that has reached the post-referendum stage. The preparation of the Plan was led by Windlesham Parish Council ('the qualifying body') and a steering group comprising a group of volunteers from the local community. Surrey Heath Borough Council's role in the process is to ensure the Plan meets legal requirements.

The Plan has been the subject of independent examination. The Examiner's report concluded that, subject to modifications, the plan complies with the legal requirements and basic conditions set out in legislation and could proceed to referendum. A referendum was held in the Neighbourhood Plan Area on 2nd May 2019 where the Plan received a 77% yes vote, meaning the Plan has already received full legal effect and should proceed to be 'made' by the local authority. Once the Plan is made, it will be formalised that the Neighbourhood Plan forms part of the Surrey Heath Local Development Plan and will be used for determining planning applications in the Windlesham Neighbourhood Area.

Wards Affected

Windlesham & Chobham; Bagshot.

Recommendation

The Council is advised to RESOLVE that under section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Windlesham Neighbourhood Development Plan, as set out at Annex 1, be made and the Decision Statement for the Plan, as set out at Annex 2, be published.

1. Resource Implications

- 1.1 Once the Windlesham Neighbourhood Plan is made, 25% of any Community Infrastructure Levy receipts generated from development within the neighbourhood area will be passed to Windlesham Parish Council.

2. Background

- 2.1 Windlesham Parish Council applied to Surrey Heath Borough Council for the designation of a Neighbourhood Area for the Windlesham Ward (as drawn prior to the implementation of the electoral boundary changes on 2nd May 2019) of the Parish on 14th October 2014. Following a 6 week consultation the Windlesham ward was designated by the Council on 27th January 2015 as a Neighbourhood Plan Area. The Parish Council and the Neighbourhood

Plan Steering Group comprising a group of volunteers from the local community, have prepared the Windlesham Neighbourhood Plan (WNP) 2018-2028.

- 2.2 Following the formal submission of the WNP to Surrey Heath Borough Council on 15th February 2018, the Council publicised the Plan and invited comments from the public and stakeholders.
- 2.3 The Council appointed Ms Deborah McCann MRTPI to examine the Plan. Examiners are tasked with reviewing whether a neighbourhood plan meets the basic conditions required by legislation and whether it should proceed to referendum. The examiner's report (Annex 3) concluded that the Plan meets the basic conditions, and that subject to the modifications proposed in the report, the Plan should proceed to referendum.
- 2.4 At the Executive Committee held on 19th February 2019, the Council's Executive resolved to agree that the modifications were implemented and the WNP proceed to referendum.
- 2.5 A local referendum for the WNP took place on 2nd May 2019. The result was as follows:
 - Yes = 944 votes (77.12%)
 - No = 280 votes (22.88 %)
 - Turnout = 36.24%Therefore, the majority of local electors voted in favour of the plan.
- 2.6 Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' a neighbourhood plan if more than half of those voting in a referendum vote in favour of it. The making of a neighbourhood plan is therefore a legal requirement, save for in narrow circumstances where making the plan would breach, or otherwise be incompatible with, any EU or human rights -obligations.
- 2.7 The Council's Executive decision on 19th February 2019, confirmed that the WNP, as modified by the Examiner's recommendations, would not breach, and be otherwise incompatible with EU obligations or human rights legislation. The Local Planning Authority is therefore under a statutory duty to 'make' the Neighbourhood Plan as soon as reasonably practicable after the referendum has been held and no more than 8 weeks later than the referendum date.
- 2.8 The WNP will be used in the determination of planning applications that fall within the neighbourhood area.

3. Options

- 3.1 As outlined above, the making of the Plan is mandatory in light of the referendum result. The options in this regard are therefore limited, as follows.
 - (i) **AGREE** that Under section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Council formally make the Windlesham

Neighbourhood Development Plan (see Annex 1) with immediate effect and the Decision Statement for the Plan (see Annex 2) is published.

4. Supporting Information

- 4.1 The Windlesham Neighbourhood Development Plan 2018-2028 as modified is included at Annex 1. This includes information about the preparation of the Plan itself and the procedure it has been through in accordance with the Neighbourhood (General) Planning Regulations 2012 (and subsequent) and other relevant planning legalisation.

5. Corporate Objectives And Key Priorities

- 5.1 The Windlesham Neighbourhood Plan contributes to the delivery of the following two Corporate Objectives:
- Place – to make Surrey Heath an even better place where people are happy to live;
 - People – to build and encourage communities where people can live happily and healthily in an environment that the Community is proud to be part of.

6. Policy Framework

- 6.1 Neighbourhood Planning is promoted through the National Planning Policy Framework (NPPF). The Neighbourhood Plan is prepared in accordance with the Localism Act 2011, the Neighbourhood Planning (General) Regulations 2012 and subsequent. Section 3 of the Neighbourhood Planning Act 2017, which came into force on 19 July 2017, amends section 38 of the Planning and Compulsory Purchase Act 2004 to ensure that neighbourhood plans have full legal effect once they have passed their local referenda. The Windlesham Neighbourhood Plan has now reached this stage.

7. Legal Issues

- 7.1 No matters arising.

8. Risk Management

- 8.1 Upon being 'made', the WNP will be subject to a statutory period of time (six weeks) within which a legal challenge can be lodged.

9. Consultation

- 9.1 The Windlesham Neighbourhood Plan has been the subject of public consultation and a referendum held in the Neighbourhood Area.

Annexes	Annex 1 - Windlesham Neighbourhood Development Plan 2018-2028 (as modified) – see hand out Annex 2 – Decision Statement for the Windlesham Neighbourhood Plan Annex 3 – Examiner’s Report for the Windlesham Neighbourhood Plan – see hand out
Background Papers	None
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