



**Planning and Compulsory Purchase Act 2004, as  
amended by The Localism Act 2011, Schedule 9**

**DECISION STATEMENT BRINGING THE SHINFIELD PARISH NEIGHBOURHOOD  
PLAN INTO LEGAL FORCE**

This document is the Decision Statement required to be prepared under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19(a) of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”)<sup>1</sup>. It sets out the Council’s considerations and formal decision in bringing the Shinfield Parish Neighbourhood Plan into legal force following the successful local referendum held on 8 December 2016.

**1.0 SUMMARY**

- 1.1 Following an independent Examination and Referendum, Wokingham Borough Council’s Executive on 26<sup>th</sup> January 2017 decided to bring the Shinfield Parish Neighbourhood Plan into legal force under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”).
- 1.2 As of 3<sup>rd</sup> February 2017, following the 5 day call in period, the Shinfield Parish Neighbourhood Plan forms part of the statutory Development Plan for Wokingham Borough.
- 1.3 In accordance with Regulation 19 of the Regulations, this Decision Statement can be viewed on the Council’s website under the ‘Shinfield Area Neighbourhood Plan’ tab: <http://www.wokingham.gov.uk/planning/planning-policy/neighbourhood-planning/>
- 1.4 In accordance with Regulation 20 of the Regulations, the Shinfield Parish Neighbourhood Plan can be viewed on the Council’s website under the ‘Neighbourhood Planning’ tab here: <http://www.wokingham.gov.uk/planning/planning-policy/local-plan-and-planning-policies/>
- 1.5 Hard copies of this Decision Statement and the Shinfield Parish Neighbourhood Plan can be inspected at:
  - Wokingham Borough Council, Shute End, Wokingham, RG40 1WP (between 9am and 5pm Monday to Friday);
  - Shinfield Parish Council Office, Shinfield Parish Hall, School Green, Shinfield, RG2 9EH (Between 9am and 12pm Monday to Friday); and
  - Wokingham Library, Denmark St, Wokingham RG40 2BB (Open: Monday 9.30am to 7pm; Tuesday 9.30am to 5pm; Wednesday 9.30am to 1pm; Thursday 9.30am to 8pm; Friday 9.30am to 4pm; Saturday 9.30am to 4pm).

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<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi\\_20120637\\_en.pdf](http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf)

## **2.0 BACKGROUND**

- 2.1 The Shinfield Parish Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area in November 2012. This area is the same as that which makes up the parish of Shinfield and is entirely within Wokingham Borough Council, the Local Planning Authority for the area.
- 2.2 The Shinfield Parish Neighbourhood Plan was examined by Mr. John Parmiter; the Council received his Examiner's report on 1st July 2016. 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 in November 2012.
- 2.3 In September 2016 a Decision Statement was published following the Independent Examination, which outlined all the Examiner's recommended modifications. The decision statement confirmed how the Council had considered the recommendations and detailed how the suggested modifications had been made. The post examination Decision Statement, and the decision to submit the Shinfield Parish Neighbourhood Plan to a referendum, were both agreed by the Council's Executive on 29 September 2016.
- 2.4 On the 8 December 2016, the Shinfield Parish Neighbourhood Plan successfully passed referendum with 87% voting in favour of the Shinfield Parish Neighbourhood Plan being used by Wokingham Borough Council to help to decide planning applications in the Shinfield Parish Neighbourhood Area.
- 2.5 On 26 January 2017, the Council's Executive resolved that the Shinfield Parish Neighbourhood Plan (incorporating modifications set out in the post examination Decision Statement), be brought into legal force and become part of the statutory Development Plan for Wokingham Borough Council. It will sit alongside the other adopted Local Plans that together form the Development Plan.

## **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 Shinfield Parish Neighbourhood Plan was endorsed by more than the required threshold in the referendum on 8 December 2016 (87% 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. The Council issued a Strategic Environmental Assessment (SEA) including a Habitats Regulations Assessment (HRA) Screening Determination in June 2015, which confirmed to Shinfield Parish Council that a SEA and a full HRA were not required on the Shinfield Parish Neighbourhood Plan. The Examiner also concluded in his July 2016 report that the Shinfield Parish Neighbourhood Plan is compatible with the Convention rights; does not breach, and is otherwise compatible with, EU obligations; and is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects. The Council therefore does not consider that the Shinfield Parish 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 Shinfield Parish 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 8 December 2016, voted in favour of making the Plan.

3.4 As a result of the Executive resolution of 26 January 2016, the Council has brought the Shinfield Parish Neighbourhood Plan into legal force in accordance with Section 38A (4) of the 2004 Act. The Shinfield Parish Neighbourhood Plan forms part of the statutory Development Plan for Wokingham Borough and can be used in decision making on planning applications in Shinfield Parish Neighbourhood Area. Consequently, decisions on whether or not to grant planning permission in Shinfield Parish will need to be made in accordance with Shinfield Parish 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 Shinfield Parish Council
- The persons who asked to be notified of the decision.

4.2 This Decision Statement, the Shinfield Parish Neighbourhood Plan and relevant documents can be viewed as set out in paragraph's 1.3 to 1.5 of this Decision Statement.

4.3 Section 61N of Schedule 9 of the Town and Country Planning Act 1990 (as amended) states that any person who is aggrieved by the making of the Shinfield Parish Neighbourhood Plan under Section 61E(4) or (8) may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) on the grounds that:

- the document is not within the appropriate power;
- a procedural requirement has not been complied with.

4.4 Any such application must be made promptly and in any event no later than 6 weeks after the date of this Decision Statement, i.e. no later than Friday 17th March 2017.

Josie Wragg, Interim Director of Environment  
Wokingham Borough Council, Shute End, Wokingham RG40 1BN

Date: 3rd February 2017

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