

## **CABINET**

**DATE OF MEETING: 5 OCTOBER 2023**

### **TITLE OF REPORT: WINCHFIELD NEIGHBOURHOOD PLAN: EXAMINERS REPORT AND DECISION TO PROCEED TO REFERENDUM**

**Report of: Executive Director - Place**

**Cabinet Portfolio: Planning Policy and Place**

**Key Decision: No**

**Confidentiality: Non Exempt**

### **PURPOSE OF REPORT**

1. The purpose of this report is to set out the findings of the Examiner's report into the Winchfield Neighbourhood Plan; to seek agreement to the Examiner's recommended modifications; and for the Neighbourhood Plan to proceed to a local referendum.

### **RECOMMENDATION**

2. That the Neighbourhood Plan modifications set out in the Decision Statement at Appendix 2 are agreed and the Decision Statement published; and
3. That the Winchfield Neighbourhood Plan proceeds to a local referendum.

### **BACKGROUND**

4. The Council has a statutory duty to help communities in the preparation of Neighbourhood Development Plans and Orders.
5. In March 2017, the Council 'made' the Winchfield Neighbourhood Plan 2015 – 2032 following the statutory processes of preparation including a positive local referendum result.
6. Whilst not a statutory requirement, it is good practice to review Neighbourhood Plans every five years. Winchfield Parish Council decided to review their made Neighbourhood Plan in light of various changes, including the adoption in April 2020, of the Hart Local Plan (Strategy & Sites) 2032, and changes to national planning policy since 2017. The Parish Council has updated its Neighbourhood Plan to include a number of new and modified policies.
7. The revised Winchfield Neighbourhood Plan 2022 - 2037 has been prepared with on-going engagement with the local community including the following statutory stages:
  - i) designation as a Neighbourhood Area (8 January 2015)
  - ii) consultation on a Pre-Submission version (28 October - 12 December 2022)
  - iii) submission to Hart District Council (9 March 2023)
  - iv) submission consultation (12 May – 23 June 2023)
8. The revised Neighbourhood Plan includes a range of policies covering landscape, biodiversity, climate change, heritage, design, parking, Brenda Parker Way, affordable homes, employment and community facilities.
9. The Neighbourhood Plan was submitted for independent Examination in June 2023 following the close of the submission consultation. A total of 25

representations were received and forwarded to the Examiner for consideration.

10. The Council appointed an independent examiner to examine the Neighbourhood Plan. The examination was undertaken by written representations.
11. The purpose of the examination is to consider whether the Plan complies with the relevant legislative requirements, in particular with the Neighbourhood Planning (General) Regulations 2012 (as amended), and to consider whether the Plan meets a set of 'Basic Conditions' – these are:
  - i) have regard to national policies and advice contained in the guidance issued by the Secretary of State; and
  - ii) contribute to the achievement of sustainable developments; and
  - iii) be in general conformity with the strategic policies contained in the development plan for the area; and
  - iv) be compatible with, and not breach European Union (EU) obligations; and
  - v) not breach the requirements of Chapter 8 part 6 of the Conservation of Habitats and Species Regulations 2017.

## **OUTCOME OF EXAMINATION**

12. The final version of the [Examiners Report](#) was received on 7 September 2023.
13. The Examiner concluded that subject to the recommended changes set out in his report, the Plan meets the basic conditions and should proceed to referendum..
14. The Decision Statement at Appendix 2 includes a table setting out all of the Examiner's recommendations. The majority of the Examiner's recommendations relate to matters of clarity and precision to ensure that the Neighbourhood Plan fully accords with national planning policy
15. The Council must now decide what action to take in response to each of the report's recommendations and take a decision on whether to send the Neighbourhood Plan to referendum.
16. The assessment is that the Plan, as modified in line with the Examiner's recommendations, meets the basic conditions and legal tests. The recommendation is that it should therefore proceed to referendum.

## **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

17. The Council could decide that the Plan does not meet the basic conditions and should not proceed to referendum. Alternatively the Council could decide to modify the Plan. However, this requires an explanation to be prepared and it must publish its decision, with its reasons and invite representations.

## **CORPORATE GOVERNANCE CONSIDERATIONS**

### **Relevance to the Corporate Plan and/or The Hart Vision 2040**

18. The Plan, and the process of community engagement that went with it, reflect the Hart Vision 2040 including building a sense of community, supporting affordable housing, and reducing the impact of climate change.
19. The Neighbourhood Plan helps to deliver the Corporate Plan 2023 – 2027 ambitions including those relating to the natural environment, affordable homes, supporting employment and climate change.

## **Service Plan**

- Is the proposal identified in the Service Plan? No
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal?  
Yes

## **Legal and Constitutional Issues**

20. The Council must follow relevant legislation in undertaking the referendum. If more than 50% of those voting in the referendum support the Plan it will immediately become part of the development plan for Hart district. The Council will subsequently need to decide whether to formally 'make' the Plan in order for it to remain part of the development plan.

## **Financial and Resource Implications**

21. The Neighbourhood Plan examination and referendum are funded by Hart District Council. The Council can apply for a government grant of £20,000 towards the costs of these once it has issued a decision statement setting out the intention to send the Plan to referendum. Staff resources are needed for the referendum, and for administrative tasks in moving the Neighbourhood Plan towards being 'made' or adopted.

## **Risk Management**

22. There is little risk in the decision proceeding to referendum.

## **EQUALITIES**

23. Winchfield Parish Council and Hart District Council are both responsible authorities under the Public Sector Equality Duty. An Equalities Impact Assessment screening has therefore been undertaken. This was initially undertaken on the submission version of the Neighbourhood Plan and has subsequently been refreshed to take into consideration the recommendations set out in the Examiner's Report. Positive or neutral impacts were noted for all protected characteristics, and it was concluded that a full EqIA was not required.

## **CLIMATE CHANGE IMPLICATIONS**

24. Policies in the Neighbourhood Plan will support the delivery of climate change adaptation and mitigation measures through policies relating to biodiversity, trees and woodlands, energy efficiency and generation and support for rights of way and cycle paths.

## **ACTION**

25. If this report is agreed, then the Decision Statement at Appendix 2 will be published and the relevant tasks to run the local referendum will be implemented. The outcome of the referendum will be reported to Council.

**Contact Details:** Daniel Hawes

## **Appendices:**

Appendix 1 – [Winchfield Neighbourhood Plan Examiner's Report, September 2023](#)

Appendix 2 – [Winchfield Neighbourhood Plan Decision Statement](#)

**Background Papers:**

The Winchfield Neighbourhood Plan and associated documents can be viewed [here](#)