

COUNCIL

Date of Meeting: 25 January 2024

Title of Report: Making the Winchfield Neighbourhood Plan 2022-2037

Report of: Executive Director: Place

Cabinet Portfolio: Planning Policy and Place

Confidentiality: Non Exempt

Purpose of Report

1. To 'make' the [Winchfield Neighbourhood Plan 2022-2037](#) following a positive referendum result on 23 November 2023.

Recommendation

2. That Council 'makes' the [Winchfield Neighbourhood Plan 2022–2037](#).

Background

3. In consultation with the community, Winchfield Parish Council has prepared the [Winchfield Neighbourhood Plan 2022-2037](#) to replace the [Winchfield Neighbourhood Plan 2015-2032](#).
4. An independent examiner found that, subject to a series of modifications, the Plan that was submitted for examination meets the basic conditions and other legal requirements and should proceed to referendum.
5. On 5 October 2023 Cabinet agreed to the modifications and to proceed to referendum.
6. The referendum was held on 23 November 2023 asking the statutory question: *“Do you want Hart District Council to use the Neighbourhood Plan for the Winchfield Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area?”*
7. For the plan to pass the referendum more than 50% of the votes must be in favour of the plan.
8. A total of 241 votes were recorded: 221 voted 'yes' (91%) and 21 voted 'no' (9%).
9. The Plan, therefore, passed the referendum and is now part of the development plan for Hart district for the area covered by Winchfield Parish, superseding the [Winchfield Neighbourhood Plan 2015-2032](#). Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Main Issues

10. Under Section 38A of the Planning and Compulsory Purchase Act, the Council is now legally obliged to 'make' the Plan, *unless to do so would breach, or would otherwise be incompatible with, any retained EU obligations or any of the Convention rights (within the meaning of the Human Rights Act 1998)*.
11. The Council must then publish a Decision Statement explaining the decision (to make or not to make the Plan) and the reasons for that decision.
12. Regarding EU obligations (now transposed into UK law), the Plan underwent the necessary screening processes for Strategic Environmental Assessment

(SEA)¹ and Habitat Regulations Assessment (HRA)², including consultation with the relevant statutory consultees.

13. A [Screening Statement](#) commissioned by Hart District Council concluded that neither a full SEA nor an Appropriate Assessment (under the Habitat Regulations) were needed, essentially because the Plan does not allocate any sites for development.
 - a full SEA is not required because there is no potential for significant effects arising from the Plan,
 - an Appropriate Assessment is not required because there are no policies that will result in likely significant (adverse) effects on a European site. There are no concerns regarding retained EU obligations or human rights. Therefore, the plan should be made.
14. The Examiner considered the issues of retained EU obligations as part of the examination and was satisfied that the submitted plan met those obligations (paragraphs 6.14 to 6.17 of his [report](#)).
15. The Examiner also found that the submitted Plan complies with the Human Rights Act and does not breach, nor is in any way incompatible with the European Convention on Human Rights (paragraph 6.18 of his [report](#)).
16. In addition, an Equalities Impact Assessment (EqIA) was conducted on the Plan (both before and after incorporating the Examiner's recommended modifications) which found no adverse effects (see Equalities Section below).
17. The Referendum Version of the Plan would, therefore, not breach or otherwise be incompatible with any retained EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998). The Plan, therefore, should be made.

Equalities

18. Both the Winchfield Parish Council and Hart District Council are authorities responsible for upholding the Public Sector Equality Duty. As part of this responsibility, an Equalities Impact Assessment was conducted and agreed upon by both parties. The assessment was initially conducted on the submitted version of the Plan and was later refreshed to consider the recommendations mentioned in the Examiners Report. It was concluded that there were no adverse impacts recorded.

Climate Change Implications

19. The Plan supports the delivery of climate change mitigation and adaptation measures through policies relating to biodiversity, trees and woodlands, energy efficiency and generation and support for rights of way and cycle paths.

¹ SEA is a procedure (set out in the [Environmental Assessment of Plans and Programmes Regulations 2004](#)) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment

² An HRA tests if a plan or project proposal could significantly harm the designated features of a European site e.g. the Thames Basin Heaths Special Protection Area.

ACTION

It is mandatory to comply with certain statutory procedures, one of which is to publish a Decision Statement that explains the decision made (whether to create the Plan or not) and the reasons behind it.

Appendices:

None.

Background Papers:

Equalities Impact Assessment of the Winchfield Neighbourhood Plan 2022-2037