

**Bracknell Forest Council
Record of Decision**

Work Programme Reference	I044560
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1. **TITLE:** Blue Mountain Golf Course-Release of Section 52 Agreement

2. **SERVICE AREA:** Corporate Services

3. **PURPOSE OF DECISION**

To determine a request from the owner of the Blue Mountain Golf Course that the land be released from an agreement entered in 1990 pursuant to section 52 of the Town and Country planning act 1971 which restricts the use of the land to use as a golf course or open space.

4 **IS KEY DECISION** Yes

5. **DECISION MADE BY:** Executive Member for Planning & Transport

6. **DECISION:**

That, subject to the occurrence of each of the following prior to the completion of a Deed of Release of the Section 52 Agreement, namely:-

- (a) the Planning Committee having authorised the grant of one or more planning permissions which the Committee has confirmed provide for the development of Blue Mountain Golf Course, including the provision of public open space, substantially in accordance with Policy SA7 of the Site Allocations Local Plan (adopted July 2013),
- (b) the issue of such planning permission(s), and
- (c) the completion of an Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure that the site is only developed in accordance with such planning permission(s) (or as may be permitted by Permitted Development Orders in relation to any development carried out pursuant to such planning permission(s)),

the Borough Solicitor be authorised to complete a Deed of Release in respect of the Section 52 Agreement dated 16 February 1990.

7. **REASON FOR DECISION**

The release of the Section 52 Agreement will be required if Site Allocations Local Plan ("SALP") Policy SA7 is to be implemented. SALP has very recently (July 2013) been adopted by the Council as part of the statutory Development Plan following a lengthy process involving careful consideration by the Council, extensive public consultation and an examination in public.

The recommendation ensures that the Section 52 Agreement will only be released such as to permit development on the Blue Mountain site which substantially accords with SALP (or which may subsequently be carried out pursuant to Permitted Development Orders).

8. **ALTERNATIVE OPTIONS CONSIDERED**

Not to release the Blue Mountain Golf Course from the Section 52 Agreement. However, the consequence of refusing to release the site from the Section 52 Agreement would be that a mixed development of the site as envisaged by the Council's Development Plan could not proceed unless the site is acquired through the use of compulsory purchase powers.

9. **PRINCIPAL GROUPS CONSULTED:** As set out in report to Executive 10/12/13

10. **DOCUMENT CONSIDERED:** Report of the Director of Corporate Services

11. **DECLARED CONFLICTS OF INTEREST:** None.

Date Decision Made	Final Day of Call-in Period
Wednesday, 5 February 2014	Wednesday, 12 February 2014