



NOTICE OF MEETING

The Executive

Tuesday 10 April 2018, 5.00 pm

Council Chamber, Fourth Floor, Easthampstead House, Town Square, Bracknell - Easthampstead House, Town Square, Bracknell, RG12 1AQ

To: The Executive

Councillor Bettison OBE (Chairman), Councillor Dr Barnard (Vice-Chairman), Councillors D Birch, Brunel-Walker, Mrs Hayes MBE, Heydon, McCracken and Turrell

ALISON SANDERS
Director of Resources

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Published: 29 March 2018



The Executive

Tuesday 10 April 2018, 5.00 pm

Council Chamber, Fourth Floor, Easthampstead House, Town Square, Bracknell - Easthampstead House, Town Square, Bracknell, RG12 1AQ

Sound recording, photographing, filming and use of social media at meetings which are held in public are permitted. Those wishing to record proceedings at a meeting are however advised to contact the Democratic Services Officer named as the contact for further information on the front of this agenda as early as possible before the start of the meeting so that any special arrangements can be made.

AGENDA

Page No

1. **Apologies**

2. **Declarations of Interest**

Members are asked to declare any Disclosable Pecuniary or Affected Interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an Affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.

3. **Minutes**

To consider and approve the minutes of the meeting of the Executive held on 13 March 2018.

5 - 10

4. **Urgent Items of Business**

Any other items which, pursuant to Section 100B(4)(b) of the Local Government Act 1972, the Chairman decides are urgent.

Executive Key Decisions

The items listed below all relate to Key Executive decisions, unless stated otherwise below.

5. **Thames Basin Heaths Special Protection Area Supplementary Planning Document**

To approve the Thames Basin Heaths Special Protection Area Supplementary Planning Document for use as a material consideration in the determination of planning applications. 11 - 142

6. **Council Plan Overview Report**

To receive the Council Plan Overview Report (CPOR) for Quarter 3 of 2017/18. 143 - 164

7. **Exclusion of Public and Press**

To consider the following motion:

That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 8 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

- (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

NB: No representations were received in response to the 28 day notice of a private meeting.

8. **Easthampstead Park Conference Centre**

To consider the options arising from the recent market testing exercise relating to Easthampstead Park Conference Centre. 165 - 174

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EXECUTIVE
13 MARCH 2018
5.00 - 5.35 PM

Present:

Councillors Bettison OBE (Chairman), Dr Barnard (Vice-Chairman), D Birch, Brunel-Walker, Mrs Hayes MBE, Heydon, McCracken and Turrell

65. Declarations of Interest

There were no declarations of interest.

66. Minutes

RESOLVED that the minutes of the meeting of the Executive on 13 February 2018 together with the accompanying decision records be confirmed as a correct record and signed by the Leader.

67. Urgent Items of Business

There were no urgent items of business.

Executive Decisions and Decision Records

The Executive considered the following items. The decisions are recorded in the decision sheets attached to these minutes and summarised below:

68. Housing Strategy

RESOLVED that the Housing Strategy for Bracknell Forest 2018 - 2036 is agreed.

69. Integrated Transport Capital Programme 2018/19

RESOLVED that the Integrated Transport Capital Programme for 2018/19 is approved.

70. Highways Maintenance Works Programme 2018-19

RESOLVED that the budget for 2018-19 be targeted at the four year indicative Highway Maintenance Works Programme as set out in Annex 1 of the Director of Environment, Culture & Communities report, having due regard to the priority, availability of road space and available budget.

CHAIRMAN

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**Bracknell Forest Council
Record of Decision**

| | |
|---------------------------------|----------------|
| Work Programme Reference | I075145 |
|---------------------------------|----------------|

1. **TITLE:** Housing Strategy
2. **SERVICE AREA:** Adult Social Care, Health and Housing
3. **PURPOSE OF DECISION**

The purpose of the report is to agree the Council's Housing Strategy.
4. **IS KEY DECISION** No
5. **DECISION MADE BY:** Executive
6. **DECISION:**

RESOLVED that the Housing Strategy for Bracknell Forest 2018 - 2036 is agreed.
7. **REASON FOR DECISION**

The Executive agreed a draft Housing Strategy document for consultation at its meeting on the 27th September 2016. In addition, an Adult Overview and Scrutiny Working Party has been reviewing the elements of the strategy over the last twelve months.
8. **ALTERNATIVE OPTIONS CONSIDERED**

There are no alternatives.
9. **PRINCIPAL GROUPS CONSULTED:** Consultation responses are included at Appendix B of the Director of Adult Social Care, Health & Housing's report.
10. **DOCUMENT CONSIDERED:** Report of the Director of Adult Social Care, Health & Housing
11. **DECLARED CONFLICTS OF INTEREST:** None

| | |
|---------------------------|------------------------------------|
| Date Decision Made | Final Day of Call-in Period |
| 13 March 2018 | 20 March 2018 |

**Bracknell Forest Council
Record of Decision**

| | |
|---------------------------------|----------------|
| Work Programme Reference | I075146 |
|---------------------------------|----------------|

1. **TITLE:** Integrated Transport Capital Programme 2018/19
2. **SERVICE AREA:** Environment, Culture & Communities
3. **PURPOSE OF DECISION**

To approve the Capital Programme for Integrated Transport for 2018/19 and its implementation as set out in the body of the report and (Annex 1 of the Director of Environment, Culture & Communities Report).
4. **IS KEY DECISION** Yes
5. **DECISION MADE BY:** Executive
6. **DECISION:**

RESOLVED that the Integrated Transport Capital Programme for 2018/19 is approved.
7. **REASON FOR DECISION**

To facilitate transport services in line with the Council's Local Transport Plan 3 (LTP3).
8. **ALTERNATIVE OPTIONS CONSIDERED**

Failure to approve the Integrated Transport Capital Programme would prevent the delivery of local transport services contrary to the requirements set out in the Council's adopted transport policy (LPT3).
9. **PRINCIPAL GROUPS CONSULTED:** Set out within the Director of Environment, Culture & Communities report.
10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture & Communities
11. **DECLARED CONFLICTS OF INTEREST:** None

| Date Decision Made | Final Day of Call-in Period |
|---------------------------|------------------------------------|
| 13 March 2018 | 20 March 2018 |

**Bracknell Forest Council
Record of Decision**

| | |
|---------------------------------|----------------|
| Work Programme Reference | I075147 |
|---------------------------------|----------------|

1. **TITLE:** Highways Maintenance Works Programme 2018-19

2. **SERVICE AREA:** Environment, Culture & Communities

3. **PURPOSE OF DECISION**

The Council as part of its overall budget allocation makes provision for highway maintenance schemes. The funding is then targeted according to highway condition. In order to ensure most effective use of resource and the early booking of the plant and equipment, approval is sought annually to approve the targeting of funding to a those roads identified on a rolling list as being in greatest need. The most recent assessment prioritises the works for the next four years as per Annex 1 of the Director of Environment, Culture & Communities report.

Approval is sought to target the budget against schemes in this list as the priority for spending for 2018/19 so far as the total budget allows.

4. **IS KEY DECISION** No

5. **DECISION MADE BY:** Executive

6. **DECISION:**

RESOLVED that the budget for 2018-19 be targeted at the four year indicative Highway Maintenance Works Programme as set out in Annex 1 of the Director of Environment, Culture & Communities report, having due regard to the priority, availability of road space and available budget.

7. **REASON FOR DECISION**

The proposals in this report therefore identify the priority work across the network to maintain the highway in as good a condition as resources allow, having due regard to the Council's intervention policy based on condition as set out in the Local Transport Plan.

8. **ALTERNATIVE OPTIONS CONSIDERED**

The proposals seek to effect works according to priority based on an assessment of condition that also reflects general safety. It is essential to have a large range of schemes in order to minimise delay and maximise operational efficiencies. The Annex represents a continual four year rolling programme and is updated annually. Given the current financial position the Council faces and the reducing spend on highway maintenance, it would not be appropriate to allocate resources to anything other than that identified through a methodical and objective needs assessment.

9. **PRINCIPAL GROUPS CONSULTED:** Not applicable.

10. **DOCUMENT CONSIDERED:** Report of the Director of Environment, Culture &

Communities

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

| Date Decision Made | Final Day of Call-in Period |
|---------------------------|------------------------------------|
| 13 March 2018 | 20 March 2018 |

**TO: EXECUTIVE
10 APRIL 2018**

**THAMES BASIN HEATHS SPECIAL PROTECTION AREA SUPPLEMENTARY
PLANNING DOCUMENT (SPASPD)
– ADOPTION**

Director of Environment, Culture & Communities

1 PURPOSE OF REPORT

1.1 The purpose of this report is to seek the approval of the Executive to:

- adopt the new Special Protection Area Supplementary Planning Document (SPASPD) attached at Annexe A;
- revoke the existing Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (TBHSPD) (2012); and,
- supersede section 5.12 and Appendix 1 (5) of the Planning Obligations Supplementary Planning Document (2015).

2 EXECUTIVE SUMMARY

2.1 The SPASPD provides guidance on the statutory requirement to avoid and mitigate harmful impacts on the Thames Basin Heaths Special Protection Area (SPA). The SPASPD:

- Provides context to the SPA designation including regulations, harmful impacts and other issues
- Sets out potential adverse effects on the SPA.
- Describes buffer zones of influence as to where development can or cannot be located.
- Sets out avoidance and mitigation measures relating to Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring measures (SAMM) and their standards, criteria and costs.
- Provides details maps and supporting evidence in the Appendices.

3. RECOMMENDATION(S)

3.1 **That the Executive:**

- i. **Approves the adoption of the Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPASPD) at Annexe A under the provisions of Section 23 of the Planning and Compulsory Purchase Act 2004 and Paragraph 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as a material consideration in the determination of all planning applications validated from the date of its adoption and on a case by case basis for planning applications validated but not determined before the date of its adoption;**
- ii. **Revokes the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (TBHSPD) (2012)**

under the provisions of Section 22 of the Planning and Compulsory Purchase Act 2004 and Paragraph 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012;

- iii. **Approves the publication of the Consultation Statement at Annexe B in accordance with Paragraph 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012;**
- iv. **Authorises minor changes to Annexe A and Annexe B prior to adoption in (i) above be agreed with the Chief Officer: Planning, Transport and Countryside in consultation with the Executive Member for Planning and Transport.**

4 REASONS FOR RECOMMENDATION(S)

- 4.1 The Council has reviewed its current SPA guidance and considers that a revised SPASPD would assist with the implementation of current planning policies and provide prospective applicants with a clearer idea of the Council's requirements for mitigating the impact of development on the SPA. A public consultation that accords with the Council's Statement of Community Involvement (SCI) was undertaken as part of the statutory process for producing the SPASPD.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not adopting the SPASPD would result in the loss of the required contributions to support alternative open space (SANG) provision in Council management which would undermine the effectiveness of this essential mitigation over the long term.

6 SUPPORTING INFORMATION

Background

- 6.1 The SPA, which covers parts of Surrey, Hampshire and Berkshire, comprises a rare example of lowland heathland. It is home to three important bird species, (the Dartford Warbler, the Nightjar and the Woodlark). The SPA is protected by international law (the EU Birds Directive and the EU Habitats Directive), national legislation (the Conservation of Species and Habitats Regulations 2017) and by planning policy as a 'Special Protection Area' (SPA). The heaths, and the birds that nest and breed there, are easily disturbed by people and their pets.
- 6.2 To comply with legislation the Council must ascertain that any development in Bracknell Forest would not harm the integrity of the SPA either by itself or in combination with all other developments in Bracknell Forest and in the other 11 local authorities affected by the SPA.
- 6.3 A Habitats Regulations Assessment is undertaken on all relevant planning applications (and development plans). This involves:
 - Predicting the likely effects of the development;
 - Assessing whether the predicted effects are likely to have an adverse effect on the integrity of the SPA;
 - Proposing avoidance and mitigation measures; and,
 - Consulting conservation bodies, where required.

Summary of the strategy

- 6.4 To mitigate the impact of residential development within a zone extending between 400 metres and up to 7 kilometres from the edge of the SPA the Council has produced the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (TBHSPD) (2012) which sets out a two-pronged strategy:
- Provision of Suitable Alternative Natural Greenspaces (SANGs) formed of new or upgraded existing open space to divert recreation activity away from the designated SPA.
 - Payment of Strategic Access Management and Monitoring (SAMM) contributions which are financial contributions paid by developers to the SAMM Project to be spent on matters such as wardening of the SPA and monitoring the SPA Strategy across the region.

CIL and Planning Obligations SPD

- 6.5 The Council adopted the Community Infrastructure Levy (CIL) in April 2015 and also the Planning Obligation Supplementary Planning Document (POSPD). The POSPD included updated guidance on how CIL and S106 Agreements will operate including where part of the SANG mitigation will be secured by CIL and the remainder by s106 obligations.

Need for review

- 6.6 The new SPASPD is needed to:
- Consolidate the relevant elements of the SPASPD and POSPD into a single guidance document and revoke the existing SPASPD and supersede the relevant sections in the POSPD.
 - Update SANG costs and how they apply to development.
 - Introduce new SANG capacity in the Borough.
 - Provide more up to date information on the types of development requiring SPA mitigation.

Summary of consultation

- 6.7 A public consultation on the draft SPASPD took place between 8 January 2018 and 19 February 2018. Details of the consultation were sent to key stakeholders including: Parish Councils, other local authorities, developers, housing associations, local environmental groups and government agencies. The draft document was also made available on the Council's website, in local libraries and Council reception areas and the consultation was published on 10th January 2018 in the Bracknell News paper.

- 6.8 There were a total of 63 consultation responses from 16 respondents to the consultation on the SPD. Their responses were subsequently collated and, where appropriate, changes were made to the SPD. The Consultation Statement at Annexe B summarises the main issues raised during the consultation and how these issues were addressed in the SPD.

- 6.9 The main issues raised included:
- revision of two paragraphs to give greater clarity (Natural England request).
 - support from two SPA partner authorities.
 - comments on consistency with the Development Plan and other guidance.
 - concern about the higher SANG costs and how that will affect viability.
 - questions about how the Council is going to tackle air quality issues.

- Request for the inclusion of wildfire issues.
- Some specific points regarding individual SANGs

6.10 Appendix A provides a table of changes made to the Draft SAPSPD to form the final SPD (Annexe A). The changes include factual changes made to the document and the changes made as a result of the consultation (Annexe B).

Summary of SPASPD content

6.11 The SPASPD at Annexe A comprises the following:

- Summary section – a table of SANG and SAMM costs.
- Chapter 1 – Introduction: context and scope of the SPD; the policy and guidance framework; Sustainability Appraisal context; information about partnership working; and, how consultation informed the production of the SPASPD.
- Chapter 2 – Background: information about the Habitats Regulations and a section on the negative impacts on the SPA.
- Chapter 3 - SPA Avoidance and Mitigation Strategy: geographical zones to which measures apply; the types of development affected; the different types of SANGs; a table of current and emerging SANGs with information about each; the SAMM project; and, the issue of air quality impacts.
- Chapter 4 – Implementation and Monitoring: Strategic SANG contributions (showing market housing, affordable housing and Prior Approval contributions); Bespoke SANGs; Third Party SANGs; SAMM contributions; and the timing of mitigation, monitoring and review.
- Appendix 1 – map of the SPA and the Zones of Influence.
- Appendix 2 – flow chart showing the process of considering development in relation to the SPA.
- Appendix 3 - detailed information about the Strategic SANGs.
- Appendix 4 – information about Bespoke SANGs.
- Appendix 5 – information about Third Party SANGs.
- Appendix 6 – SANG maps and their catchment areas.
- Appendix 7 – background information to calculating mitigation (SANG and SAMM) costs.
- Glossary of terms used in the SPASPD.

Key main changes from previous TBHSPD (2012)

6.12 The new document contains many changes from the previous TBHSPD (2012) which the SPASPD will replace and this section focuses on the key changes which are:

1. There is a need to cover the costs of increased maintenance requirements coupled with the legitimate expectation that a more commercial rate should be charged for the use of Council owned SANG land to enable development to progress. Other increased but necessary costs have resulted in the Council needing to reconsider its previous strategy which involved cross subsidy from open space s106 contributions which now cannot be secured due to s106 obligation pooling restrictions. The increased charges will provide more capacity for pump priming SANG enhancements and the ongoing operation of the strategy. In order that the increased costs should not have a disproportionate impact on the provision of affordable housing, higher SANG costs will apply to market dwellings. The following table shows the proposed total SANG costs for market housing (CIL and s106). In the SPASPD, Table 1 and Table 9, the CIL amount has been deducted showing only the amount payable by s106. The Council will recover the remaining SPA costs from CIL.

| Number of bedrooms per market dwelling | SPASPD Cost per dwelling | Existing TBHSPD costs | Difference |
|--|--------------------------|-----------------------|------------|
| one bed | £4,568 | £1,350 | +£3,218 |
| two beds | £5,412 | £1,770 | +£3,642 |
| three beds | £6,408 | £2,400 | +£4,008 |
| four beds | £7,175 | £2,730 | +£4,445 |
| five beds | £8,324 | £3,550 | +£4,774 |

2. To ensure that affordable housing remains viable it is proposed that reduced rates are applied to affordable housing under the current definition (for rent or intermediate housing). The following table shows the proposed total SANG costs for affordable housing (CIL and s106). In the SPASPD, Table 1 and Table 10, the CIL amount has been deducted showing only the amount payable by s106. The Council will recover the remaining SPA costs from CIL.

| Number of bedrooms per affordable dwelling | SPASPD Cost per dwelling | Existing TBHSPD costs | Difference |
|--|--------------------------|-----------------------|------------|
| one bed | £1,943 | £1,350 | +£593 |
| two beds | £2,412 | £1,770 | +£642 |
| three beds | £3,033 | £2,400 | +£633 |
| four beds | £3,425 | £2,730 | +£695 |
| five beds | £4,199 | £3,550 | +£649 |

3. Additional Strategic SANG capacity will be provided through:
- Popes Meadow.
 - Great Hollands Recreational Ground.
 - Anneforde Place.
 - The Chestnuts.
 - Edmunds Green.
 - Whitegrove Copse.
 - Bigwood.
 - Shepherds Meadow Extension (Seeby's Copse, Seeby's Meadow and Shepherd Meadows North).
4. An additional Zone of Influence has been formalised (between 5km and 7km of the SPA) in which larger developments will normally be required to pay reduced SANG and SAMM costs. These are dealt with on a case by case basis.
5. It should be noted that SAMM costs are the same as in the TBHSPD (2012) which are collected by the Council and passed to the SAMM Project to spend under the authority of the Joint Strategic Partnership Board which covers all the affected local authority areas.

Sustainability Appraisal

- 6.13 The Planning Practice Guidance (PPG) states that supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment (SEA) if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

6.14 In order to decide whether significant effects are likely, BFC undertook an SEA Screening and from 28 September to 9 November 2017 a consultation was undertaken on this screening report with Natural England, the Environment Agency and Historic England. Responses were received from the three consultation bodies and these can be found in the appendices of the final SEA Screening Determination. The Council has concluded that this SPD is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The main reasons for this conclusion are:

- The SPASPD elaborates on the policies and principles set out in the National Planning Policy Framework (NPPF), the South East Plan Policy NRM6, Core Strategy Policy CS14 Thames Basin Heaths SPA and the Bracknell Forest Local Plan (2001 – 2006) and sets out how development proposals can achieve them;
- It does not present any policies, and serves only to provide greater clarity about the Council's expectations in relation to existing policies within the Development Plan; and,
- the South East Plan saved policy and the Core Strategy have already been subject to full Sustainability Appraisal (including SEA) and assessed as having no significant environmental effect.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 SPDs are local development documents that add further detail to policies in a local plan and can be used to provide additional guidance on a particular issue, such as design. Once adopted an SPD becomes a material consideration in the determination of planning applications and will form part of the Council's statutory Local Development Framework.
- 7.2 As SPDs are not Development Plan documents that form part of the Development Plan they are not subject to the requirement to undergo independent examination in the same way as Development Plan Documents. However, the Council is still legally required to undertake a process of public consultation before they can be adopted in accordance with paragraph 12 of The Town and Country Planning (Local Planning) England Regulations 2012 and Section 19(3) of the Planning and Compulsory Purchase Act 2004.
- 7.3 The Council is required to adhere to the public participation requirements set out in paragraph 12 of The Town and Country Planning (Local Planning) England Regulations 2012 prior to the adoption of an SPD. This includes the production of a statement confirming the persons who have been consulted, setting out a summary of the main issues raised by those persons and explaining how those issues have been addressed in the SPD.
- 7.4 Section 19(3) specifically requires local planning authorities to comply with their adopted Statement of Community Involvement (SCI) when undertaking a consultation exercise in respect of the adoption of an SPD. The Council's SCI provides for a period of 4 weeks of formal public consultation and the consultation was for 6 weeks which therefore accords with this statutory requirement.

Borough Treasurer

- 7.5 The SPASPD has been prepared in consultation with the Finance Partner for ECC especially on the increased SANG costs in the context of the Council's ongoing

transformation processes. This seeks to ensure that all necessary costs incurred by the Council are covered effectively and that a more commercial approach is undertaken. The costs associated with the public consultation can be met from within existing revenue budgets.

Equalities Impact Assessment

- 7.6 A Equalities Screening Record has been undertaken for this stage of the process and is published in Annexe C.

Strategic Risk Management Issues

- 7.7 None as a consequence of this report.

Other Officers

- 7.8 The preparation of this SPASPD has been informed by technical evidence and consultation with officers across the Council.

8 CONSULTATION

- 8.1 The SPASPD has been produced in consultation with Planning, Parks and Countryside, Finance and Legal Services.
- 8.2 The draft SPASPD was subject to a full public consultation for six weeks between January 8th and February 19th 2018 (see paragraphs 6.7 – 6.9 above).
- 8.3 All consultation responses were considered in preparing this final version of the SPASPD which will be considered by the Executive for adoption as planning guidance in April 2018.

Background Papers

- Draft Thames Basin Heaths Special Protection Area Supplementary Planning Document (2017) (Draft SPASPD)
- Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) (TBHSPD)

Contact for further information

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Appendix A

Factual updates to the SPD

| Reference | Change made | Reason |
|------------------------------------|---|---|
| Consultation Section | Deleted | This described how to respond to the consultation on the draft SPD and is now out of date. |
| 1.1.1 | This Draft Thames Basin Heaths Special Protection Area Supplementary Planning Document (draft SPA SPD) is for public consultation during January and February 2018. Following consideration of all responses to the consultation a revised SPA SPD will be adopted as planning guidance in spring 2018. Once adopted it will replace the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (2012) and Section 5.12 and Appendix 1 Section 5 of the Planning Obligations Supplementary Planning Document (2015). | The SPD is shortly to be adopted and is no longer a draft document out for consultation. |
| 1.1.4 | A large proportion of Bracknell Forest lies within 5km of the SPA to which this Supplementary Planning Document (SPD) principally applies. | In order to define SPD. |
| 1.2.1 | This draft SPA SPD provides an updated avoidance and mitigation strategy to show how the adverse effects of development on the integrity of the Thames Basin Heaths SPA should be avoided and mitigated. | The SPD is shortly to be adopted and is no longer a draft document. |
| Table 3 – Planning Obligations SPD | This draft SPA SPD is the start of the process to update will supersede Section 5.12 and Appendix 1 Section 5 of this guidance. | The SPD is shortly to be adopted and is no longer a draft document out for consultation and to provide more accurate wording. |
| Table 4 | TBH SPA1 LP39 Thames Basin Heaths Special Protection Area CON1 LP37 Designated Nature Conservation and Geological Sites | To reflect the numbering the Draft Local Plan |
| 1.4.4 | Replace The main reasons for this conclusion is: The Thames Basin Heaths SPA Avoidance and Mitigation SPD elaborates on the policies and principles set out in the National Planning Policy Framework (NPPF), the South East Plan Policy NRM6, Core Strategy Policy CS14 Thames Basin Heaths SPA and the Bracknell Forest Local Plan (2001 – 2006) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the Council's expectations in relation to existing policies within the Development Plan. The South East Plan and the Core Strategy have already been subject to full Sustainability Appraisal (including SEA) and assessed as having no significant environmental effect. | To make the paragraph easier to read – the meaning remains unchanged. |

| Reference | Change made | Reason |
|---|--|--|
| | <p>with: <u>The main reasons for this conclusion are:</u></p> <ul style="list-style-type: none"> • <u>The SPASPD elaborates on the policies and principles set out in the National Planning Policy Framework (NPPF), the South East Plan Policy NRM6, Core Strategy Policy CS14 Thames Basin Heaths SPA and the Bracknell Forest Local Plan (2001 – 2006) and sets out how development proposals can achieve them;</u> • <u>It does not present any policies, and serves only to provide greater clarity about the Council's expectations in relation to existing policies within the Development Plan; and</u> • <u>The South East Plan saved policy and the Core Strategy have already been subject to full Sustainability Appraisal (including SEA) and assessed as having no significant environmental effect.</u> | |
| <p>New section added – 1.6 Consultation</p> | <p><u>A consultation on the draft SPASPD took place between 8 January 2018 and 19 February 2018. Details of the consultation were sent to key stakeholders including: Parish Councils, other local authorities, developers, housing associations, local environmental groups and government agencies. The draft document was also made available on the Council's website, in local libraries and Council reception areas and the consultation was published on 10th January 2018 in the Bracknell Standard paper which is delivered to all households in the Borough.</u></p> <p><u>A total of 63 consultation responses were received from 16 respondents in connection with the SPD. These were subsequently collated and, where appropriate, changes were made to the SPD. These can be viewed in the Consultation Statement.</u></p> <p><u>Following consideration of all responses the SPD has been adopted as supplementary planning guidance. Once adopted it will replace the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (2012). It also supersedes Section 5.12 and Appendix 1 Section 5 of the Planning Obligations Supplementary Planning Document (2015).</u></p> | <p>To explain the consultation process.</p> |
| <p>3.1.2</p> | <p>If developments secure and provide necessary avoidance and mitigation measures at the time of grant of planning permission as set out in this draft SPA SPD they can avoid the effects of the development proposal and a project-level Appropriate Assessment is not required.</p> | <p>The SPD is shortly to be adopted and is no longer a draft document.</p> |
| <p>Table 8</p> | <p>Row relating to Land South of Foxley Lane deleted.</p> | <p>Planning Appeal</p> |

Unrestricted/Protect/Restricted

| Reference | Change made | Reason |
|---------------------|---|---|
| | | dismissed in February 2018. |
| Table 8 | Table Note 3 deleted as follows: <u>5km if Foxley Lane becomes part of the SANG</u> | Planning Appeal dismissed in February 2018. |
| Table 8 | Add land East of Wellers Lane to the Frost Folly SANG. | New planning application received. |
| Table 8 | Table Note added as follows regarding the catchment area: <u>5km if planning permission is granted on the Land East of Wellers Lane</u> | To describe how a new planning permission at Land East of Wellers Lane would change the SANG Catchment area if granted. |
| 3.10.1 | The majority of these developments will be identified through the Comprehensive Local Plan process. | To describe the correct name of the Local Plan. |
| 4.6.1 | In some circumstances for smaller development schemes where it is demonstrated that phased SANG and SAMM payments can it would help with development viability, the Council will consider phased SANG and SAMM payments. | To provide more clarity. |
| Appendix 3 Table 14 | Title amended as follows: New <u>Strategic</u> SANG Sites | To explain that the table refers only to strategic SANG sites. |
| Appendix 4 Table 19 | Land South of Foxley Lane deleted. | Planning Appeal dismissed in February 2018. |
| Appendix 5 Table 20 | Addition of a row relating to <u>Land East of Wellers Lane</u> | New planning application received. |
| Appendix 5 | Addition of two maps showing Potential Private Third Party SANGs | To show the location of the sites mentioned in Table 20 of Appendix 5. |

Changes to the SPD as a result of consultation (As detailed in the Consultation Statement Annex B)

| Reference | Change made to Draft SPASPD | Consultee reference |
|------------------------------|--|---------------------|
| Summary section (page 1), | After 'A summary of the avoidance and mitigation strategy is outline in the table below', add <u>'The Table does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of air quality as this has yet to be determined. See sections 2.2 and 3.10 for further information'</u> . | 8 |
| 1.1.1 and throughout the SPD | Replace all references which read as "The Conservation of Habitats and Species Regulations 2010 as amended" to <u>The Conservation of Habitats and Species Regulations 2017</u> | 7 |
| Table 4 | Caveat added which reads as <u>Table 4 is for information only and is correct at the time of the adoption of this SPD. It should be noted that this will be subject to change and any updated polices will replace some of those in Table 2 above.</u> | 7 |
| 2.2.2 | At the end of the sentence add, <u>'It does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of air quality as this has yet to be determined. See Section 3.10 for further information'</u> . | 9 |
| 3.1.2 | <u>"Any net increase in residential dwellings within 5km of the SPA and large developments within 5-7km of the SPA (with a net increase in dwellings of more than 50) are is likely to have a significant adverse effect on the SPA either alone or in combination with other plans or projects. Consequently, every proposal for net additional dwellings must make provision to avoid and mitigate the effect. Large developments within 5-7km of the SPA (with a net increase in dwellings of more than 50) may be required to provide appropriate mitigation. This will be considered on a case by case basis in agreement with NE. The level of SANG mitigation is likely to be at least 2ha / 1,000 new population. The SAMM contribution is likely to be equal to the monitoring contribution for the SAMM project (an average of £190 per dwelling). If developments secure and provide necessary avoidance and mitigation measures at the time of grant of planning permission as set out in this draft SPA SPD they can avoid the effects of the development proposal and a project-level Appropriate Assessment is not required"</u> | 7 |
| 3.2.4 | <u>"From 400m – 5.7km of the SPA (Zones B and C) development can be permitted and avoidance and mitigation measures should be applied. The majority of new housing development in Bracknell Forest up to 2034 will be located within Zone B. (between 400m and 5km of the SPA)."</u> | 7 |
| New Paragraph 3.2.5 | <u>Applications for residential development in Zone C will be assessed on a case by case basis, in agreement with Natural England.</u> | 7 |
| Table 7 | Replace text in last column of Table 7 which reads as Net additional residential dwellings cannot mitigate their adverse effect on the integrity of the SPA so planning permission must not be granted. with <u>'There is a presumption against any net increase in residential development within this zone. A Habitats Regulations Assessment will be needed, and agreed with Natural England, to demonstrate that any development within this zone will not have an adverse effect on the SPA</u> | 7 |

| Reference | Change made to Draft SPASPD | Consultee reference |
|----------------------------|--|---------------------|
| | <u>and/or the acceptability of any avoidance and mitigation</u> | |
| New Paragraph 3.4.6 | Add a new paragraph 3.4.6 which reads as <u>'The Council will seek biodiversity enhancements on sites which are to be SANGs'</u> . | 9 |
| | Add text to new paragraph 3.4.6 (see above) which reads as: <i>The Council will seek biodiversity enhancements on all sites which are to be SANGs</i> <u>and expect wildfire issues to be addressed where relevant in terms of design and planting.</u> | 10 |
| 3.6.3 | Replace text which reads as <i>-For example, given their respective locations adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons.</i> and replaced with- <u>'These applications will be dealt with on a case by case basis in agreement with Natural England'</u> . | 7, 14, 15 |
| 3.6.5 | Delete the second half of the first sentence as follows: <i>'which effectively means a minimum area of approximately 10 hectares depending on the nature of the site'</i> | 7 |
| Table 8 | Replace text which reads as <i>-Planning Permission granted subject to s106 agreement'</i> with <u>'Planning Permission granted'</u> . | 7 |
| | Add to the final column of table 8 against Warfield Park SANG text which reads as <u>'there is a possibility that the SANG could be extended into Big Wood (Warfield)'</u> . | 12 |
| | Add text which will read as: <u>Bigwood SANG can be used for Amen Corner South and other sites within its catchment at the Council's discretion. It will be necessary for enhancement works to be carried out by the Council which means that there will be an occupation restriction until appropriate works have been completed.</u> | 16 |
| 4.2.6 | Amend the forth bullet in paragraph 4.2.6 to read as: <i>D. Facilitation – This amount does not comprise infrastructure but will be used to operate and review the strategy, to pay Planning and Parks and countryside staff time</i> <u>on SPA matters</u> and for the right to use Council SANG capacity. | 7, 14 |
| 4.3.1 | Add text to the second from last sentence to read as <u>This works out at approximately £65,477 per hectare which allows for estimated interest rates and inflation to be applied over the in perpetuity period of 125 years.</u> | 7 |
| 4.6.1 | Add text which reads as: <u>In some circumstances for smaller development schemes where it is demonstrated that it would help with development viability, the Council will consider phased SANG and SAMM payments.</u> | 14 |
| 4.6.3 | Add text to read as <u>'The use of a Grampian Condition to secure a SANG for a development will only be accepted when there is absolute certainty that a suitable SANG will come forward. The SANG needs to have been granted planning permission or planning permission is imminent; the SANG must not be subject to legal challenge; the landowner has given written permission for the development to be mitigated by a particular SANG and only final sign off is awaited and this is agreed by the Council. It may also be necessary to provide for financial contributions in addition to the Grampian Condition which should be secured by s106 Agreement at the time of grant of planning permission.</u> | 15 |
| Add footnote to Appendix 2 | <u>Note that English Nature is now known as Natural England</u> | 7 |
| Table 19 | A second table note is added as follows: <u>The figures show</u> | 7 |

| Reference | Change made to Draft SPASPD | Consultee reference |
|---|--|---------------------|
| | <p><u>minimum mitigation capacities for the whole SANG. Some of this capacity may have already been used up and residual SANG capacity figures change regularly.</u></p> <p>In the last column for Broadmoor the following sentence will be deleted "Planning Permission granted subject to s106 agreement" and replaced with '<u>Planning Permission granted</u>'.</p> | |
| <p>Figures 23 and 24 (Renumbered figures 26 and 27)</p> | <p>Replace "South Bracknell" with <u>Buckler Park</u> and amend reference to South Bracknell SANG throughout the document.</p> | <p>6</p> |

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Thames Basin Heaths Special Protection Area Supplementary Planning Document

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Summary

A summary of the avoidance and mitigation strategy is outlined in the table below. The Table does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of air quality as this has yet to be determined. See sections 2.2 and 3.10 for further information.

Table 1 Summary of SPA Avoidance and Mitigation Strategy

| | Size of Dwelling (bedrooms) | SANG Contribution (per dwelling) | SAMM Contribution (per dwelling) | Total Contribution ⁽¹⁾ (per dwelling) |
|--|--|----------------------------------|----------------------------------|--|
| RESIDENTIAL DEVELOPMENT⁽²⁾ | | | | |
| 1. Net increase in residential dwellings within 400m of SPA | Presumption against net increase in residential development. | | | n/a |
| 2. Net increase of fewer than 109 dwellings located between 400m and 5km of the SPA⁽³⁾ | | | | |
| Market dwellings | 1 | £4,403 | £399 | £4,802 |
| | 2 | £5,193 | £526 | £5,719 |
| | 3 | £6,112 | £711 | £6,823 |
| | 4 | £6,838 | £807 | £7,645 |
| | 5+ | £7,886 | £1,052 | £8,938 |
| Affordable dwellings | 1 | £1,778 | £399 | £2,177 |
| | 2 | £2,193 | £526 | £2,719 |
| | 3 | £2,737 | £711 | £3,448 |
| | 4 | £3,088 | £807 | £3,895 |
| | 5+ | £3,761 | £1,052 | £4,813 |
| 3. Prior Approval applications for | 1 | £4,568 | £399 | £4,967 |
| | 2 | £5,412 | £526 | £5,938 |

| | Size of Dwelling (bedrooms) | SANG Contribution (per dwelling) | SAMM Contribution (per dwelling) | Total Contribution ⁽¹⁾ (per dwelling) |
|--|--|--|----------------------------------|---|
| a net increase of less than 109 dwellings located between 400m and 5km of the SPA.⁽⁴⁾ | 3 | £6,408 | £711 | £7,119 |
| | 4 | £7,175 | £807 | £7,982 |
| | 5+ | £8,324 | £1,052 | £9,376 |
| 4. Large residential developments (including Prior Approval applications)⁽⁵⁾ located between 400m and 5km of the SPA (net increase of 109 dwellings or more) | 1 | Provision of a bespoke SANG in accordance with the Avoidance and Mitigation SPD and the Habitats Regulations and in agreement with Natural England (NE) and BFC. | £399 | Costs of bespoke SANG + SAMM contributions (dependent on housing mix) |
| | 2 | | £526 | |
| | 3 | | £711 | |
| | 4 | | £807 | |
| | 5+ | | £1,052 | |
| 5. Net increase of more than 50 residential dwellings located between 5 - 7km of the SPA | May be required to provide appropriate mitigation. Considered on a case by case basis in agreement with NE. The level of SANG mitigation is likely to be at least 2ha / 1,000 new population. The SAMM contribution is likely to be equal to the monitoring contribution for the SAMM project (an average of £190 per dwelling). Subject to Habitats Regulations Assessment, in order to establish likely significant effect on the SPA. An assessment will be made on the evidence presented. | | | |
| 6. C2 and C3 Care Homes within 400m of the SPA | Considered on a case by case basis at the planning application stage, in agreement with NE. Such development will only be supported where the patrons of the facility are truly immobile or unlikely to ever visit the SPA. In this case avoidance and mitigation may also require measures to ensure that the car park cannot be made available to the general public. | | | |
| 7. C2 and C3 Care Homes between 400m and 7km of the SPA | Considered on a case by case basis at the planning application stage, in agreement with NE. Where the patrons of the facility are truly immobile or unlikely to ever visit SPA, no avoidance and mitigation measures are required. Where residents are in self-contained accommodation and can therefore live reasonably independently, even if there is a level of care required, then it is assumed that the residents are of a mobility level that would not preclude them from visiting the SPA. In these cases avoidance and mitigation measures will be required as set out in 2. above. For such developments located in the 5-7km SPA buffer zone, the avoidance and mitigation measures set out in 5. above will apply. | | | |

| | Size of Dwelling (bedrooms) | SANG Contribution (per dwelling) | SAMM Contribution (per dwelling) | Total Contribution ⁽¹⁾ (per dwelling) |
|---------------------------------------|---|----------------------------------|----------------------------------|--|
| NON RESIDENTIAL DEVELOPMENT | | | | |
| 8. Non residential development | Subject to Habitats Regulations Assessment in order to establish likely significant effect on the SPA. May be required to provide appropriate avoidance and mitigation measures. Considered on a case by case basis in agreement with NE. | | | |

1. SANG and SAMM should ordinarily be applied unless it can be demonstrated that, through any other package of avoidance and mitigation measures put forward, the development will lead to no significant adverse effect on the integrity of the SPA in accordance with the Conservation of Habitats and Species Regulations 2017. In accordance with this legislation, the local authority must adopt a precautionary approach and any avoidance and mitigation measures must be agreed in advance with the Council and NE.
2. Including new build, redevelopment, mixed use schemes, changes of use, conversions, affordable housing, planning applications for approval of reserved matters (where no avoidance or mitigation measures have been secured at outline stage) (including flats, apartments and houses).
3. The Council recovers the SANG enhancement costs from CIL. These figures are the developer contributions secured through a s106 agreement.
4. These figures are the total SANG contribution which is secured through s106 agreements. For these applications SANG enhancement costs are not recovered through CIL.
5. Comprehensive development (or part thereof) including, but not limited to, sites identified in the Council's Core Strategy DPD, the Site Allocations Local Plan, the emerging Comprehensive Local Plan and other major sites.

1 Introduction

1.1 The Thames Basin Heaths Special Protection Area

1.1.1 The Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005. It is protected from adverse effects under The Conservation of Habitats and Species Regulations 2017 and European Directive 2009/147/EC. The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler.

1.1.2 The SPA zone of influence spans 11 local authorities across Hampshire, Berkshire and Surrey and is fragmented by urban development and other land uses. It consists of 13 Sites of Special Scientific Interest (SSSIs) scattered across these counties as shown in Appendix 1.

1.1.3 The two areas of the SPA that lie within Bracknell Forest are the Broadmoor to Bagshot Heaths SSSI and the Sandhurst to Owlsmoor Bogs and Heaths (also known as Wildmoor Heath) SSSI. A large proportion of Bracknell Forest lies within 5km of the SPA to which this Supplementary Planning Document (SPD) principally applies.

1.1.4 In 2005 Natural England conducted research which indicated that the existing level of recreational pressure was having a detrimental effect on the three species of Annex I birds for which the SPA was designated. These ground-nesting birds which breed on the SPA are subject to disturbance from people and their pets using the SPA for recreational purposes and this affects their breeding success.

1.1.5 Due to this information and the level of house-building expected in the Thames Basin Heaths area, Natural England (NE) objected to all planning applications for a net increase in residential development within 5km of the SPA. This affected 11 local authorities in Berkshire, Hampshire and Surrey, which are within 5km of the SPA.

1.1.6 In order to comply with the Conservation of Habitats and Species Regulations (the 'Habitats Regulations') and demonstrate that house-building is deliverable without giving rise to an adverse effect on the integrity of the SPA, Bracknell Forest Council has carried out Habitats Regulations Assessments. These documents identified potential effects on the SPA and proposed measures which would ensure that those effects could be avoided and mitigated.

1.2 Purpose and Scope of the SPD

1.2.1 This SPA SPD provides an updated avoidance and mitigation strategy to show how the adverse effects of development on the integrity of the Thames Basin Heaths SPA should be avoided and mitigated.

1.3 Spatial Policy Framework

1.3.1 The following table outlines the elements of the Development Plan that are relevant to this SPD.

Table 2 Spatial Policy Framework

| Adopted Policy | Policy References | Notes |
|--|---|---|
| National Planning Policy Framework (NPPF) (March 2012) | Chapter 11 (Conserving and enhancing the natural environment) | Para. 119 The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. |
| South East Plan (2009) | NRM6 Thames Basin Heaths Special Protection Area | The South East Plan (2009) was partially revoked on 25 March 2013. Policy NRM6, which deals with the Thames Basin Heaths Special Protection Area, remains in place. This sets out the principle of the protection of the Thames Basin Heaths SPA in the South East. |
| Bracknell Forest Council Core Strategy DPD (February 2008) | CS14 Thames Basin Heaths Special Protection Area | This sets out the principle of the protection of the Thames Basin Heaths SPA in Bracknell Forest. This is likely to be superseded by the Comprehensive Local Plan. |
| Site Allocations Local Plan (July 2013) | SA4 Land at Broadmoor, Crowthorne SA5 Land at Transport Research Laboratory, Crowthorne SA6 Land at Amen Corner (North), Binfield SA7 Land at Blue Mountain, Binfield SA8 Land at Amen Corner (South), Binfield SA9 Land at Warfield SA10 Royal Military Academy, Sandhurst | These policies set out the SPA avoidance and mitigation requirements for development allocations in Bracknell Forest. |

| Adopted Policy | Policy References | Notes |
|---|-------------------------|--|
| Bracknell Forest Borough Local Plan 1991-2006 | EN3 Nature Conservation | This sets out the principle of the protection of the Thames Basin Heaths SPA in Bracknell Forest. This is likely to be superseded by the Comprehensive Local Plan. |

1.3.2 The above plans and policies are supplemented with the following guidance:

Table 3 Thames Basin Heaths SPA Guidance

| Guidance | Notes |
|--|---|
| Thames Basin Heaths SPA Avoidance and Mitigation Supplementary Planning Document (March 2012) (Bracknell Forest Council) | This is an Avoidance Mitigation Strategy to show how the effects of new (and principally) residential developments on the Thames Basin Heaths SPA should be avoided and mitigated in accordance with the Development Plan. This new SPA SPD will replace this guidance. |
| Planning Obligations Supplementary Planning Document (February 2015) (Bracknell Forest Council) | This sets out the Council's approach and procedure for securing infrastructure by planning obligations from development in Bracknell Forest. This SPA SPD will supersede Section 5.12 and Appendix 1 Section 5 of this guidance. |
| Thames Basin Heaths SPA Delivery Framework (12 February 2009) (Thames Basin Heaths Joint Strategic Partnership Board) | This Delivery Framework has been endorsed by the Thames Basin Heaths Joint Strategic Partnership Board and is recommended to the local authorities affected by the Special Protection Area (SPA). The Board encourages local authorities to use the Framework to guide the production or revision of local avoidance and mitigation strategies. |

1.3.3 Emerging policy is set out in the table below:

Table 4 Emerging Planning Policy

| Plan | Policy References | Notes |
|---------------------------------|--|--|
| Draft Local Plan ⁽¹⁾ | LP37 Designated Nature Conservation and Geological Sites LP39 Thames Basin Heaths Special Protection Area | These policies will set out the principle of the protection of the Thames Basin Heaths SPA in Bracknell Forest and supersede the Core Strategy (2008) and the Bracknell Forest Borough Local Plan (1991-2006). |

1. Table 4 is for information only and is correct at the time of the adoption of this SPD. It should be noted that this will be subject to change and any updated policies will replace some of those in Table 2 above.

1.4 Sustainability Appraisal

1.4.1 The Planning Practice Guidance (PPG) states that supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the Local Plan.

1.4.2 A strategic environmental assessment is unlikely to be required where a supplementary planning document deals only with a small area at a local level (see regulation 5(6) of the Environmental Assessment of Plans and Programmes Regulations 2004), unless it is considered that there are likely to be significant environmental effects.

1.4.3 Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 and consult the consultation bodies.

1.4.4 BFC therefore undertook a SEA Screening and from 28 September to 9 November 2017 a consultation was undertaken on this screening report with Natural England, the Environment Agency and Historic England. Responses were received from all three consultation bodies and these can be found in the appendices of the SEA Screening Determination. The Council has concluded that this SPD is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The main reasons for this conclusion are:

- The SPASPD elaborates on the policies and principles set out in the National Planning Policy Framework (NPPF), the South East Plan Policy NRM6, Core Strategy Policy CS14 Thames Basin Heaths SPA and the Bracknell Forest Local Plan (2001 – 2006) and sets out how development proposals can achieve them;
- It does not present any policies, and serves only to provide greater clarity about the Council's expectations in relation to existing policies within the Development Plan; and
- The South East Plan saved policy and the Core Strategy have already been subject to full Sustainability Appraisal (including SEA) and assessed as having no significant environmental effect.

1.5 Sub-Regional Working

1.5.1 The Thames Basin Heaths SPA principally affects 11 local authorities. These are Waverley BC, Guildford BC, Surrey Heath BC, Woking BC, Bracknell Forest Council, Hart DC, Wokingham BC, Elmbridge BC, Runnymede BC, The Royal Borough of Windsor and Maidenhead and Rushmoor BC. In order to be sure of a consistent approach across the whole area, and on the advice of the Technical Advisor at the South East Plan Examination in Public (November/December 2007), a Joint Strategic Partnership (JSP) was set up in 2007 to provide a vehicle for joint working, liaison and exchange of information between local authorities and other organisations affected by the Thames Basin Heaths SPA. A Councillor from Bracknell Forest is a member of the Joint Strategic Partnership Board (JSPB).

1.5.2 In 2009 the JSPB adopted guidelines in the Thames Basin Heaths Special Protection Area Delivery Framework (JSPB 12 February 2009). This is available on the Council's website at www.bracknell-forest.gov.uk/spa. These guidelines form the basis of the approach adopted in this SPD. The JSPB meets twice a year and oversees matters such as the Strategic Access Management and Monitoring (SAMM) project and the monitoring of Suitable Alternative Natural Greenspaces (SANGs). This joint working also fulfils duty to cooperate requirements.

1.5.3 Bracknell Forest Council has been working jointly at a sub-regional level for a number of years to implement avoidance and mitigation measures and will endeavour to continue to do so in the future.

1.6 Consultation

1.6.1 A consultation on the draft SPA SPD took place between 8 January 2018 and 19 February 2018. Details of the consultation were sent to key stakeholders including: Parish Councils, other local authorities, developers, housing associations, local environmental groups and government agencies. The draft document was also made available on the Council's website, in local libraries and Council reception areas and the consultation was published on 10th January 2018 in the Bracknell Standard paper which is delivered to all households in the Borough.

1.6.2 A total of 63 consultation responses were received from 16 respondents in connection with the SPD. These were subsequently collated and, where appropriate, changes were made to the SPD. The Consultation Statement summarises the main issues raised during the consultation and how these issues were addressed in the SPD.

1.6.3 Following consideration of all responses the SPD has been adopted as supplementary planning guidance. Once adopted it will replace the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (2012). It also supersedes Section 5.12 and Appendix 1 Section 5 of the Planning Obligations Supplementary Planning Document (2015).

2 Background

2.1 Habitats Regulations

2.1.1 The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) implement in Great Britain the requirements of the EU Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (the Habitats Directive) (Council Directive 92/43/EEC). They also protect areas classified under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive). The Regulations aim to protect a network of sites that have rare or important habitats and species in order to safeguard biodiversity.

2.1.2 Under the EC Birds Directive, Member States are required to take special measures to conserve the habitats of certain rare species of birds (listed in Annex I of the Birds Directive) and regularly occurring migratory birds. In particular each Member State was required to classify the most suitable areas of such habitats as Special Protection Areas (SPAs). This is designed to protect wild birds, and to provide sufficient diversity of habitats for all species so as to maintain populations at an ecologically sound level. All Bird Directive SPAs are part of the Natura 2000 network under Article 3(1) of the Habitats Directive.

2.1.3 Under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites. The Competent Authority (in this case Bracknell Forest Council) must assess the possible effects of a plan or project on any Natura 2000 sites through a Habitats Regulations Assessment.

2.1.4 This process identifies any likely significant effects on the SPA which may arise, either alone or in combination with other plans or projects. With appropriate avoidance and mitigation measures it can often be concluded that the development plan is unlikely to lead to a significant effect on the integrity of the SPA.

2.1.5 If at the screening stage it is considered that there is likely to be a significant effect, in view of the site's conservation objectives, then the plan or project must be subject to an Appropriate Assessment (AA). Having undertaken the AA (again in view of the site's conservation objectives), the Competent Authority shall agree to the plan or project only after ascertaining that it will not adversely affect the integrity of the European site concerned, or where the further tests as described in article 6(4) can be met. This process is clarified in Figure 1 of Circular 06/2005 'Biodiversity and Geological Conservation' which is shown in Appendix 2.

2.1.6 The decision-maker must consider the likely and reasonably foreseeable effects in order to ascertain that the proposal will not have an adverse effect on the integrity of the SPA with certainty using the precautionary principle before it may grant permission (subject to the exception tests set out in Regulation 63 of the Habitats Regulations). The process requires close working with Natural England in order to obtain the necessary information, agree the process, outcomes and mitigation proposals, and to meet the requirements of the Habitats Regulations.

2.2 Potential Adverse Effects on the Integrity of the SPA

2.2.1 Bracknell Forest Council has carried out Habitats Regulations Assessments for the Core Strategy DPD, the Site Allocations Local Plan and the emerging Draft Local Plan. The potential adverse effects on the integrity of the SPA are as follows:

Table 5 Potential Adverse Effects on the Integrity of the SPA

| Potential Effects | Characteristics Which Could Lead to Adverse Effects |
|---|---|
| Human disturbance (as a result of urbanisation) | <ul style="list-style-type: none"> An increase in residential development in the proximity of the SPA is likely to lead to an increase in urbanisation effects such as increased fly-tipping, cat predation and uncontrolled fires. Urbanisation could also present a potential pathway of impact where development on employment sites is located close to the SPA and lead to, for example, fly-tipping. |
| Recreational pressure | <ul style="list-style-type: none"> An increase in the population of Bracknell Forest has the potential to lead to more visits per annum to the SPA i.e. increased recreational pressure. Recreational pressure has the potential to lead to disturbance to sensitive species (particularly ground-nesting birds such as woodlark and nightjar), preventing appropriate management or exacerbating existing management difficulties, causing damage through erosion and causing eutrophication as a result of dog fouling. |
| Air pollution | <ul style="list-style-type: none"> Residential and employment development in Bracknell Forest has the potential to lead to an increase in car journeys and this is likely to lead to increased air pollution. Nitrogen deposition from increased traffic flows could lead to adverse effects on the SPA and the potential for in-combination effects. Department for Transport guidance as expressed in the Design Manual for Roads and Bridges (DMRB) states that: 'beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant'. It has been determined that parts of the SPA are situated within 200m of major roads that may be regularly used by vehicle journeys arising from Bracknell Forest as a result of the increased population. |

2.2.2 This Avoidance and Mitigation SPD addresses the recreation-related effects on the SPA which should allow the Council to conclude no adverse effect on the integrity of the SPA as a result of a net increase in residential development between 400m and 5km of the SPA. It

does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of air quality as this has yet to be determined. See Section 3.10 for further information.

2.2.3 Developments that cannot be mitigated by this SPD (e.g. non-residential developments) will be dealt with on a case by case basis. A Habitats Regulations Assessment may be required to address some or all of the above potential effects on the SPA.

3 SPA Avoidance and Mitigation Strategy

3.1 Introduction

3.1.1 This section provides guidance on the measures which will be implemented in Bracknell Forest to avoid likely significant effects on the integrity of the SPA from development.

3.1.2 Any net increase in residential dwellings within 5km of the SPA is likely to have a significant adverse effect on the SPA either alone or in combination with other plans or projects. Consequently, every proposal for net additional dwellings must make provision to avoid and mitigate the effect. Large developments within 5-7km of the SPA (with a net increase in dwellings of more than 50) may be required to provide appropriate mitigation. This will be considered on a case by case basis in agreement with NE. The level of SANG mitigation is likely to be at least 2ha / 1,000 new population. The SAMM contribution is likely to be equal to the monitoring contribution for the SAMM project (an average of £190 per dwelling). If developments secure and provide necessary avoidance and mitigation measures at the time of grant of planning permission as set out in this SPA SPD they can avoid the effects of the development proposal and a project-level Appropriate Assessment is not required.

3.1.3 The JSPB currently considers a two-pronged approach to avoiding likely significant effect on the SPA is appropriate as follows:

- Provision of Suitable Alternative Natural Greenspace (SANG) to attract people away from the SPA and hence reduce pressure on it; and
- Strategic Access Management and Monitoring (SAMM) measures on, and monitoring of, the SPA to reduce the effect of people who visit the SPA.

3.1.4 Habitat management may, theoretically, be taken to be an avoidance measure; however, the focus in the short-term must be improving the quality of the SPA to favourable condition status. This is a duty of SPA landowners which falls outside the planning system and is not the focus of this guidance.

3.1.5 The avoidance and mitigation measures should be provided in order that they can function in perpetuity which is considered to be at least 125 years. An 'in perpetuity' period of 125 years has been applied in this SPD in accordance with the legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009).

3.1.6 The option remains for developers to undertake a Habitats Regulations screening assessment and where necessary a full Appropriate Assessment to demonstrate that a proposal will not adversely affect the integrity of the SPA. Should any other package of avoidance and mitigation measures be put forward, these must be in accordance with the Habitats Regulations and the local authority must adopt a precautionary approach. Any avoidance and mitigation measures must be agreed in advance with the Council and NE.

3.2 Zones of Influence

3.2.1 There are three Zones of Influence as shown in Figure 1 and in the table below:

Table 6 SPA Buffer Zones

| Zone of Influence | Distance from the SPA |
|--------------------------|--|
| A | From 0m to 400m straight line distance from the SPA |
| B | From 400m to 5km straight line distance from the SPA |
| C | From 5km to 7km straight line distance from the SPA |

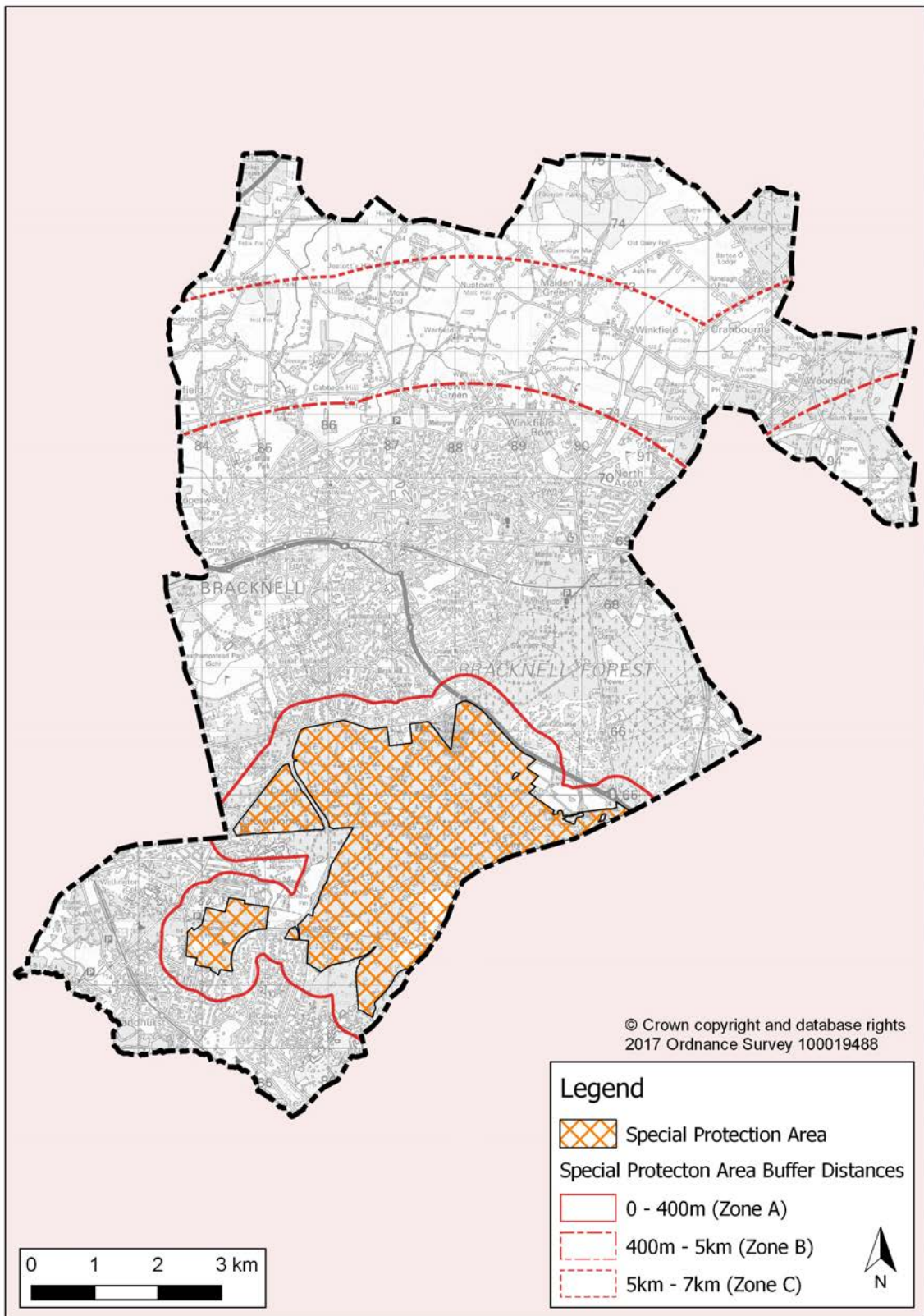
3.2.2 There is a presumption against residential development within 400m of the SPA boundary. This is measured as the crow flies from the SPA perimeter to the point of access on the curtilage of the dwellings as recommended by the Joint Strategic Partnership Board and set out in the Thames Basin Heaths SPA Delivery Framework (12 February 2009). Within Zone A (the exclusion zone) the effect of new net increases in residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect on the integrity of the SPA. There is therefore a presumption against any net increase in residential development within this zone. A Habitats Regulations Assessment will be needed, and agreed with NE, to demonstrate that any development within this zone will not have an adverse effect on the SPA and/or the acceptability of any avoidance and mitigation measures provided.

3.2.3 Applications for non-residential development in Zone A will be assessed on a case by case basis, in agreement with NE.

3.2.4 From 400m – 5km of the SPA (Zone B) development can be permitted and avoidance and mitigation measures should be applied. The majority of new housing development in Bracknell Forest up to 2034 will be located within Zone B.

3.2.5 Applications for residential development in Zone C will be assessed on a case by case basis, in agreement with Natural England.

Figure 1 Thames Basin Heaths SPA and SPA Buffer Zones



3.3 Types of Development Covered

3.3.1 The duty to consider the possibility of likely significant effects on the SPA applies to all types of development, not just residential. This strategy largely concerns itself with the effects arising from the developments listed below.

- Proposals for 1 or more net new dwelling units falling within Use Class C3 (Dwellinghouses);
- Conversion of a B1 Office use to C3 Dwellinghouses;
- Conversion of a building from light industrial use class B1(c) to residential use class C3. The Permitted Development right came into effect on 1 October 2017 for a three-year period.
- A change of use from a dwelling house (C3 use) to a House in Multiple Occupation (HMO) (C4 use);
- A change of use from either C3 or C4 uses to a large HMO i.e. 6 or more people sharing (sui generis);
- Proposals for 1 or more net new units of staff residential accommodation;
- C1 (Hotel use) and C2 (Residential institutions); and
- C2 and C3 care homes.

3.3.2 For more information on Use Classes see the Planning Portal [here](#) Please note that this gives an indication of the types of use which may fall within each use class but this is a guide only and it is for local planning authorities to determine, in the first instance, depending on the individual circumstances of each case, which use class a particular use falls into.

3.3.3 Reserved matters,⁽¹⁾ discharge of conditions, amendments to existing planning consents and non-residential development will be considered on an individual basis.

3.3.4 Replacement dwellings will not lead to increased recreational pressure, therefore, they will have no likely significant effect on the SPA and will not be required to provide avoidance and mitigation measures.

3.3.5 All projects, applications for planning permission and prior approval applications for developments in the vicinity of the SPA will be screened to assess whether they will have a likely significant effect on the integrity of the SPA (individually or in combination with other plans or projects) and where necessary a Habitats Regulations Assessment will be undertaken.

3.3.6 C2 and C3 Care Homes: In assessing any planning application for a C2 or C3 care or extra care facility these developments will be considered on a case by case basis at the planning application stage in agreement with Natural England. The Council will take account of whether there is any risk of the residents of the facility causing a likely significant effect upon the integrity

1 In March 2007, legal advice was received which led the Council and Natural England to the view that Regulations 48 and 49 of the 1994 Habitats Regulations should be applied to applications for approval of reserved matters or variations or renewals, where potential effects on the SPA were not fully considered when an existing permission was granted or where information more recently provided would make for a different assessment of effects. The relevant paragraphs of the updated legislation are Regulations 63 and 64 of the 2017 Habitats Regulations.

of the SPA. If the development is located within 400m of the SPA and the patrons of the facility are truly immobile or unlikely to ever visit the SPA then the only mitigation which may be required are measures to ensure that the car park cannot be made available to the general public wishing to access the SPA. For such developments within 400m - 5km of the SPA, any facilities that house residents that will never or are very unlikely to visit the SPA would not require any mitigation. Where residents in this SPA buffer zone are in self-contained accommodation and can therefore live reasonably independently, even if there is a level of care required, then it is assumed that the residents are of a mobility level that would not preclude them from visiting the SPA. In these cases avoidance and mitigation measures will be required as set out in Table 1.

3.3.7 Hotels: For traditional hotels offering short stay accommodation avoidance and mitigation measures will generally not be required. However, for hotels located within 400m of the SPA with a new car park, measures may be required to ensure that the car park cannot be made available to the general public wishing to access the SPA. For hotels offering accommodation for longer periods of time, such as Apart-hotels where the dwelling is to become the full time address for a person, then avoidance and mitigation measures will be required as set out in Table 1.

3.3.8 Staff Accommodation: Where staff accommodation becomes the permanent full time address for that member of staff then avoidance and mitigation measures will be required as set out in Table 1.

3.3.9 Camping and Caravans: Where the caravan is a person's permanent address then avoidance and mitigation measures will be required as set out in Table 1.

3.3.10 Permitted Development: Permitted development (such as the conversion of retail, office or light industrial space to residential units) is not exempt from the Habitats Regulations. Avoidance and mitigation measures will be required as set out in Table 1.

3.3.11 Houses in Multiple Occupation (HMOs): For planning applications converting traditional C3 housing stock into HMOs, if the facilities have individual lockable rooms, then each room will be treated as a separate one bedroom dwelling and avoidance and mitigation measures will be required as set out in Table 1.

3.4 Suitable Alternative Natural Greenspaces (SANGs)

3.4.1 The provision of alternative recreational land to attract new residents away from the SPA is a key part of avoiding the effects of new development on the Thames Basin Heaths SPA. There are different types of SANGs.

- **Strategic SANGs** which are open spaces in Bracknell Forest which, in agreement with NE, have been identified as being suitable for bringing up to SANGs standard through the application of developer contributions. These are open space land which is owned / managed by the Council and to which developers pay financial contributions towards their enhancement to SANG status and long term management. These mainly provide mitigation for smaller schemes or urban developments which cannot realistically provide their own land for SANGs.

- **Bespoke SANGs** which are new open spaces provided mostly by large developments where the developer upgrades part of the land to SANG status or provides SANG off-site and then usually transfers the SANG land to Council ownership with maintenance sums to fund its long term management.
- **Third Party Private SANGs** which are privately provided and owned. They have been approved through planning permission and developers can purchase SANG capacity directly from the owners by private contract in agreement with the Council. Long term management is sometimes provided by the owner or the land is transferred to Council ownership with maintenance sums to fund its long term management.

3.4.2 The following table sets out the SANG standards for each Zone of Influence. For developments in close proximity to the SPA this standard may be higher. All SANGs must comply with the Natural England SANG Quality Guidance which can be found on the Council's website at www.bracknell-forest.gov.uk/spa

Table 7 SANG Standards for Net Increase in Dwellings

| Zone of Influence | | SANG Standard | Comments |
|-------------------|---|---|---|
| A | From 0m to 400m straight line distance from the SPA; | No standard | There is a presumption against any net increase in residential development within this zone. A Habitats Regulations Assessment will be needed, and agreed with Natural England, to demonstrate that any development within this zone will not have an adverse effect on the SPA and/or the acceptability of any avoidance and mitigation measures provided. |
| B | From 400m to 5km straight line distance from the SPA | At least 8 hectares per 1,000 persons | Some development schemes require SANGs to be significantly in excess of 8 hectares per 1000 persons especially those which lay in close proximity to the SPA. |
| C | Beyond 5km to 7km straight line distance from the SPA | Likely to be at least 2 hectares per 1,000 persons but will be assessed on a case by case basis in agreement with NE. | Only affects developments of over 50 dwellings. |

3.4.3 To ensure that development does not harm the integrity of the SPA in certainty using the precautionary principle, sufficient SANG must be provided and open to the public in advance of dwelling occupation. For strategic SANGs which may already be open to the public this

means the Council undertaking the SANG enhancement works in advance of dwelling occupation. The Council is proactive and 'pump primes' these works so that they are completed before dwellings need to be occupied.

3.4.4 All SANGs have catchment areas. This is the area within which a development needs to be located in order to use a particular SANG as an SPA avoidance and mitigation measure. These are as follows:

- A SANG of 2-12ha will have a catchment of 2km;
- A SANG of 12-20ha will have a catchment of 4km;
- A SANG of 20ha+ will have a catchment of 5km.

3.4.5 Developments with a net increase of less than 10 dwellings do not need to be within a specified distance of a SANG.

3.4.6 The Council will seek biodiversity enhancements on sites which are to be SANGs and expect wildfire issues to be addressed where relevant in terms of design and planting.

3.5 Strategic SANGs

3.5.1 Strategic SANGs are either Council owned or maintained open spaces and are located throughout the Borough. Developments using strategic SANGs as mitigation contribute towards their enhancement, ongoing management and maintenance through a combination of s106 agreements and the Community Infrastructure Levy (CIL).

3.5.2 Each Strategic SANG has a Management Plan which has been agreed with NE and details the open space works required to enhance each piece of land to full SANG status. Such works are carried out on an incremental basis and include measures such as new footpaths, planting, signage, interpretation boards and bins.

3.5.3 The level of the financial contribution depends upon the number of dwellings in the scheme, the number of bedrooms they contain and their distance from the SPA as set out in Table 1. It should be noted that for any Prior Approval schemes utilising Strategic SANG capacity, the full SANG mitigation contributions are paid through s106 obligations and the Council do not recover the SANG enhancement costs through CIL. This is because these schemes do not contravene s106 obligation pooling restrictions as set out in CIL Regulation 123 as they are not a planning application approval but are implemented under the Habitats Regulations. The relevant costs are set out in Table 1.

3.5.4 Appendix 3 explains the process undertaken to identify strategic SANGs in Bracknell Forest and Appendix 6 contains maps showing their location and catchment areas. The table in Section 3.8 below lists the open spaces in the borough which have been identified as suitable strategic SANGs and their catchment areas.

3.6 Bespoke SANGs

3.6.1 Bespoke SANGs may be provided for certain developments. This may be the developer's choice, required by policy or necessity due to lack of SANGs capacity, or required where compliance with a general standard may not be sufficient to comply with Habitats Regulations. Bespoke SANGs must be open to the public in advance of occupation of the dwellings and provided in perpetuity. Bespoke SANGs which have come forward in Bracknell Forest to date are shown in Appendix 4.

3.6.2 Large residential developments located in Zone B (between 400m and 5km of the SPA) will be required to provide a bespoke SANG in accordance with the Avoidance and Mitigation SPD and the Habitats Regulations and in agreement with NE and BFC. Due to the practicalities of providing bespoke SANGs which are large enough to be attractive to new residents, it is likely that only larger developments (109 or more dwellings) will be in a position to deliver acceptable bespoke SANGs.⁽²⁾

3.6.3 Bespoke SANGs mitigating dwellings in Zone B would need to be provided at a standard of at least 8 hectare per 1,000 population. However, the minimum SANGs standard may not be sufficient to demonstrate that the requirements of the Habitats Regulations are met. These applications will be dealt with on a case by case basis in agreement with Natural England.

3.6.4 A SANG must be big enough to provide a minimum 2.3km circular walk. Smaller areas of land may be used as SANG provided they physically connect to an existing SANG or other areas of land which are also suitable for SANG. For example, land at Manor Farm was enhanced to SANG standard and linked by a bridge across the River Cut to connect to the Garth Meadow site (part of the Cut Countryside Corridor SANG).

3.6.5 The Council will consider the acceptability of bespoke SANGs on a case-by case basis, in agreement with NE and in accordance with the Habitats Regulations.

3.6.6 Due to the large-scale nature of these developments; and the concentration of new residents arising in these locations, where possible these proposals will provide their own areas of SANGs on-site. Where this is not possible, off-site provision may be acceptable, assuming the Council, in agreement with NE, can conclude that the off-site SANGs will function as an effective alternative to the SPA.

3.6.7 Where appropriate, the Council will endeavour to assist in the provision of SANGs for developments within or close to Bracknell Town Centre by providing Bespoke SANG solutions.

3.6.8 Developers in other areas may also wish to consider bringing forward a bespoke mitigation package rather than making a contribution towards the Council's strategy. This must be agreed with the Council and Natural England.

3.6.9 Whilst the SANGs quantity and quality standards set out in this document are a useful starting point for the assessment of bespoke SANGs, compliance with these standards may not be sufficient to demonstrate that the requirements of the Habitats Regulations are met. A Habitats Regulations Assessment will be required to ensure that there is no likely significant effect or no adverse effect on the integrity of the SPA. Early dialogue with the Council and NE is encouraged.

² This is the minimum number of dwellings necessary to generate a requirement for a minimum 2ha SANG (at an average of 2.31 persons per dwelling and a SANG standard of at least 8ha per 1,000 new population). In practice SANGs are much larger since they are required to incorporate a minimum 2.3 - 2.5km walk.

3.6.10 Bespoke SANGs must meet the NE SANG Quality Guidance. Levels of existing visitor use on the SANG will need to be discounted to protect current access. Any existing nature conservation interests must also be taken into account and potentially discounted.

3.6.11 To mitigate the effect that occupiers of a development will have on the integrity of the SPA, any enhancement to SANGs standard must be in place before those occupiers move in. Where appropriate therefore, the Council will seek to restrict occupations until related SPA avoidance and mitigation measures and/or works have been completed. Rather than retain responsibility for maintaining in-kind semi-natural open space, a developer may want to offer the land to BFC (with an in perpetuity maintenance contribution), another public body or set up a management company or community trust (all subject to appropriate ongoing funding). In this case the Council will need assurance that such an organisation has the necessary skills and resources to maintain the open space and that it will remain in existence to achieve this in perpetuity.

3.6.12 Where a development includes specific measures to avoid and mitigate its effect upon the SPA, the Council will, in agreement with NE, undertake a Habitats Regulations Assessment. This will consider the effect of the proposal on the SPA and the avoidance and mitigation measures, including size, quality and location of any proposed SANG and strategic access management and monitoring measures.

3.7 Third Party Private SANGs

3.7.1 Current and Emerging Third Party SANGs are described in more detail in Appendix 5. The Council will work with developers and landowners to bring forward Third Party Private SANGs. The owners of Third Party SANGs provide capacity for their own nearby developments and/or for other developments. These sites must be upgraded to SANG status in accordance with the NE SANG Quality Guidance and in agreement with the Council and NE, made publicly accessible at all times and ensure that their in-perpetuity maintenance is guaranteed.

3.7.2 Developers seeking to purchase SANG capacity from the Third Party SANG provider must agree the cost via a private contractual agreement between themselves and the owner of the SANG. Council approval must be sought to ensure that the development is located within the catchment area of the SANG and that there is sufficient SANG capacity remaining. The purchasing developer must then ensure the mitigation is tied to their development scheme and ensure that SAMM payments are secured with the Council in a s106 Agreement in line with a Council Template S106 Agreement which contains the following obligations:

- Not to occupy the development until the Third Party SANG capacity has been secured, provided, made publically available and with guaranteed in-perpetuity maintenance;
- To pay the required SAMM contributions.

3.8 Agreed and Emerging SANGs

3.8.1 The table below lists all the agreed and emerging Strategic, Bespoke and Private Third Party SANGs in the Borough. Figure 2 is a map of the SANGs which have been agreed. Further more detailed maps of the agreed SANGs can be found in Appendix 6.

Table 8 Current and Emerging SANGs

| SANG | Sites | Type of Site | Area (ha) | SANG Catchment | Comments |
|-------------------------------|--|--------------|-----------|---|---|
| Ambarrow Hill / Court SANG | Ambarrow Hill / Court | Strategic | 13.73 | 4km | In operation since 2007 |
| | Silverdene | Third Party | 2.87 | | Planning application under consideration |
| Blue Mountain SANG | Blue Mountain | Bespoke | 12.99 | 4km | Planning permission granted. SANG available when development is first occupied. |
| Broadmoor SANG | Broadmoor (for Cricket Field Grove) | Bespoke | 8 | 2km | Planning Permission granted. First part of a wider area of SANG to come forward on this site. |
| Cut Countryside Corridor SANG | Larks Hill | Strategic | 22.64 | 5km | In operation since 2008 |
| | Larks Hill replacement SANG Land | Strategic | | | |
| | Garth Meadows | Strategic | | | |
| | Jock's Copse , Tinkers Copse and The Cut (sth) | Strategic | | | |
| | Piggy Wood | Strategic | | | |
| | Anneforde Place | Strategic | 0.9 | Operational on adoption of SPA SPD | |
| | Land at Manor Farm | Bespoke | 0.5 | In operation since 2012 | |
| | Cabbage Hill (west) SANG | Bespoke | 13.83 | In operation since 2016 | |
| | Cabbage Hill (west) Surplus Land | Bespoke | 3.59 | Subject to a release of covenant and potential visitor survey | |

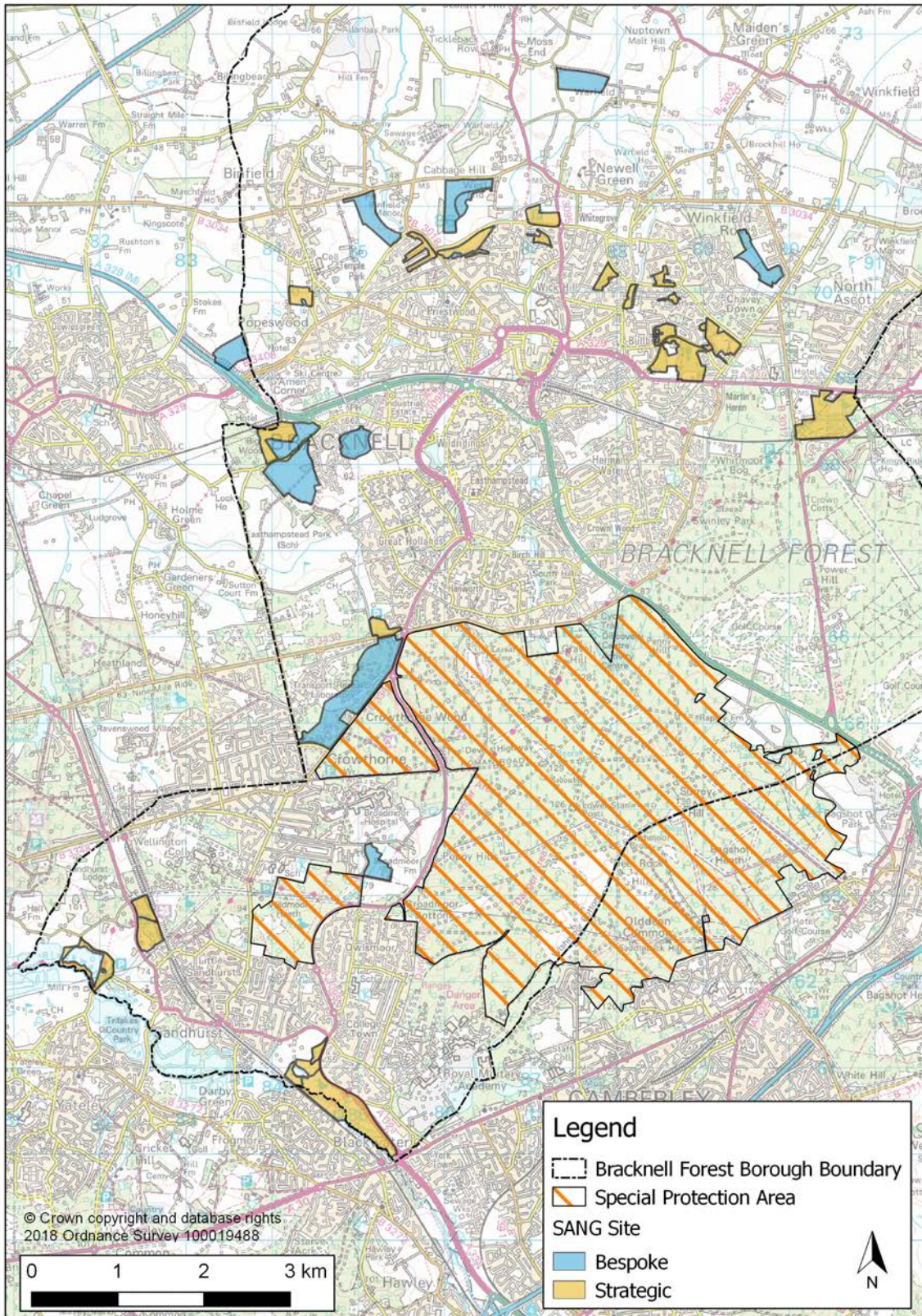
| SANG | Sites | Type of Site | Area (ha) | SANG Catchment | Comments |
|-----------------------|---------------------------|--------------|----------------------|--------------------|---|
| | River Cut | Bespoke | 2 | | Subject to agreement of SANG Management Plan |
| Englemere Pond SANG | Englemere Pond | Strategic | 27.53 | 5km | In operation since 2008 |
| Frost Folly SANG | Wellers Lane | Bespoke | 12.57 | 4km ⁽¹⁾ | Operational from spring 2018 with excess SANG capacity available to other developments |
| | Land East of Wellers Lane | Third Party | 12.1ha | | Planning application under consideration |
| Horseshoe Lake SANG | Horseshoe Lake | Strategic | 10.07 ⁽²⁾ | 4km | In operation since 2007 |
| Bullbrook SANG | Longhill Park | Strategic | 12.53 | 5km | In operation since 2006 |
| | Milman Close | Strategic | | | |
| | Beswick Gardens Copse | Strategic | | | |
| | Clintons Hill | Strategic | | | |
| | Lily Hill Park | Strategic | 18.65 | | In operation since 2017 |
| | Whitegrove Copse | Strategic | 3.65 | | Operational on adoption of SPA SPD |
| | Harvest Hill | Strategic | 2.3 | | |
| | Edmunds Green | Strategic | 2.32 | | |
| | The Chestnuts | Strategic | 1.08 | | |
| Moss End SANG | Land at Moss End | Third Party | 25.5 | 5km | Planning application under consideration |
| Shepherd Meadows SANG | Shepherd Meadows | Strategic | 33.74 | 5km | In operation since 2009. ⁽³⁾ |
| | Shepherd Meadows North | Strategic | 2.61 | | Use of land as SANG approved by Sandhurst Town Council. Subject to agreement of SANG Management Plan. |
| | Seeby's Meadow | Strategic | 3.6 | | |

| SANG | Sites | Type of Site | Area (ha) | SANG Catchment | Comments |
|---------------------|---|--------------|-----------|----------------|---|
| | Seeby's Copse | Strategic | 2.23 | | |
| Buckler Park SANG | Great Hollands Recreation Ground Woodland | Strategic | 4.78 | 5km | Operational in 2018 |
| | Land at Transport Research Laboratory | Bespoke | 42.5 | | Operational in 2018 |
| Warfield Park SANG | Warfield Park | Bespoke | 11.2 | 400m | If a car park is provided then residual capacity can be used for developments up to 2km away. There is a possibility that the SANG could be extended into Big Wood (Warfield). |
| West Binfield SANG | Land at Amen Corner North | Bespoke | 9.9 | 4km | Operational in 2018 |
| | Popes Meadow | Strategic | 5.2 | | Operational on adoption of SPA SPD |
| West Bracknell SANG | Peacock Meadows | Bespoke | 35.57 | 5km | In operation since 2007 |
| | Tarman's Copse | Bespoke | 9.68 | | Subject to agreement of SANG Management Plan |
| | Bigwood | Strategic | 10.7 | | Operational on adoption of SPA SPD. Can be used for Amen Corner South and other sites within its catchment at the Council's discretion. It will be necessary for enhancement works to be carried out by the Council which means that there will be an |

| SANG | Sites | Type of Site | Area (ha) | SANG Catchment | Comments |
|--------------------|---------------|--------------|-----------|----------------|---|
| | | | | | occupation restriction until appropriate works have been completed. |
| | Riggs Copse | Bespoke | 2.7 | | Operational after Amen Corner South application is approved |
| Windmill Farm SANG | Windmill Farm | Third Party | 12.09 | 4km | Planning application under consideration |

1. 5km if planning permission is granted on the Land East of Wellers Lane
2. 19.44ha including lake
3. SANG capacity equivalent to 500 persons is not available to Bracknell Forest developments as BFC has agree with Surrey Heath BC that developments in Surrey Heath can be mitigated by this SANG where suitable).

Figure 2 SANGs in Bracknell Forest



3.9 Strategic Access Management and Monitoring (SAMM)

3.9.1 The second avoidance and mitigation measure is strategic access management and monitoring which is required to be provided for in perpetuity. A contribution towards the Strategic Access Management and Monitoring (SAMM) project will be required from all new net residential development, regardless of whether the SANGs provision is strategic, bespoke or via a Third Party Private SANG. Both SANG and SAMM should ordinarily be applied unless it can be demonstrated that, through any other package of avoidance and mitigation measures put forward, the development will lead to no significant adverse effect on the integrity of the SPA in accordance with the Habitats Regulations. In accordance with this legislation, the local authority must adopt a precautionary approach and any avoidance and mitigation measures must be agreed in advance with the Council and Natural England. This will ensure that visitor management on the SPA is co-ordinated across the area, so that displacement of visitors from one area of the SPA to another is avoided.

3.9.2 The Thames Basin Heaths SPA comprises multiple SSSI sites, owned and managed by many different organisations and some private individuals. In order to ensure that access management implemented in one area does not simply displace visitors onto another part of the SPA, it is necessary to take a strategic approach to visitor access management.

3.9.3 The Access Management and Monitoring Partnership (made up of landowners and managers of the SPA) with support from NE and Hampshire County Council, has put forward a programme of strategic visitor access management measures for the purpose of mitigating the effects of new development on the SPA, funded by developer contributions. These measures, in combination with a complementary monitoring programme, have been taken forward into the Strategic Access Management and Monitoring (SAMM) Project. Natural England currently hosts the project co-ordinator, whilst Hampshire County Council manages the finances.

3.9.4 The SAMM project aims to:

- Promote SANGs as new recreational opportunities for local people and particularly encourage their use during the breeding bird season
- Provide on-the-ground wardening service to supplement existing wardening efforts Provide an SPA-wide education programme
- Create new volunteering opportunities
- Demonstrate best practice for strategic access management of visitors and visitor infrastructure where the supply of greenspace is heavily dependent on protected areas
- Monitor visitor usage of SANGs and SPA
- Monitor Annex 1 birds on SPA sites

3.9.5 The increase in co-ordination capabilities will help existing wardens to promote standard messages, whilst the on-the-ground wardening service will be implemented in relation to delivery of new residential development. In combination, this will allow confidence that, even if the provision of SANGs alone does not divert all new residents from using the SPA for recreation, there will be no increase in harm caused as a result of recreational pressure.

3.9.6 The SAMM Legal Agreement was signed by BFC, Natural England and the other ten local authorities affected by SPA issues in July 2011. The project was implemented from 14 July 2011.

3.9.7 The SAMM Project Manager (currently hosted by Natural England) is tasked with drawing up the detailed list of actions. The resulting work programme is overseen by JSPB.

3.9.8 The SAMM Project is being funded by relevant s106 contributions. As the measures are strategic, not all money collected from development within the borough will necessarily be spent within the borough. However, all contributions will be spent in accordance with a work programme. A monitoring process will measure the success of the project.

3.10 Air Quality

3.10.1 As stated in section 2.2, new residential and employment development in Bracknell Forest has the potential to increase the number of car journeys. This is likely to cause a rise in nitrogen deposition which could lead to adverse effects on the SPA in-combination with other developments. Some developments will therefore be required to carry out an air quality assessment as part of an HRA at the planning application stage. The majority of these developments will be identified through the Local Plan process. Any measures proposed to avoid or mitigate the effects of air pollution on the SPA must be agreed with the Council and NE and satisfy the Habitats Regulations.

4 Implementation and Monitoring

4.1 Introduction

4.1.1 This chapter focuses on three types of SANGs:

- Strategic SANGs
- Bespoke SANGs
- Third Party Private SANGs

4.1.2 It describes the process of setting up these SANGs, the costs involved and their operation. It also sets out the level of SAMM contributions. A summary of all the SPA contributions can be found in Table 1.

4.2 Strategic SANG Contributions

4.2.1 Strategic SANG capacity is usually reserved for development with a net increase of between 1 and 108 dwellings. In some cases Strategic SANG capacity may be reserved for planned urban developments which cannot realistically provide their own land for SANGs. The Council enhances each Strategic SANG on an incremental basis (the SANG enhancement works). These works are usually funded through Community Infrastructure Levy (CIL) receipts (see below). Each development cannot be occupied until the relevant enhancement works are provided on the assigned Strategic SANG. This means a s106 obligation to restrict occupation is required to be entered into by the developer. The Council does not wait for the CIL receipts to come in but instead ‘pump primes’ SANG enhancement works the cost of which is then paid back by an equivalent amount from CIL receipts. This means that occupations can take place in a timely manner.

4.2.2 All SANGs have catchments areas as described in Chapter 3. Developments with a net increase of 10 dwellings or more can purchase capacity (subject to Council approval) if they fall within the catchment of a SANG. However developments under 10 dwellings do not need to be within the catchment of a specific SANG and may be allocated SANG capacity from any Strategic SANG in the Borough.

4.2.3 The Council has agreed the SANG enhancement works with NE and these are set out in SANG Management Plans which can be viewed on the Council's website at <https://www.bracknell-forest.gov.uk/parks-and-countryside/suitable-alternative-natural-greenspaces>

The works are carried out by the Council in accordance with the relevant SANG Management Plan. To determine the extent of the works required in the SANG Management Plan information is collated such as:

- survey information on: visitors; accessibility; parking; user perception and habitat/nature conservation qualities;
- the expertise of those with responsibility for open space management; and
- information from Natural England based upon its research.

4.2.4 The key SANG enhancements are to improve accessibility, to provide well-designed circular walks of more than 2.3 – 2.5km and to make semi-natural habitat more attractive in line with research carried out by Natural England.

4.2.5 Each Strategic SANG has a headline SANG capacity in terms of the number of dwellings it can accommodate. The process for calculating this is set out in Appendix 3. The Council then allocates the capacity incrementally until no more capacity is available. Capacity is assigned to relevant allocated sites, pre-applications, applications and planning permissions. In instances where applications are refused or dismissed on appeal or where planning permission lapses, then the relevant allocated SANG capacity is returned for another development to utilise.

4.2.6 Contributions need to be in proportion to the proposed development and sufficient to avoid and mitigate adverse effects. The process for the calculation of the SANG payment contributions can be found in Appendix 7. and are divided as follows:

- **A. SANG Enhancement contributions** – these are infrastructure works to upgrade a site to SANG status in accordance with the relevant SANG Management Plan. Such works are paid for from the Community Infrastructure Levy (CIL) because they cannot be sought through the s106 pooling restriction as set out in CIL Regulation 123. In the instance where Prior Approval applications utilise Strategic SANG capacity, these applications are made under the Habitats Regulations rather than through the formal planning process. Therefore the s106 pooling restriction does not apply and the SANG enhancements contribution will be sought through s106 planning obligations.
- **B. In Perpetuity Maintenance contributions** – This sum is to ensure the SANG is maintained and managed for an in-perpetuity period (125 years) to comply with the Habitats Regulations and the Development Plan. In perpetuity maintenance contributions do not comprise infrastructure but will be for matters such as repairs, planting, SANG wardens and staff. The amount will be pooled with all other similar contributions and invested to ensure that the maintenance budget lasts for at least 125 years. It will be secured through s106 obligations.
- **C. Education and Promotion contributions** – This ensures that the Council can undertake projects to promote SANGs and educate local people about the issues on the SPA. It will go towards matters such as producing leaflets, speaking to school children and other relevant activities. Again this is not infrastructure so it will be secured by planning obligation through s106 Agreements.
- **D. Facilitation** – This amount does not comprise infrastructure but will be used to operate and review the strategy, to pay Planning and Parks and Countryside staff time on SPA matters and for the right to use Council SANG capacity.

4.2.7 The method of calculating Strategic SANG contributions is set out in Appendix 7 and the level of contributions for a net increase in residential dwellings (market housing) are summarised as follows:

Table 9 SANG Contributions for Market Housing

| Market Housing⁽¹⁾ | |
|-------------------------------------|--|
| Number of bedrooms per dwelling | Total Contributions per (net increase in) dwelling |
| 1 bedroom | £4,403 |
| 2 bedroom | £5,193 |
| 3 bedroom | £6,112 |

| Market Housing ⁽¹⁾ | |
|-------------------------------|--------|
| 4 bedroom | £6,838 |
| 5+ bedroom | £7,886 |

1. These are the level of SANG contributions recovered through a s106 agreement. The Council recovers SANG enhancement costs from CIL.

4.2.8 Affordable housing (comprising social rent and intermediate housing) also needs to be mitigated by SANGs but viability concerns and the Council's objective to optimise the provision of more affordable dwellings in the borough should be taken into account. Therefore a separate rate for affordable housing should be applied as follows:

Table 10 SANG Contributions for Affordable Housing

| Affordable Housing ⁽¹⁾ | |
|-----------------------------------|--|
| Number of bedrooms per dwelling | Total Contributions per (net increase in) dwelling |
| 1 bedroom | £1,778 |
| 2 bedroom | £2,193 |
| 3 bedroom | £2,737 |
| 4 bedroom | £3,088 |
| 5 bedroom | £3,761 |

1. These are the level of SANG contributions recovered through a s106 agreement. The Council recovers SANG enhancement costs from CIL.

4.2.9 Prior Approval developments are not exempt from the Habitats Regulations. For Prior Approval applications using strategic SANG, SANG enhancement costs will be recovered through s106 obligations and the following SANG contributions will apply:

Table 11 SANG Contributions for Prior Approval Applications

| Prior Approval applications ⁽¹⁾ | |
|--|--|
| Number of bedrooms per dwelling | Total Contributions per (net increase in) dwelling |
| 1 bedroom | £4,568 |
| 2 bedrooms | £5,412 |
| 3 bedrooms | £6,408 |
| 4 bedrooms | £7,175 |

Prior Approval applications⁽¹⁾

| | |
|-------------|--------|
| 5+ bedrooms | £8,324 |
|-------------|--------|

1. The total SANG contribution is recovered through a s106 agreement. The Council does not recover SANG enhancement costs from CIL.

4.2.10 Where contributions are due as development progresses, index-linking to relevant inflationary indices will be used to ensure the value of the contribution continues to reflect the costs of inflation.

4.3 Bespoke SANGs

4.3.1 Bespoke SANGs must be provided for sites with a net increase of 109 or more dwellings. The land must be enhanced to SANG standard through in-kind works by developers as agreed in a s106 Agreement. Once enhanced the land is usually transferred to the Council with a commuted maintenance sum. These sums are based on 2017/18 costs of a base line maintenance rate of £1,605 per hectare per annum and an additional SANGs enhancement maintenance cost (extra cost of managing the sites to SANGs standard) of £994 per hectare per annum. This works out at approximately £65,477 per hectare which allows for estimated interest rates and inflation to be applied over the in perpetuity period of 125 years.

4.3.2 The Council facilitates high density development sites in urban areas which cannot provide SANG land on-site (for example Bracknell town centre sites) by allocating strategic SANG for this purpose where there is strategic SANG capacity available. Developers through agreement with the Council will pay financial contributions to Strategic SANGs as described in Table 1. It should be noted that the Council will consider use of this capacity on a case by case basis and to ensure that allocated sites can be delivered. This means that the Council cannot guarantee all development sites can be accommodated. In the instance where capacity is refused by the Council the developer should look to purchase SANG capacity from Third Party Private SANG.

4.3.3 In some circumstances there may be Bespoke SANGs provided by the Council which have their own costs. These are on a case by case basis. A facilitation cost may be applied to the final figure for the use of Council land.

4.4 Private Third Party SANGS

4.4.1 Private Third Party SANGs are enhanced to SANG status by the land owner and are usually transferred to Council ownership with a commuted maintenance sum as shown above for long term management. Developers wishing to use Private Third Party SANGs must do so with the agreement of the SANG owner and the Council. In such cases developers must purchase SANG capacity from the owner of the Private Third Party SANG and enter into a s106 Agreement obligation with the Council to demonstrate that suitable capacity has been purchased. The development cannot be occupied until the purchased SANG capacity has been provided and made publicly available.

4.5 SAMM Contributions

4.5.1 The JSPB has agreed that the SAMM contribution should be applied on a 'per bedroom' basis. As there are no reliable figures for occupancy rates in Bracknell Forest, no local occupancy rates have been applied and sub regional averaged figures have been used to calculate the SAMM contributions. This is based on a programme of access management and monitoring measures set out in Thames Basin Heaths Strategic Access Management and Monitoring Project: Tariff Guidance, March 2011 and can be found on the Council's website at www.bracknell-forest.gov.uk/spa

4.5.2 The 'example' SAMM tariff set out in the above guidance is the contribution which Bracknell Forest apply. See Appendix 7.

Table 12 SAMM Contribution per Dwelling

| Dwelling Size | SAMM Contribution per dwelling |
|---------------|--------------------------------|
| 1 bedroom | £399 |
| 2 bedrooms | £526 |
| 3 bedrooms | £711 |
| 4 bedrooms | £807 |
| 5+ bedrooms | £1,052 |

4.6 Timing of Mitigation

4.6.1 Any s106 contribution payments to be made to the Council are to be secured by planning obligations and paid no later than the commencement of the development. If the development is likely to be built in major phases, payment by installment will be considered. In some circumstances for smaller development schemes where it is demonstrated that it would help with development viability, the Council will consider phased SANG and SAMM payments. The use of CIL for enhancements to Strategic SANGs will be a matter for the Council to resolve using its internal financial administration processes.

4.6.2 Where specific measures and/or works (by the developer or, by others who are better placed to provide) are needed to avoid and mitigate the effect that occupiers of a development will have on the SPA, these must be undertaken and in place before those occupiers move in. Consequently in some cases, the Council will, by planning condition or obligations, restrict the occupation of a development until related avoidance and mitigation measures and/or works are complete. Where the Council is undertaking such works on the strategic SANGs it will need a reasonable period of time in which to spend these monies. The Council will continue to use pump priming works to SANGs to enable early occupation of appropriate schemes.

4.6.3 The use of a Grampian Condition to secure a SANG for a development will only be accepted when there is absolute certainty that a suitable SANG will come forward. The SANG needs to have been granted planning permission or planning permission is imminent; the SANG must not be subject to legal challenge; the landowner has given written permission for the development to be mitigated by a particular SANG and only final sign off is awaited and this is

agreed by the Council. It may also be necessary to provide for financial contributions in addition to the Grampian Condition which should be secured by s106 Agreement at the time of grant of planning permission.

4.7 Monitoring

4.7.1 Monitoring is carried out by both the Council and the SAMM Project.

4.7.2 The SAMM project monitors the visitor usage of the SPA and SANGs and Annex 1 Bird populations on SPA sites. The report “Results of the 2012/13 Visitor Survey on the Thames Basin Heaths Special Protection Area (SPA) (NERC136)” published in February 2014 by NE examines the effectiveness of the SPA avoidance and mitigation strategy. This survey is repeated approximately every 5 years.

4.7.3 The Council undertakes its own monitoring. It reports regularly to the JSPB on SANG delivery within the Borough and submits monitoring data relating to SAMM contributions quarterly to the JSPB.

4.7.4 Where contributions are secured and paid under an Agreement with the Council, the receipt and use of contributions can be tracked and information on spending will, on request from a contributing developer, be made available subject to the Council’s reasonable costs being met.

4.7.5 In some cases it may be appropriate for conditions to be imposed when planning applications are determined to ensure a development makes provision for the implementation of related SPA avoidance and mitigation measures. However in most cases where a development proposes some in-kind SPA avoidance and mitigation measures, or a financial contribution is involved, the Council will seek to secure provision by planning obligations and will monitor compliance to ensure that what is promised is delivered. If necessary the Council will use legal remedies to enforce obligations.

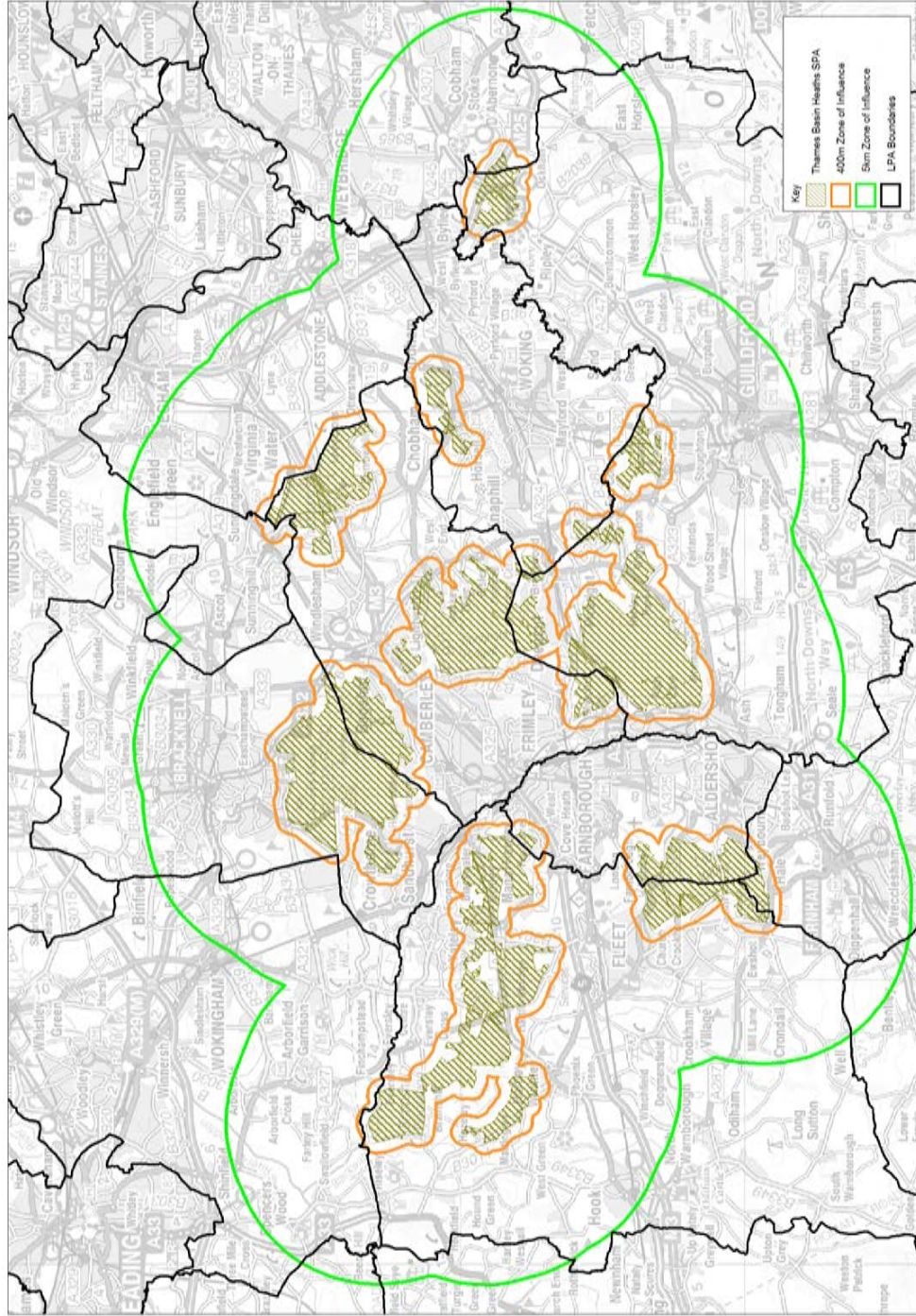
4.8 Review

4.8.1 The Council monitors the availability of SANG in the borough to ensure there is sufficient capacity in the right places to provide mitigation for new dwellings. This needs to take account of current need, but also expected future development. The Council will review this strategy at appropriate points as needed.

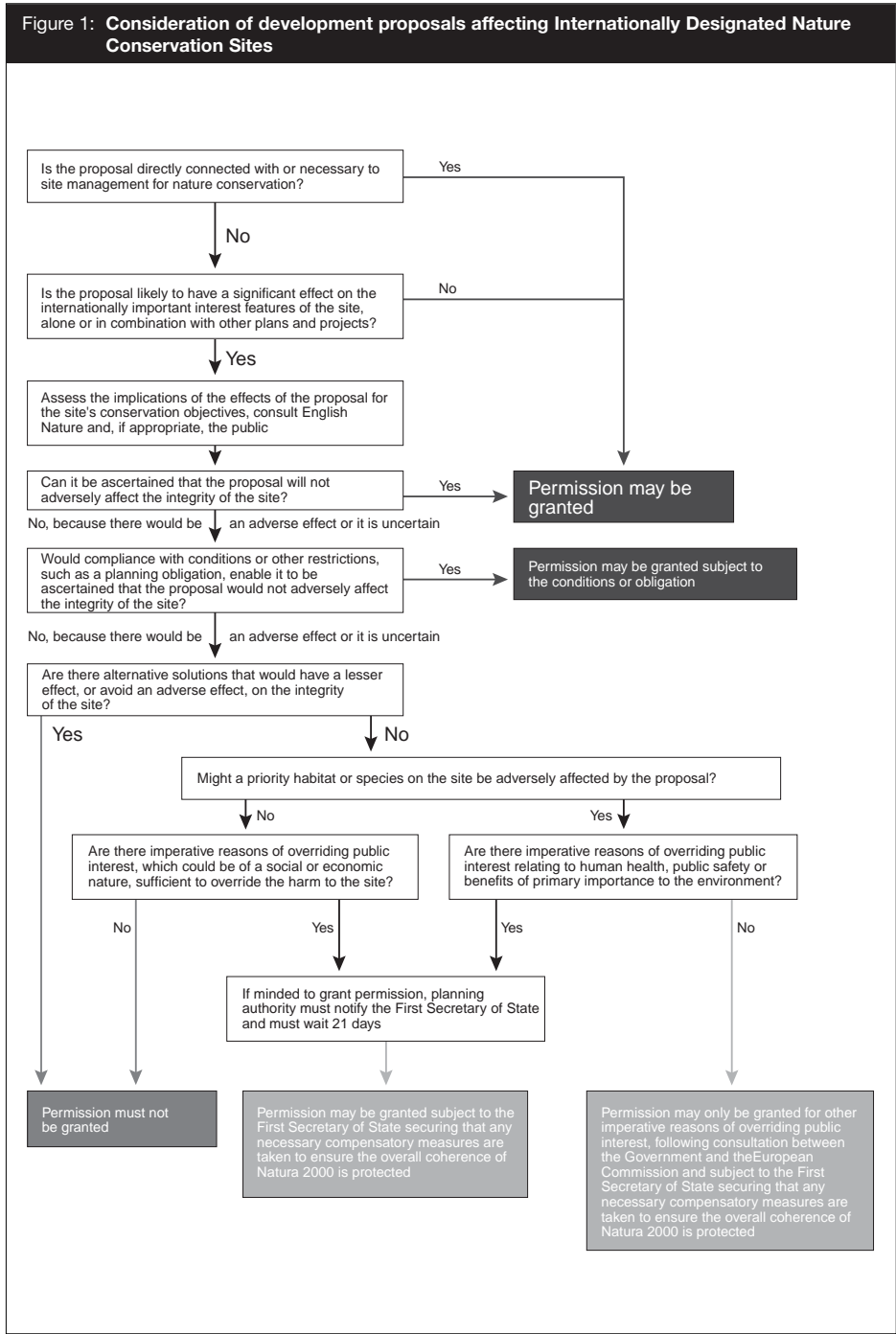
4.8.2 The JSPB will review the results of the monitoring work undertaken on an annual basis and amendments will be recommended by the Board to address identified problems, which will be considered by individual SPA affected authorities. Amendments may be made to this strategy in accordance with the above, if considered necessary.

Appendix 1: Thames Basin Heaths SPA

Figure 3 Thames Basin Heaths Special Protection Area



Appendix 2: Consideration of Development Proposals Affecting Internationally Designated Sites



Note that English Nature is now known as Natural England.

Appendix 3: Strategic SANGs

1. The Delivery Framework (JSPB 2009) states that SANGS on existing, publicly accessible sites is appropriate where there will be no harm to nature conservation interest and there is capacity and potential for improvement. This is subject to meeting the Natural England's Quality Standards.
2. The Thames Basin Heaths SPA SPD (March 2012) identified the following sites suitable for strategic SANGs in Bracknell Forest. These are shown in the table below.

Table 13 Existing Strategic SANGs

| Site | Estimated Area |
|---|------------------------|
| The Cut Countryside Corridor: Jocks Copse, Tinker's Copse, & The Cut (south) (5.88ha) / Garth Meadows (7.12ha) / Larks Hill (7.58ha) / Piggy Wood (2.06ha) | 22.64ha |
| Shepherd Meadows | 33.74ha |
| Englemere Pond | 27.53ha |
| Horseshoe Lake | 19.44ha ⁽¹⁾ |
| Longhill Park Group: Longhill Park (9.31ha) / Milman Close (0.53ha) / Beswick Gardens Copse (0.54ha) / Clintons Hill (3.91ha) / Lily Hill Park (22.74ha) | 37.03ha |
| Ambarrow Court / Hill | 13.73ha |
| Part of Great Hollands Recreation Ground | 4.78ha |

1. 10.07 excluding the lake, island and watersports centre.
3. Since 2012 the suitability of several new strategic SANGs sites has been agreed with NE. These are shown in the following table:

Table 14 New Strategic SANG Sites

| Site | Estimated Area |
|--|----------------|
| Anneforde Place | 0.9ha |
| Seeby's Copse, Seeby's Meadow and Shepherd Meadows North | 8.5ha |
| Bigwood | 10.7ha |

| Site | Estimated Area |
|---|----------------|
| Whitegrove Copse, Harvest Hill, Edmunds Green and The Chestnuts | 11.45ha |
| Popes Meadow | 5.2ha |

4. Anneforde Place (alongside a bespoke SANG provided at Manor Farm) now forms part of The Cut Countryside Corridor. The proposal to extend the Shepherd Meadows SANG into Seeby's Copse, Seeby's Meadow and Shepherd Meadows North has been approved by Sandhurst Town Council and is subject to the agreement of a SANG Management Plan. It is also the intention that Popes Meadow will be linked to other sites to create the West Binfield SANG and Whitegrove Copse, Harvest Hill, Edmunds Green and The Chestnuts will form part of the Bullbrook SANG together with the Longhill Park Group and Lily Hill Park. More information can be found in Appendix 6.
5. Where there is existing visitor use, visitor surveys have been carried out in order to discount this and work out the SANG capacity which is available as mitigation for residential developments.
6. Studies by Leisure-Net (2006) established the total number of annual visits to the proposed SANGs and adjusted this to account for seasonality. The surveys were conducted over 450 hours of visitor usage data at 18 parks, over the time period 7am to 7pm on weekdays and weekends. In addition, 861 people were interviewed in more depth. Data was also collected on the frequency of people's visits to estimate the number of people using each site. This data on local frequency of visit relates well to national benchmarks.

Table 15 Calculation of Open Space Use

| % of People Visiting | Frequency (visits per week) | Number of people (from 861 interviewed) | Visits per person per week | Number of visits per week (from 861 interviewed) | Number of visits per year | Visits per person (from 861 interviewed) per year (rounded) |
|----------------------|-----------------------------|---|----------------------------|--|---------------------------|---|
| 34% | 6.50 (either 6 or 7) | 293 | 2.21 | 1903 | 98,946 | 115 |
| 6% | 4.50 (either 4 or 5) | 52 | 0.27 | 232 | 12,088 | 14 |
| 21% | 2.50 (either 2 or 3) | 181 | 0.53 | 452 | 23,505 | 28 |
| 14% | 1.00 (once a week) | 121 | 0.14 | 121 | 6,268 | 7.5 |

| % of People Visiting | Frequency (visits per week) | Number of people (from 861 interviewed) | Visits per person per week | Number of visits per week (from 861 interviewed) | Number of visits per year | Visits per person (from 861 interviewed) per year (rounded) |
|----------------------|------------------------------|---|--|--|---------------------------|---|
| 25% | 0.30 (less than once a week) | 215 | 0.08 | 65 | 3,358 | 4 |
| 100% | | 861 | 3.22 (# of visits per week by average visitor) | 2772 | 144,166 | 168 visits per year by average visitor |

Source: Leisure-net (June 2006) Parks and Open Spaces Users Survey

7. This shows that one person who regularly visits the open space, on average, visits approximately three times a week and makes 168 visits per year. This figure can then be used to establish the number of people in the locality who use each area of open space; this is calculated in the table below.
8. The overall carrying capacity of each site can be calculated with reference to the standard of at least 8ha/1000 population set out in the Thames Basin Heaths Delivery Framework. However, as demonstrated by the visitor surveys, most of the potential SANGs have a level of existing visitor use. The actual mitigation capacity of each site is the difference between the overall carrying capacity (based upon the standard of at least 8ha/1000 population) and the current visitor use, as demonstrated in the tables below for existing and new strategic SANGs. It should be noted that the figures are rounded.

Table 16 Mitigation Capacity of Existing Strategic SANGs

| A. SANGs | B. Total visits per annum to SANGs ⁽¹⁾ | C. Equivalent no. of visitors p.a ⁽²⁾ | D. Estimated Area (ha) | E. Capacity to Mitigate (D / 8 x 1000) | F. Residual Mitigation Capacity (E - C) | G. Residual area of SANG capacity available (F / 1000 x 8) |
|--|---|--|------------------------|--|---|--|
| The Cut Countryside Corridor: (Jocks Copse/ Tinker's Copse/ The Cut (south)/ | 116,000 | 691 | 22.64ha | 2,830 persons | 2,139 persons | 17.12ha |

| A. SANGs | B. Total visits per annum to SANGs ⁽¹⁾ | C. Equivalent no. of visitors p.a. ⁽²⁾ | D. Estimated Area (ha) | E. Capacity to Mitigate (D / 8 x 1000) | F. Residual Mitigation Capacity (E - C) | G. Residual area of SANG capacity available (F / 1000 x 8) |
|--|---|---|------------------------|--|---|--|
| Garth Meadows/ Larks Hill/ Piggy Wood) | | | | | | |
| The Longhill Park Group (excluding Lily Hill Park): Longhill Park/ Milman Close/ Beswick Gardens Copse/ Clintons Hill | 37,000 | 221 | 14.29ha | 1,787 persons | 1,566 persons | 12.53ha |
| Lily Hill Park | 86,000 | 512 | 22.74ha | 2,843 persons | 2,331 persons | 18.65ha |
| Englemere Pond | 10,000 | 60 | 27.53ha | 3,442 persons | 3,382 persons | 27.06ha |
| Horseshoe Lake | 30,000 | 179 | 10.07ha | 1,259 persons | 1,080 persons | 8.64ha |
| Shepherd Meadows | 90,000 | 536 | 33.74ha | 4,218 persons | 3,682 persons | 29.46ha |
| Ambarrow Court/ Hill | 32,000 | 191 | 13.73ha | 1,717 persons | 1,526 persons | 12.21ha |
| Part of Great Hollands Recreation Ground | 19,000 | 114 | 4.78ha | 598 | 484 persons | 3.9ha |
| TOTAL | | | | | 16,190 persons | 129.57ha |

1. See Open Spaces Study - Parks and Open Spaces Users Survey Leisure-net (June 2006)

2. Calculated by dividing the number of visits to the site per annum, by the average number of visits made by users per year [see Table 16]. This methodology has been approved by NE.

9. The same process was carried out for the new strategic SANGs as follows:

Table 17 Mitigation Capacity of New Strategic SANG Sites

| A. SANG Sites | B. Total visits per annum to SANGs | C. Equivalent no. of visitors p.a ⁽¹⁾ | D. Estimated Area (ha) | E. Capacity to Mitigate (D / 8 x 1000) | F. Residual Mitigation Capacity (E - C) | G. Residual area of SANG capacity available (F / 1000 x 8) |
|--|------------------------------------|--|------------------------|--|---|--|
| Anneforde Place | - | - | 0.9ha | 113 persons | 86 persons ⁽²⁾ | 0.68ha |
| Seeby's Copse, Seeby's Meadow and Shepherd Meadows North | 4,400 ⁽³⁾ | 26 | 8.5ha | 1,062 persons | 1,036 persons | 8.29ha |
| Bigwood ⁽⁴⁾ | - | - | 10.7ha | 1,337 persons | 1,337 persons | 10.7ha |
| Whitegrove Copse, Harvest Hill, Edmunds Green and The Chestnuts. | 119,215 | 710 | 11.45ha | 1,168 persons | 458 persons | 3.67ha |
| Popes Meadow | 21,000 ⁽⁵⁾ | 125 | 5.2ha | 650 persons | 525 persons | 4.2ha |
| TOTAL | | | | | 3,442 persons | 27.54 ha |

1. Calculated by dividing the number of visits to the site per annum, by the average number of visits made by users per year [see Table 16]. This methodology has been approved by NE.

2. In this case a 24% discount has been applied - the same as the rest of the Cut Countryside Corridor.

3. Leisure-Net Visitor Survey - Proposed SANG Extension June/July 2017

4. This site is currently not open to the public

5. See Open Spaces Study – Leisure Net Solutions Ltd September 2008

10. The table below shows all the strategic SANGs in Bracknell Forest and shows their mitigation capacity.

Table 18 Agreed Strategic SANGs in Bracknell Forest

| Site | Mitigation Capacity (persons) | Approximate Mitigation Capacity (dwellings) ⁽¹⁾ | Date that mitigation capacity starts to be allocated to developments ⁽²⁾ |
|---|---|---|---|
| The Cut Countryside Corridor: Jocks Copse, Tinker's Copse, & The Cut (south) (5.88ha) / Garth Meadows (7.12ha) / Larks Hill (7.58ha) / Piggy Wood (2.06ha) / Anneforde Place (0.9ha) | 2,225 persons | 963 dwellings | 2008 |
| Longhill Park Group: Longhill Park (9.31ha), Milman Close (0.53ha), Beswick Gardens Copse (0.54ha), Clintons Hill (3.91ha), Lily Hill Park (22.74ha), Whitegrove Copse (3.65ha), Harvest Hill (2.3 ha), Edmunds Green (2.32 ha) and The Chestnuts (1.08 ha). | 3,897 + 458 persons from the new SANG sites = 4,355 persons | 1,687 dwellings + 198 dwellings from the new SANG sites = 1,885 dwellings | 2006 |
| Englemere Pond | 3,382 persons | 1,464 dwellings | 2008 |
| Horseshoe Lake | 1,080 persons | 467 dwellings | 2007 |
| Shepherd Meadows | 3,682 persons ⁽³⁾ | 1,594 dwellings | 2012 |
| Ambarrow Court / Hill | 1,526 persons | 660 dwellings | 2007 |
| Great Hollands Recreation Ground Woodland | 484 persons | 209 dwellings | After adoption of this SPD |
| Bigwood | 1,337 persons | 578 dwellings | After adoption of this SPD |
| Popes Meadow | 525 persons | 227 dwellings | After the adoption of this SPD |
| TOTAL | 18,596 | 8,495 dwellings | |

1. This is based on an average of 2.31 persons per dwelling however is only an approximate figure since it not know what size of dwellings will come forward. There may be a large number of smaller dwellings or fewer larger dwellings.
 2. Remaining SANG capacity for some SANGs is much lower than the mitigation capacity figures shown in columns 2 and 3 since some capacity has already been allocated to developments.
 3. SANG capacity equivalent to 500 dwellings is not available to Bracknell Forest developments as BFC has agree with Surrey Heath BC that developments in Surrey Heath can be mitigated by this SANG where suitable).
12. Therefore it is estimated that the open spaces listed above have the capacity to mitigate against a total of **18,596** additional people if enhancements are implemented. Some of this capacity has however already been used up (equivalent to 6,676 persons). For developments that are located between 5km - 7km of the SPA a lower SANG standard is likely to be applied. The SANGs will therefore be able to mitigate for a higher number of residential developments in this SPA buffer zone.
13. These SANG catchment areas cover the entire borough with the exception of a very small north-east section; however this area is predominantly designated as a Special Area of Conservation and owned by the Crown Estate so development proposals are highly unlikely to come forward in this area. Maps of these SANGs and their catchment areas are shown in Appendix 6.
14. The broad enhancements to these areas of open space are set in Open Space Management Plans which have been or will be agreed with NE and are listed on the Council's website at <https://www.bracknell-forest.gov.uk/parks-and-countryside/suitable-alternative-natural-greenspaces> These will be reviewed approximately every 5 years in agreement with NE, in consultation with other partners where relevant.

Appendix 4: Bespoke SANGs

Table 19 Agreed and Emerging Bespoke SANGs in Bracknell Forest

| Site (Site Allocations policy reference where applicable) | Size (ha) | Discounted Mitigation Capacity (persons) ⁽¹⁾⁽²⁾ | Approx. Mitigation Capacity (dwellings) | SANG | Status |
|---|-----------|--|---|--|--|
| Amen Corner North (SA6 Land at Amen Corner North, Binfield) | 9.9 | 1,237 | 535 | Will form part of West Binfield SANG when linked to Popes Meadow | Likely to become operational in 2018. |
| Blue Mountain (SA7 Land at Blue Mountain, Binfield) | 12.99 | 1,585 | 686 | Blue Mountain SANG | Planning permission granted. SANG available before development first occupied. |
| Broadmoor (SA4 Land at Broadmoor, Crowthorne) | 8 | 1,000 | 432 | Broadmoor SANG | Planning permission granted. 8ha of this SANG will come forward as part of the Cricket Field Grove development. The SANG will need to be extended as more residential development comes forward. |
| Cabbage Hill West (SA9 Land at Warfield) | 12.88 | 1,610 | 696 | Forms part of The Cut Countryside Corridor | Open to the public in 2016. To be transferred to the Council for long term management. Forms part of the Cut Countryside Corridor SANG. |

| Site (Site Allocations policy reference where applicable) | Size (ha) | Discounted Mitigation Capacity (persons) ⁽¹⁾⁽²⁾ | Approx. Mitigation Capacity (dwellings) | SANG | Status |
|---|-----------|--|---|--|--|
| Cabbage Hill West Surplus Land | tbc | tbc | tbc | Would form part of the Cut Countryside Corridor SANG. | Emerging SANG subject to a release of covenant and potential visitor survey. |
| Frost Folly | 12.57 | 1,571 | 680 | Frost Folly SANG | Planning permission granted. First phase SANG enhancement works due to be completed in 2018. Land to be transferred to BFC for long term management. |
| Manor Farm (SA9 Land at Warfield) | 0.5ha | - | - | Forms part of the Cut Countryside Corridor | Open to the public and transferred to the Council for long term management. |
| Peacock Meadows | 35.57 | 4,446 | 1,924 | Forms part of the wider West Brackell SANG when linked with Tarman's Copse, Bigwood and Riggs Copse. | Open to the public and transferred to the Council for long term management. |
| Riggs Copse (SA8 Land at Amen Corner South, Binfield) | tbc | tbc | tbc | Will form part of the wider West Brackell SANG when linked with Peacock Meadows, Bigwood and Tarman's Copse. | Emerging SANG - will become operational after Amen Corner South application is approved. |

| Site (Site Allocations policy reference where applicable) | Size (ha) | Discounted Mitigation Capacity (persons) ⁽¹⁾⁽²⁾ | Approx. Mitigation Capacity (dwellings) | SANG | Status |
|---|-----------|--|---|---|--|
| River Cut | tbc | tbc | tbc | Would form part of the Cut Countryside Corridor SANG. | Emerging SANG subject to agreement of SANG Management Plan. |
| Tarman's Copse | 9.68 | 1,090 | 471 | Forms part of the wider West Brackell SANG when linked with Peacock Meadows, Bigwood and Riggs Copse. | Subject to the agreement of the SANG Management Plan. |
| TRL, Crowthorne (SA5 Land at Transport Research Laboratory, Crowthorne) | 42.5 | 5,312 | 2,299 | Will form part of the wider Buckler Park SANG when linked to Great Hollands Recreation Ground. | Likely to become operational in 2018. |
| Warfield Park | 11.2 | tbc | tbc | Standalone SANG. | Planning permission granted - mitigation for the extension of Warfield Park. |

1. Based on 8ha/1,000 population. Some sites may require a higher level of mitigation than this.
2. The figures show minimum mitigation capacities for the whole SANG. Some of this capacity may have already been used up and residual SANG capacity figures change regularly.

Bespoke SANGs may have excess SANG capacity which can be allocated to developments in their catchment area in addition to those for which they were originally constructed. This needs to be carried out with the permission of the owner of the SANG and agreed with the Council and NE. The maps in Appendix 6 show the locations and catchment areas of the agreed Bespoke SANG sites.

Appendix 5: Private Third Party SANGs

Private Third Party SANGs may have SANG capacity available which can be allocated to developments in their catchment area. This needs to be carried out with the permission of the owner of the SANG and agreed with the Council and NE.

Table 20 Emerging Private Third Party SANGs

| SANG (Site) | Size | Mitigation Capacity | Status |
|---------------------------|-------|---------------------|---|
| Moss End, Warfield | 25.5 | tbc | Emerging SANG - planning permission applied for. |
| Silverdene | 2.87 | tbc | Emerging SANG - planning permission applied for to extend Ambarrow Court / Hill SANG. |
| Windmill Farm | 12.09 | tbc | Emerging SANG - planning permission applied for. |
| Land East of Wellers Lane | 12.1 | tbc | Emerging SANG - planning permission applied for to extend Frost Folly SANG. |

These locations of these sites can be seen on the following maps.

Figure 4 Potential Private Third Party SANGs North of Bracknell

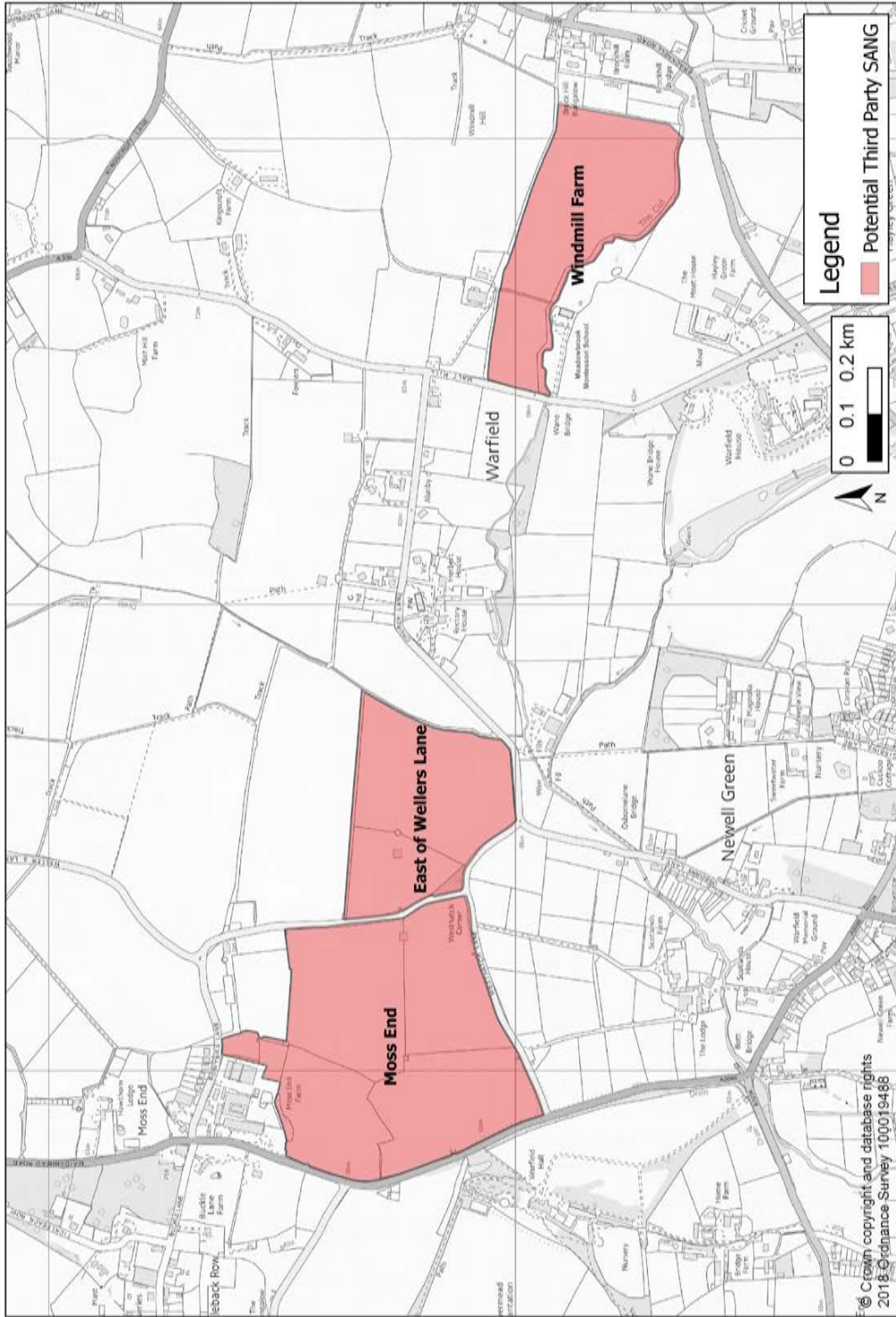
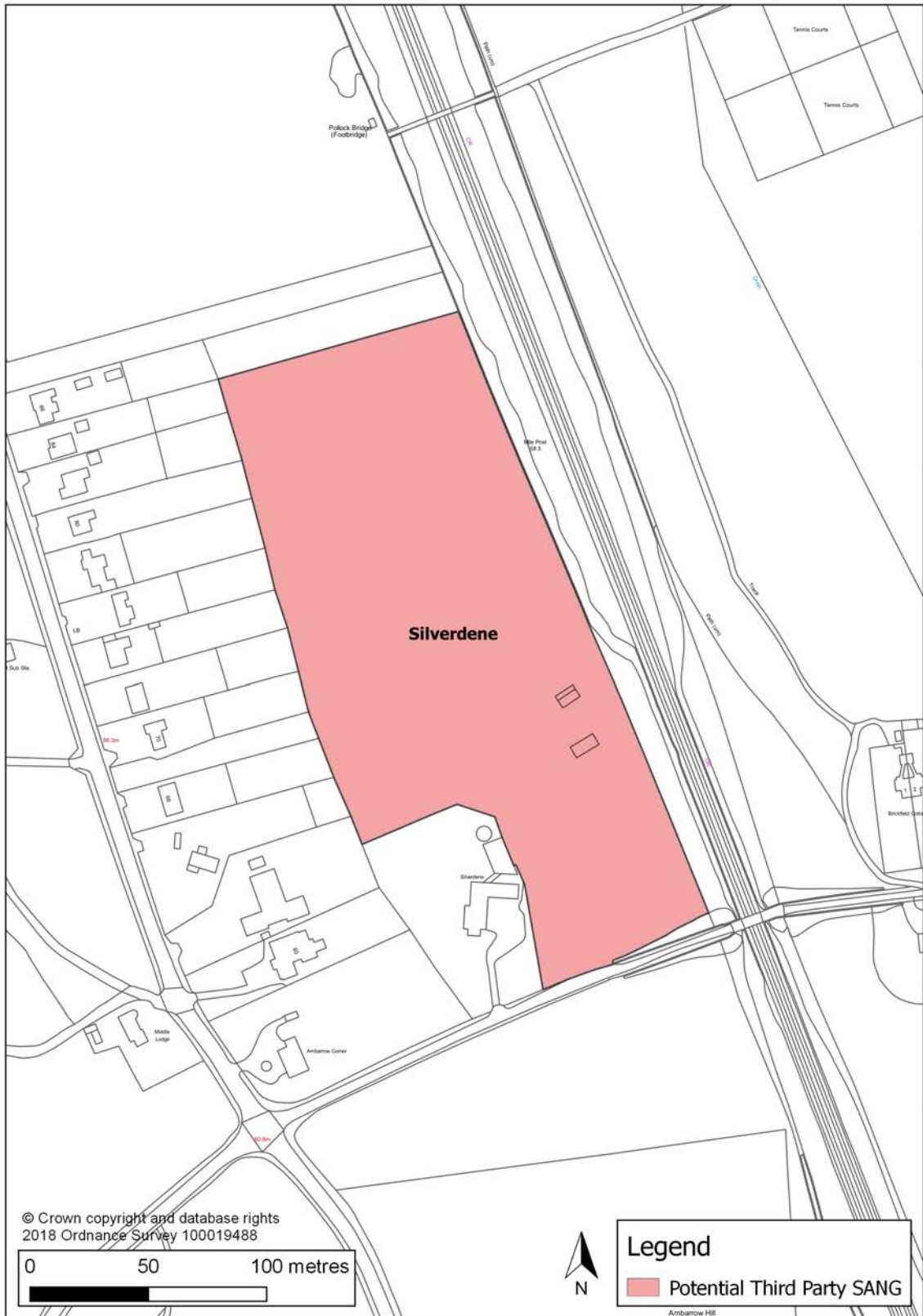


Figure 5 Potential Third Party SANG South of Bracknell



Appendix 6 SANG Maps and Catchment Areas

The following maps show the SANGs in Bracknell Forest which have been agreed to date as set out in section 3.8. There is a detailed map of each SANG describing which sites are strategic, bespoke or brought forward by a third party. A map of the catchment area of each SANG is also included. Where SANGs comprise more than one site, these sites are linked by footpaths, bridleways and sometimes by smaller open spaces. This detail is not shown in the SPA SPD but can be found in the Open Space (SANG) Management Plans, some of which are still to be agreed with NE.

Figure 6 Ambarrow Court / Hill SANG

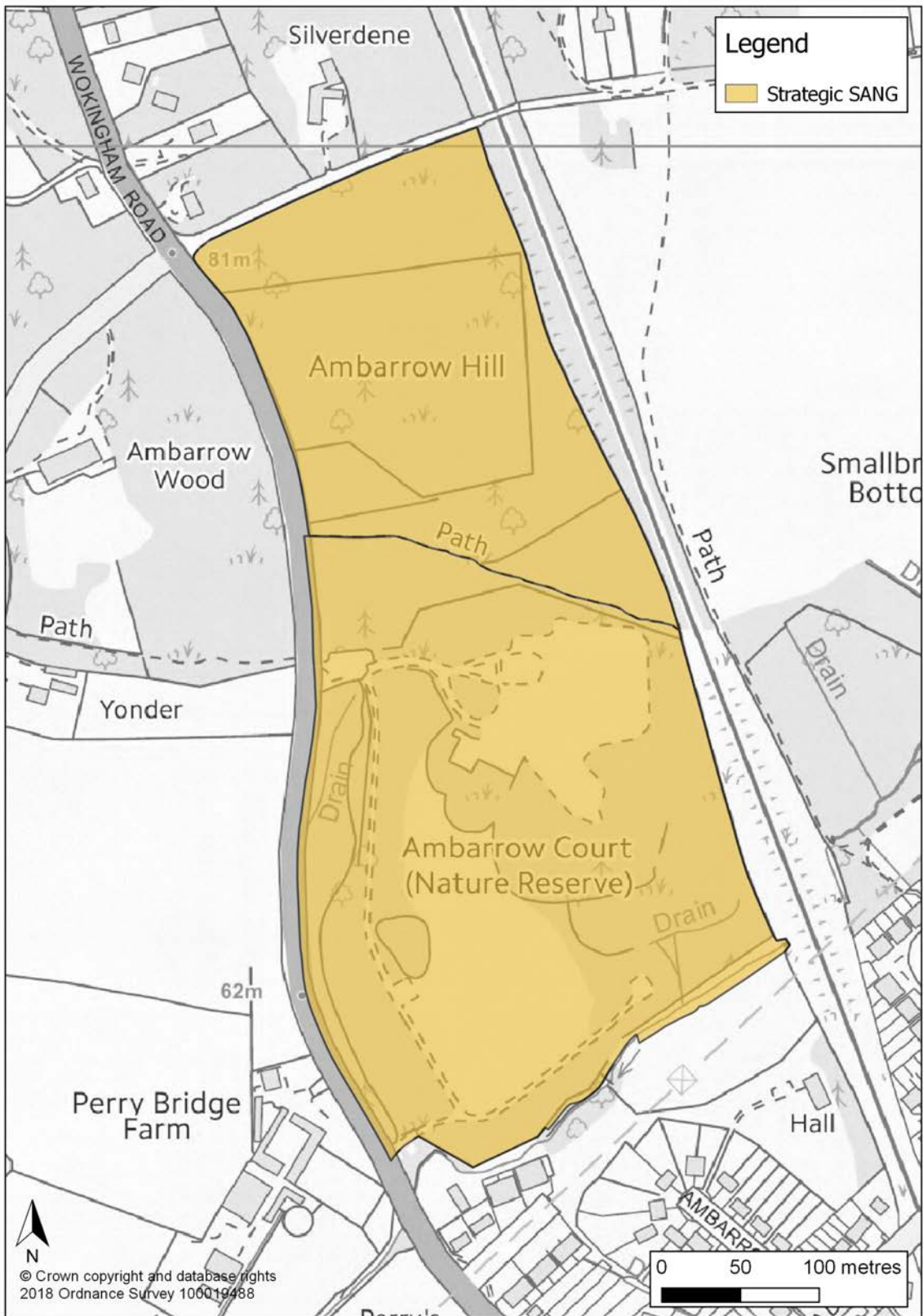


Figure 7 Ambarrow Court / Hill SANG 4km Catchment

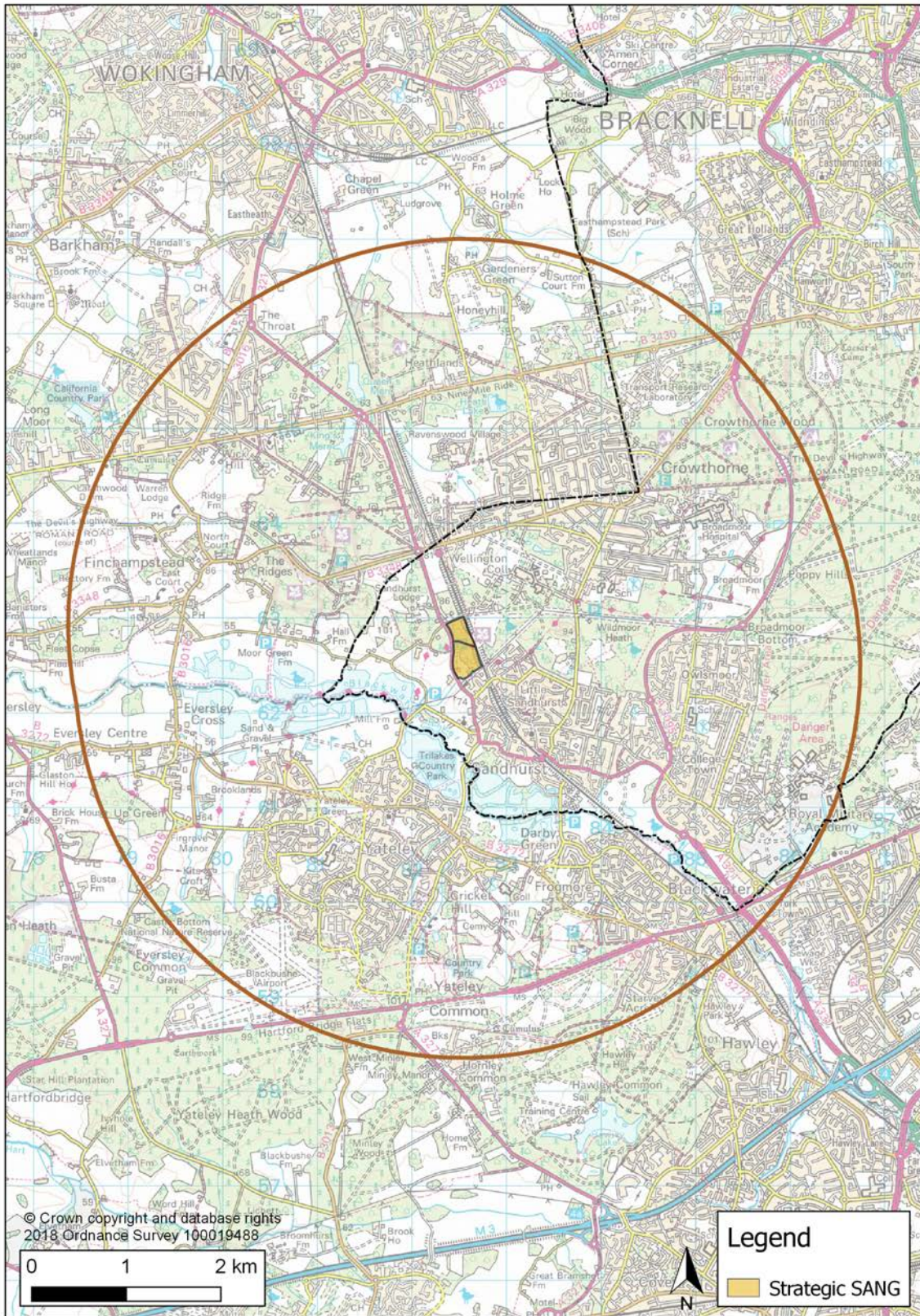


Figure 8 Blue Mountain SANG

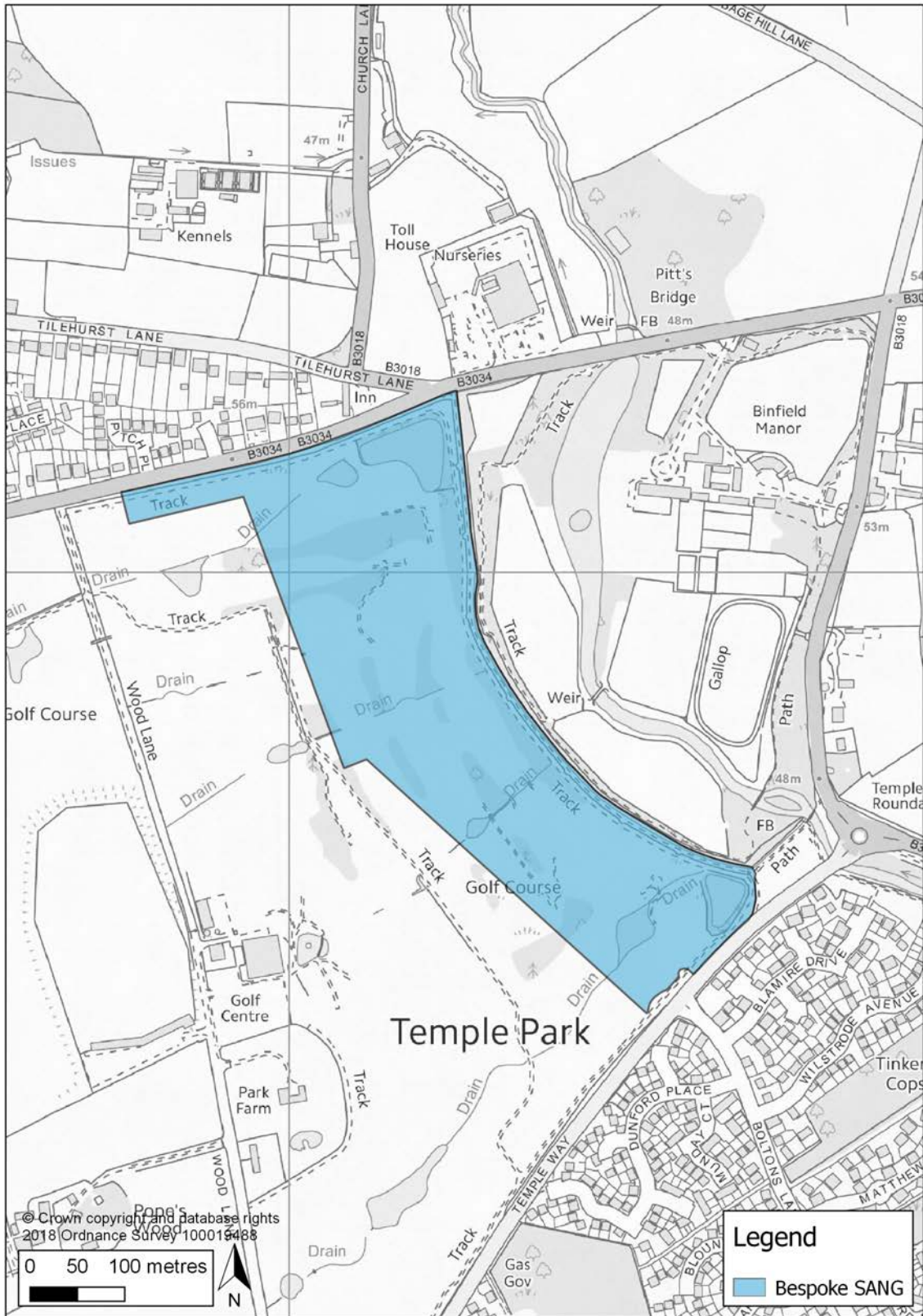


Figure 9 Blue Mountain SANG 4km Catchment

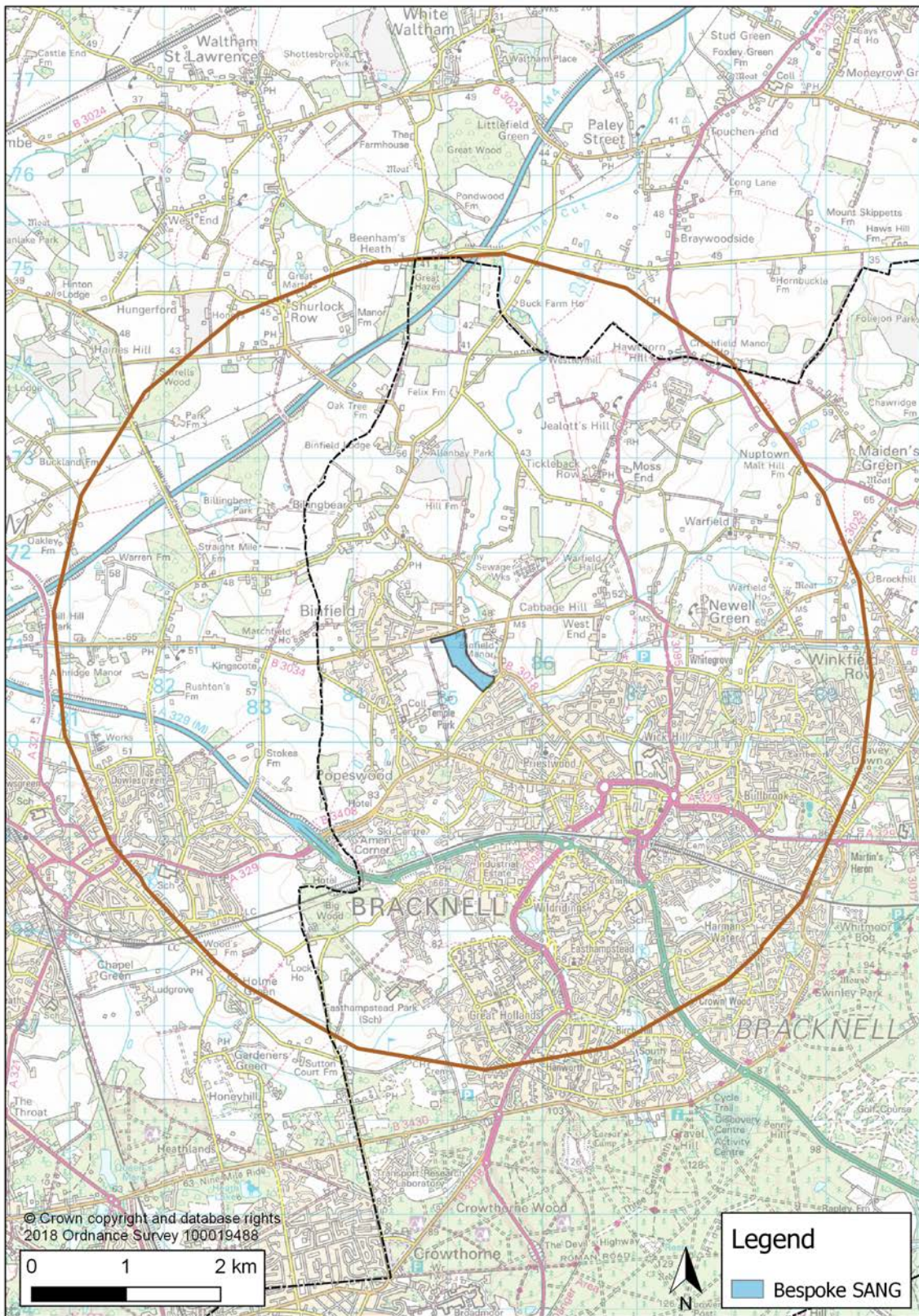


Figure 10 Broadmoor SANG

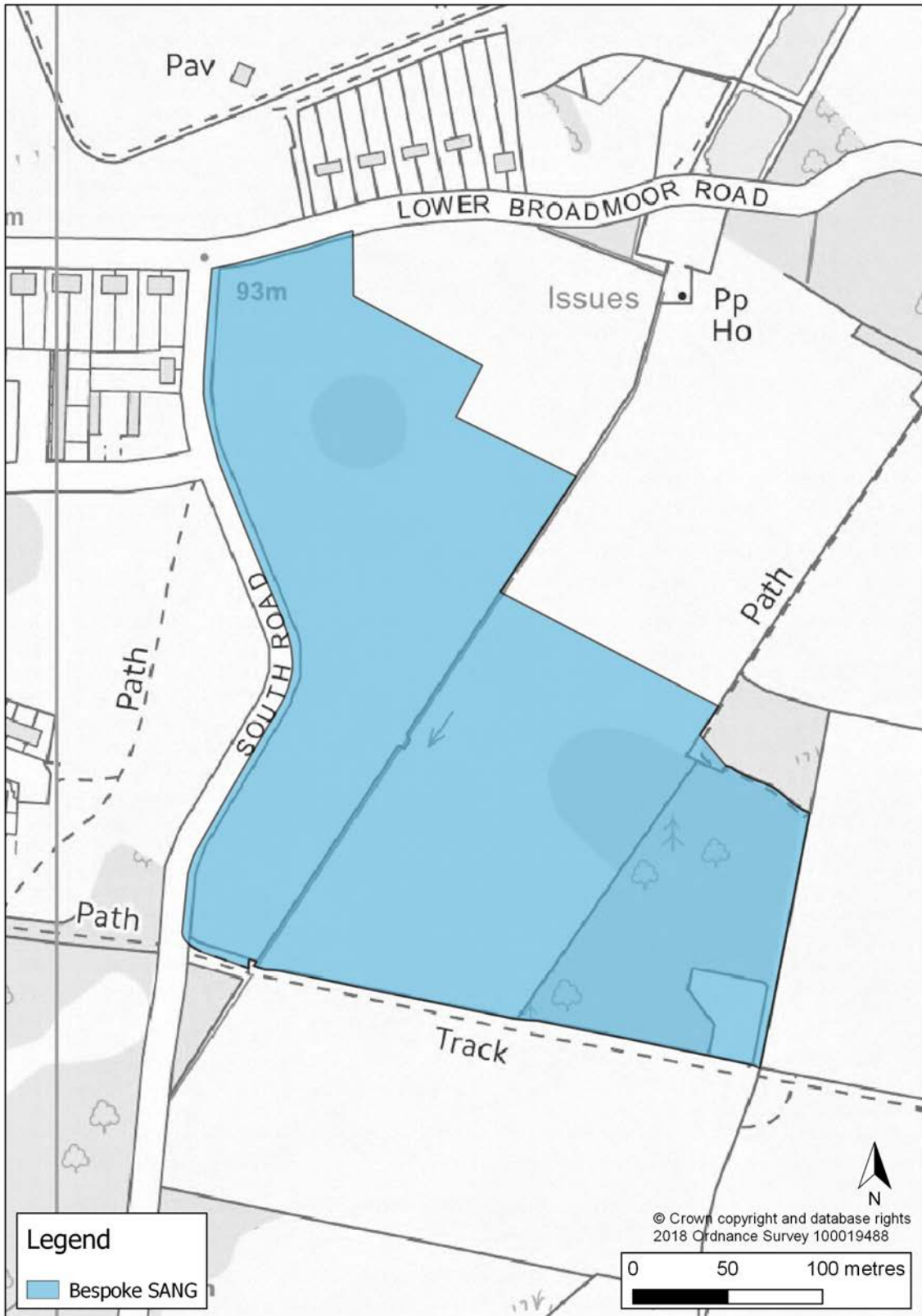


Figure 11 Broadmoor SANG 2km Catchment

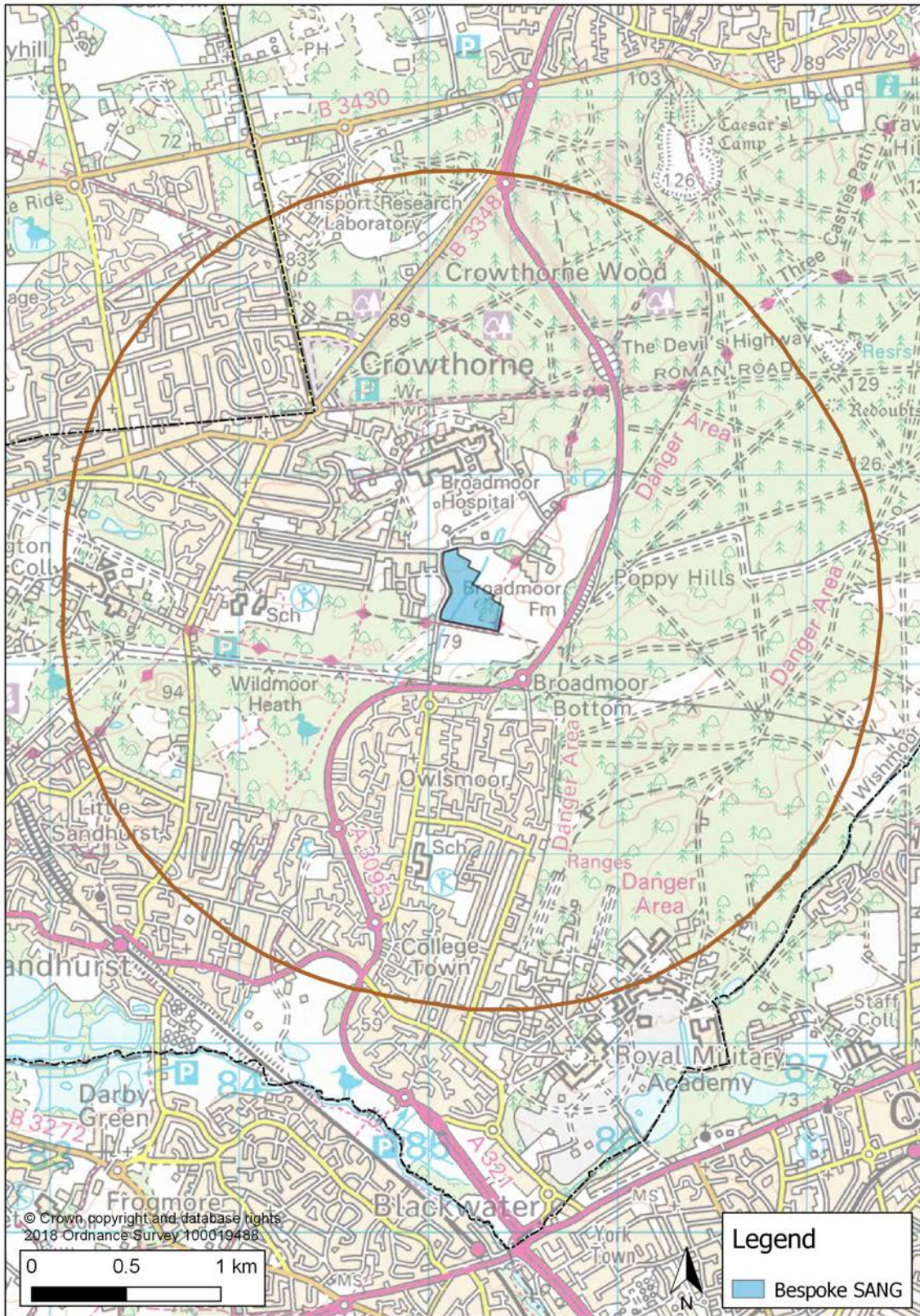


Figure 12 Cut Countryside Corridor SANG

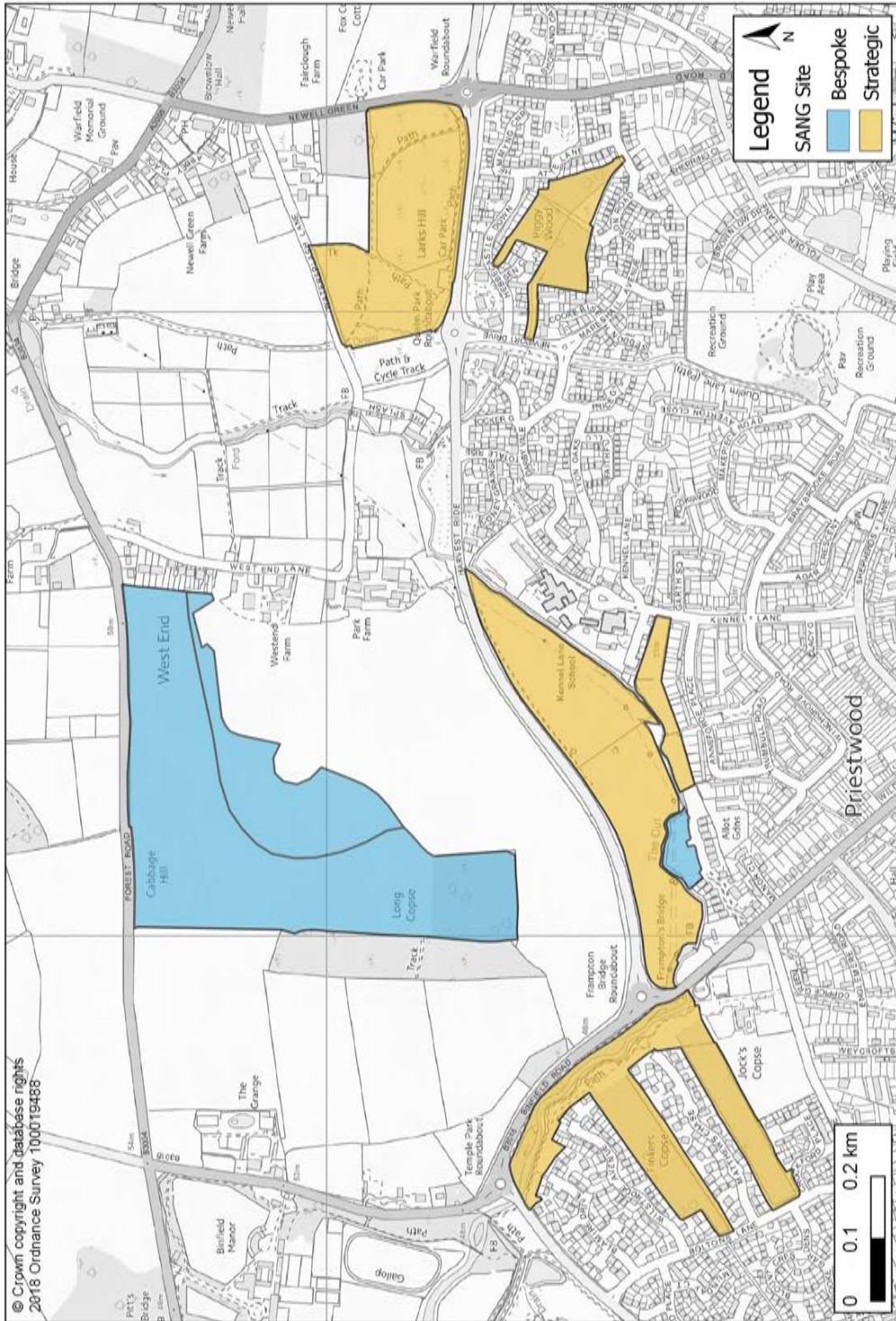


Figure 13 Cut Countryside Corridor SANG 5km Catchment

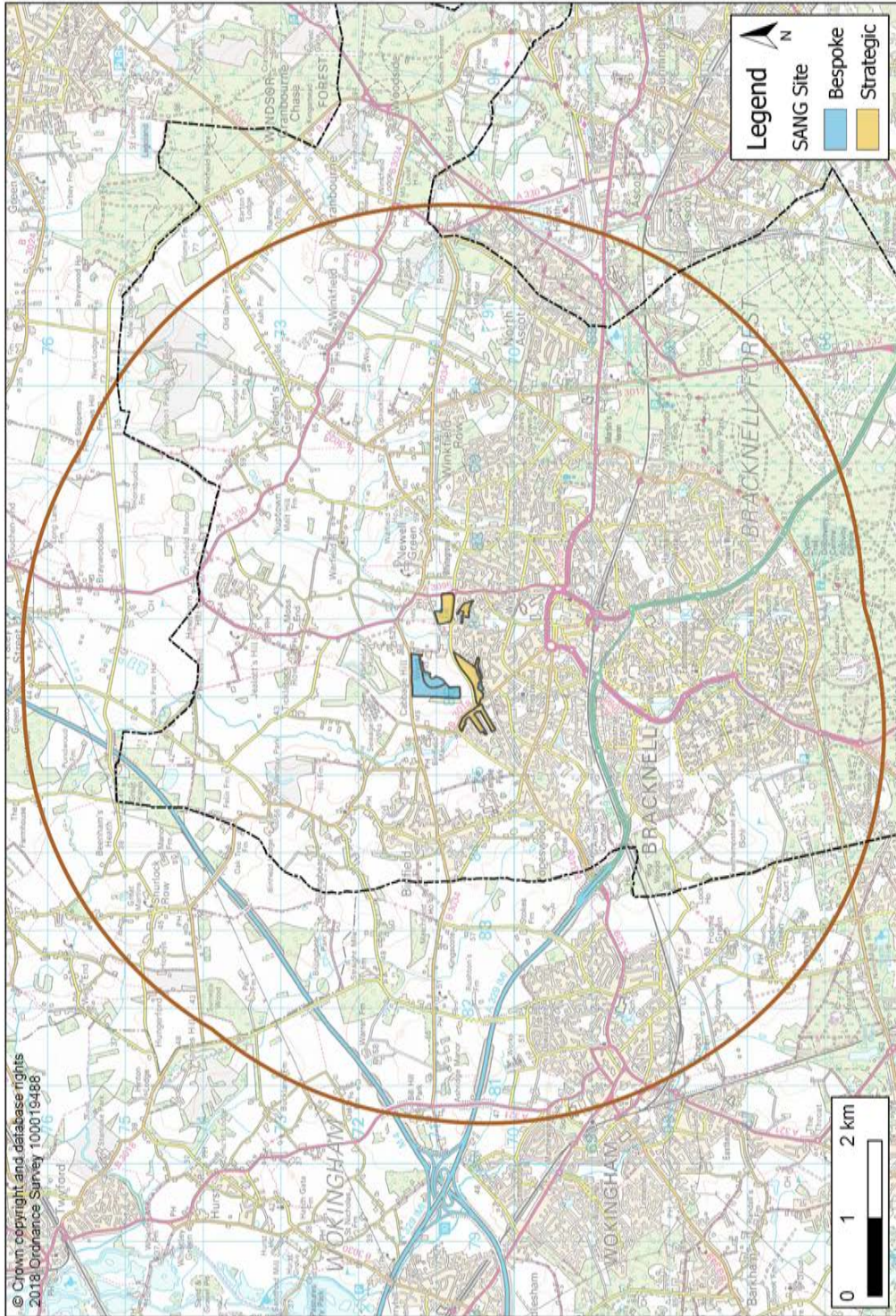


Figure 14 Englemere Pond SANG

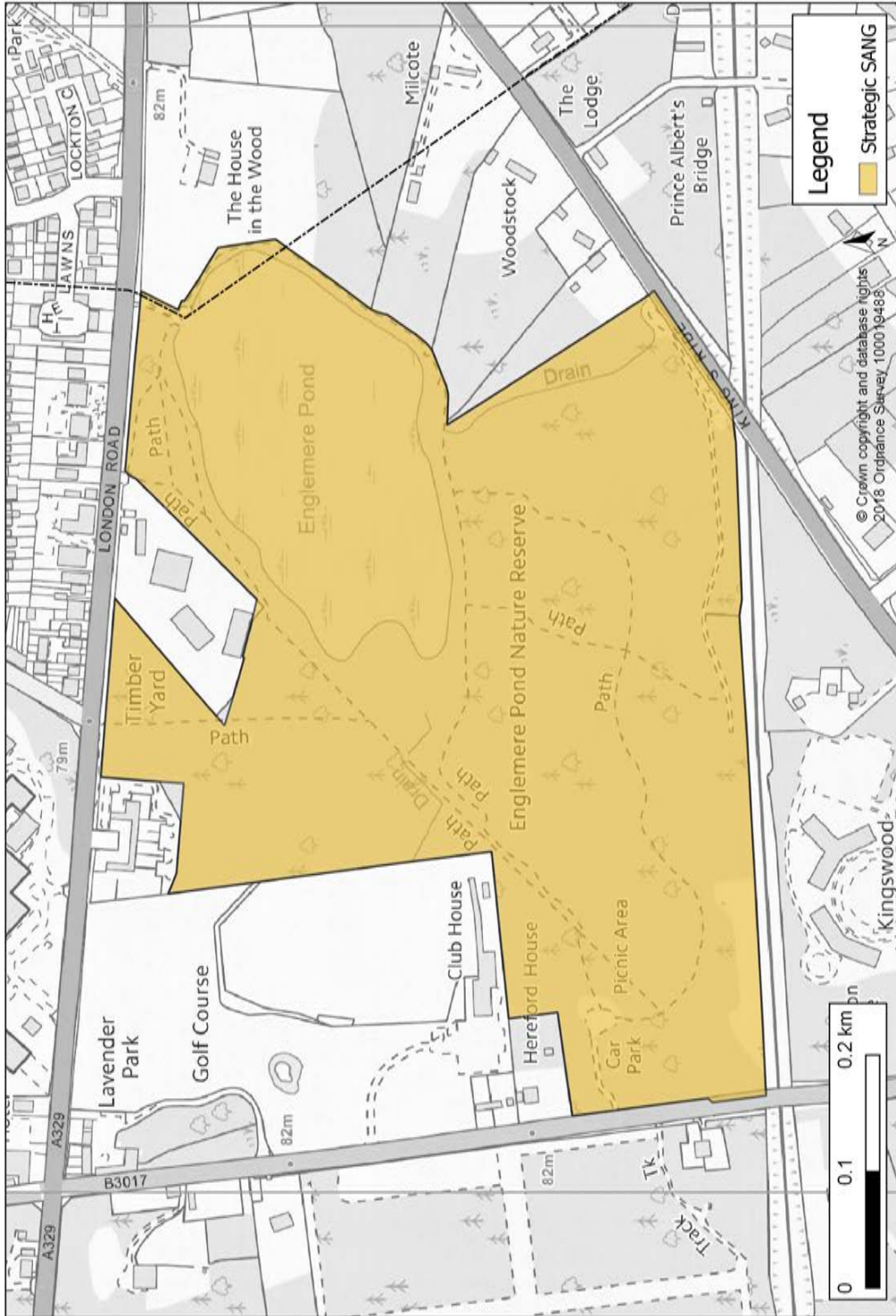


Figure 15 Englemere Pond SANG 5km Catchment

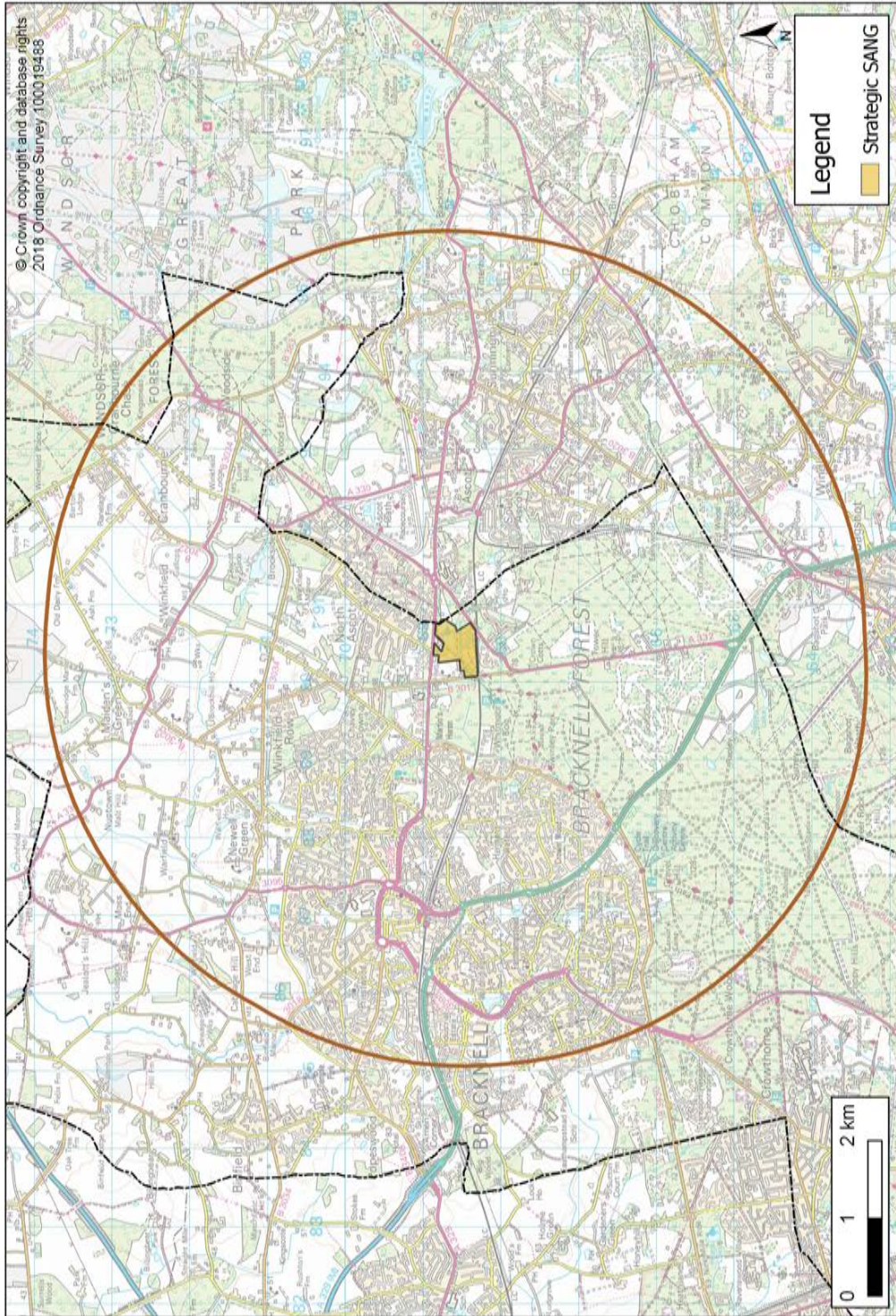


Figure 16 Frost Folly SANG

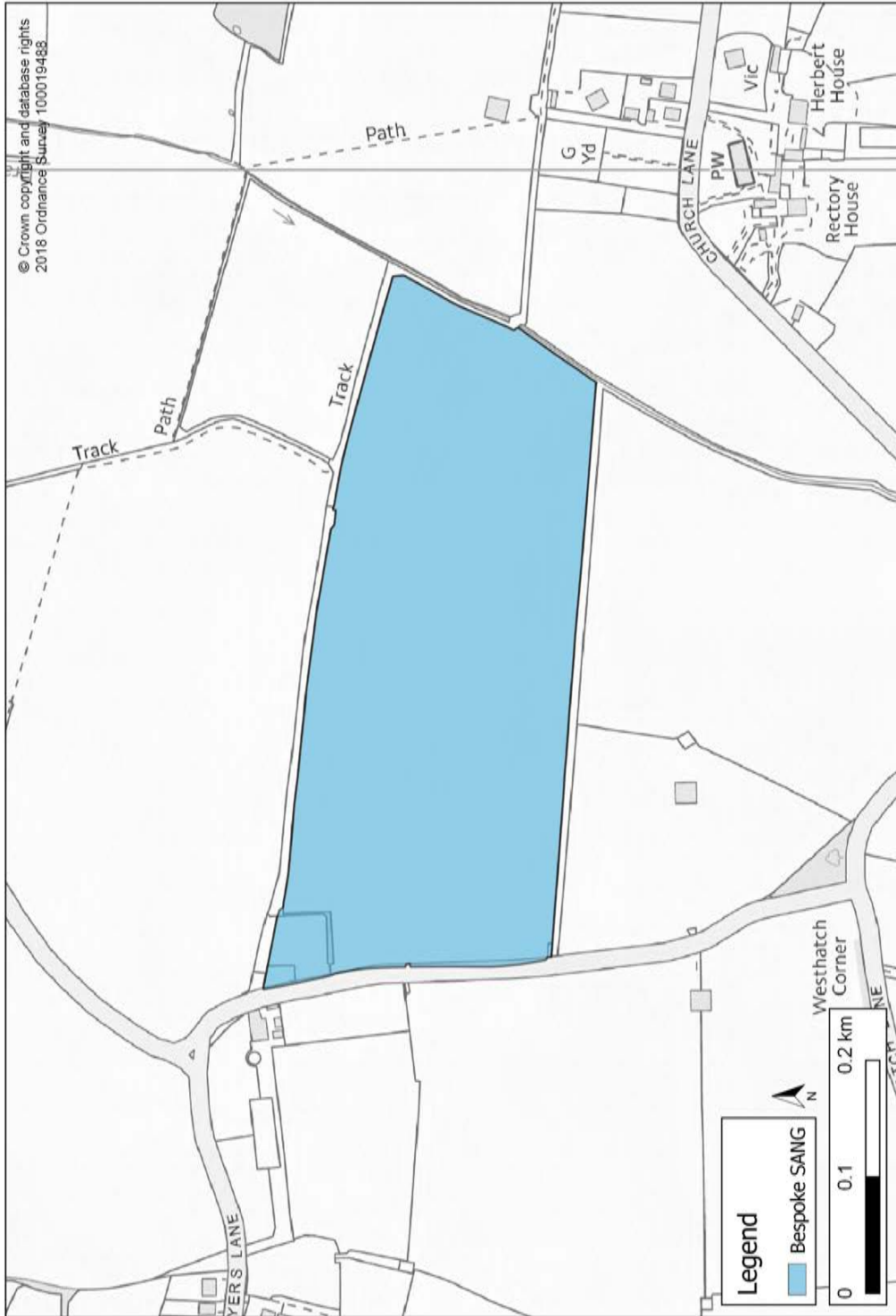


Figure 17 Frost Folly SANG 4km Catchment

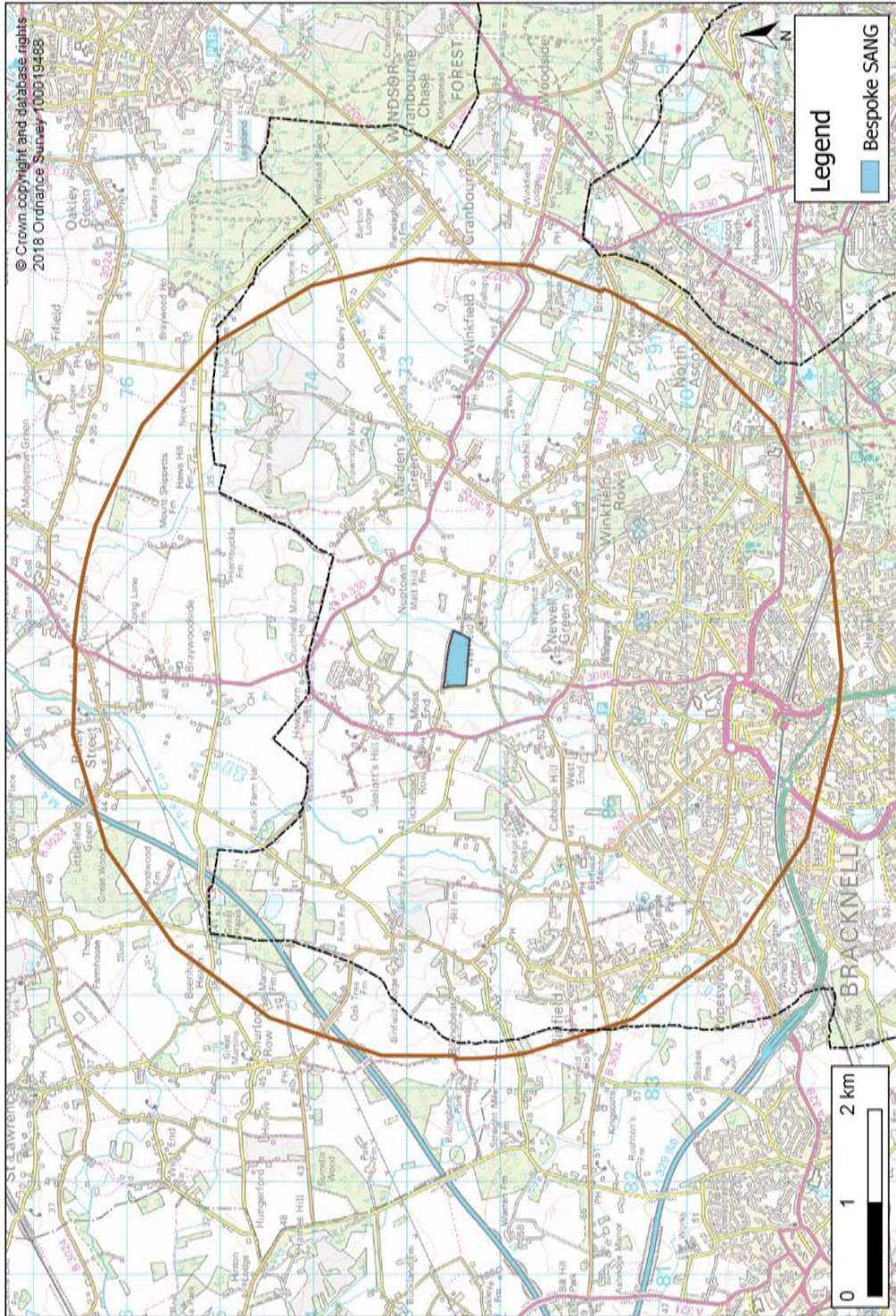


Figure 18 Horseshoe Lake SANG

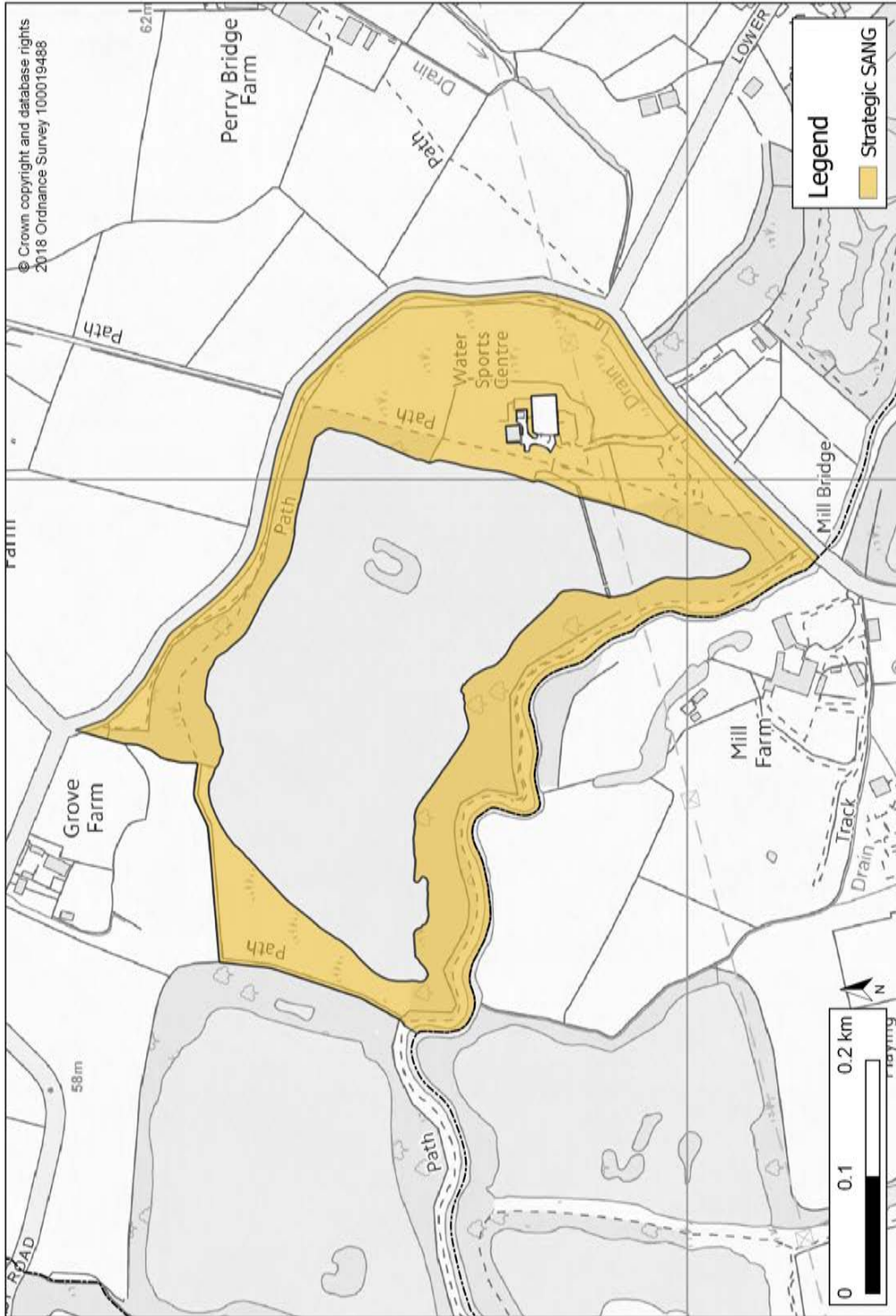


Figure 19 Horseshoe Lake SANG 4km Catchment

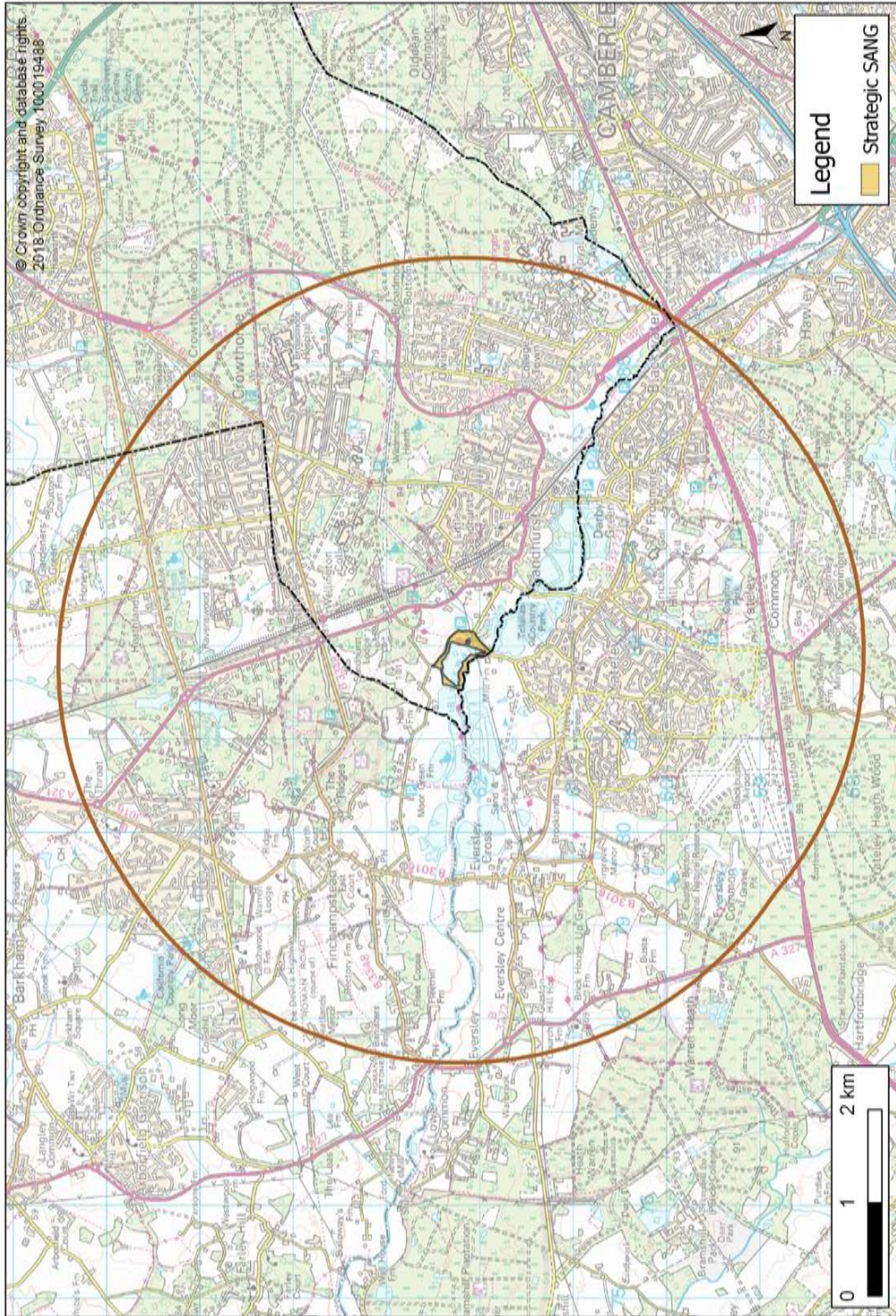


Figure 21 Bullbrook SANG 5km Catchment

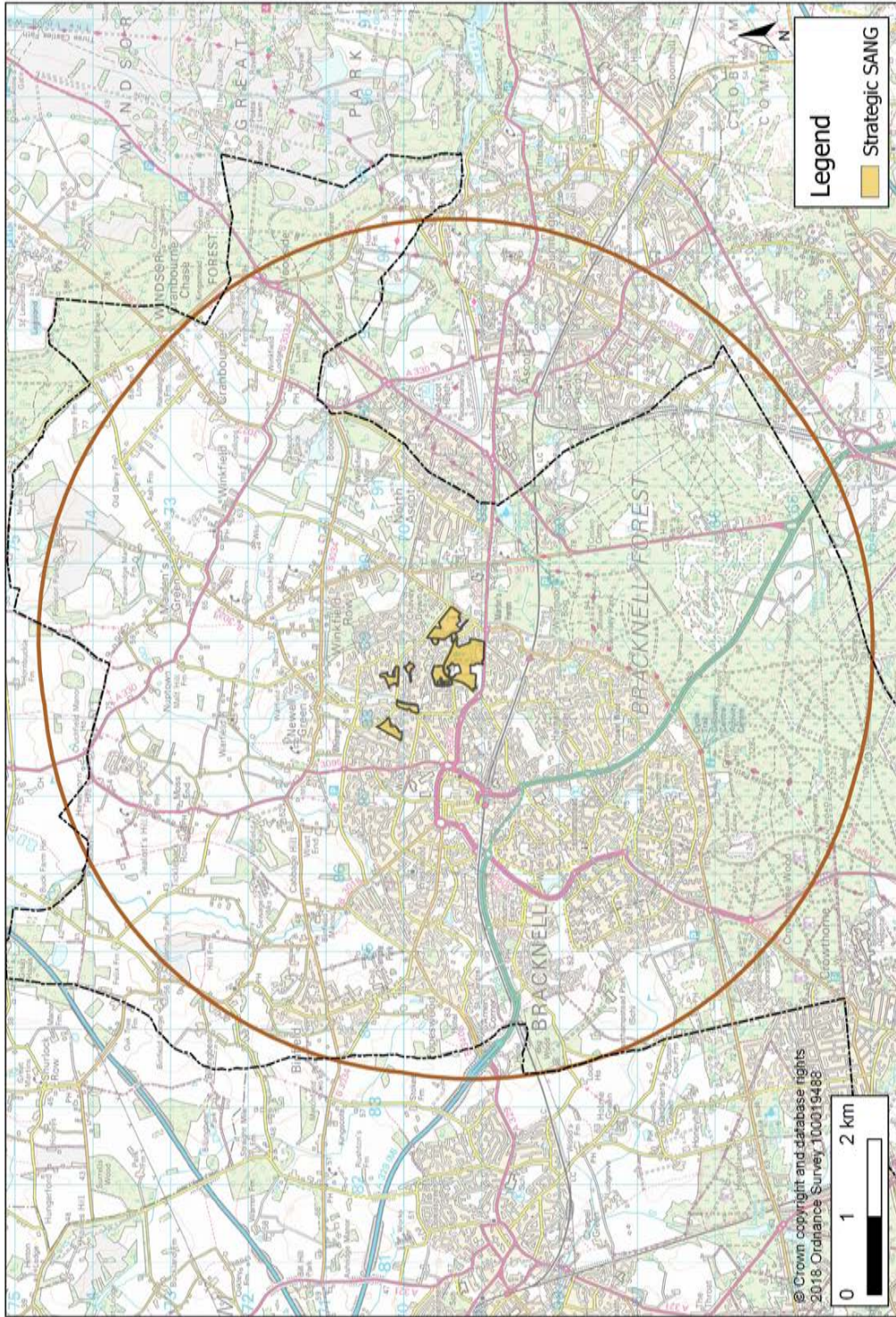


Figure 22 West Bracknell SANG

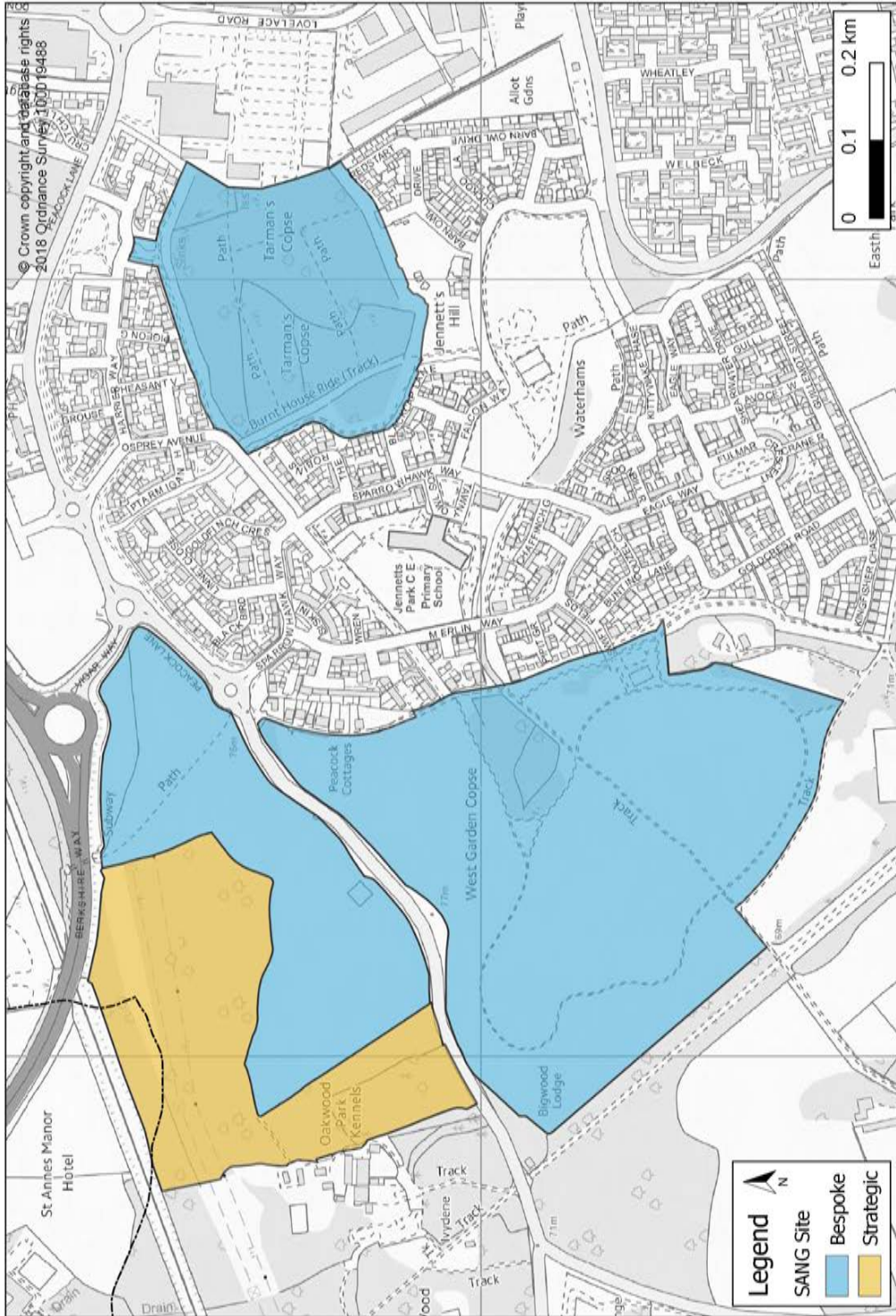


Figure 23 West Bracknell SANG 5km Catchment

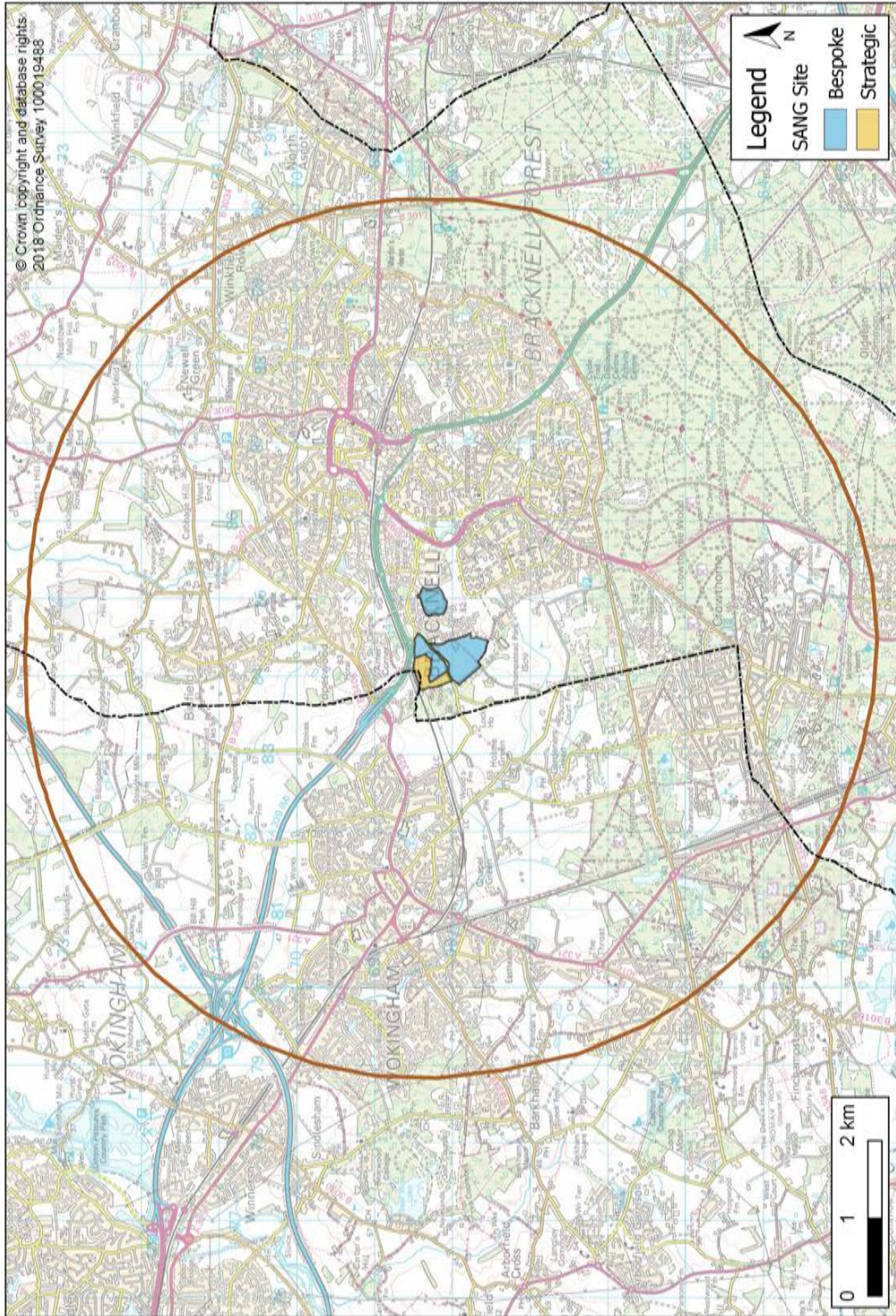


Figure 24 Shepherd Meadows SANG

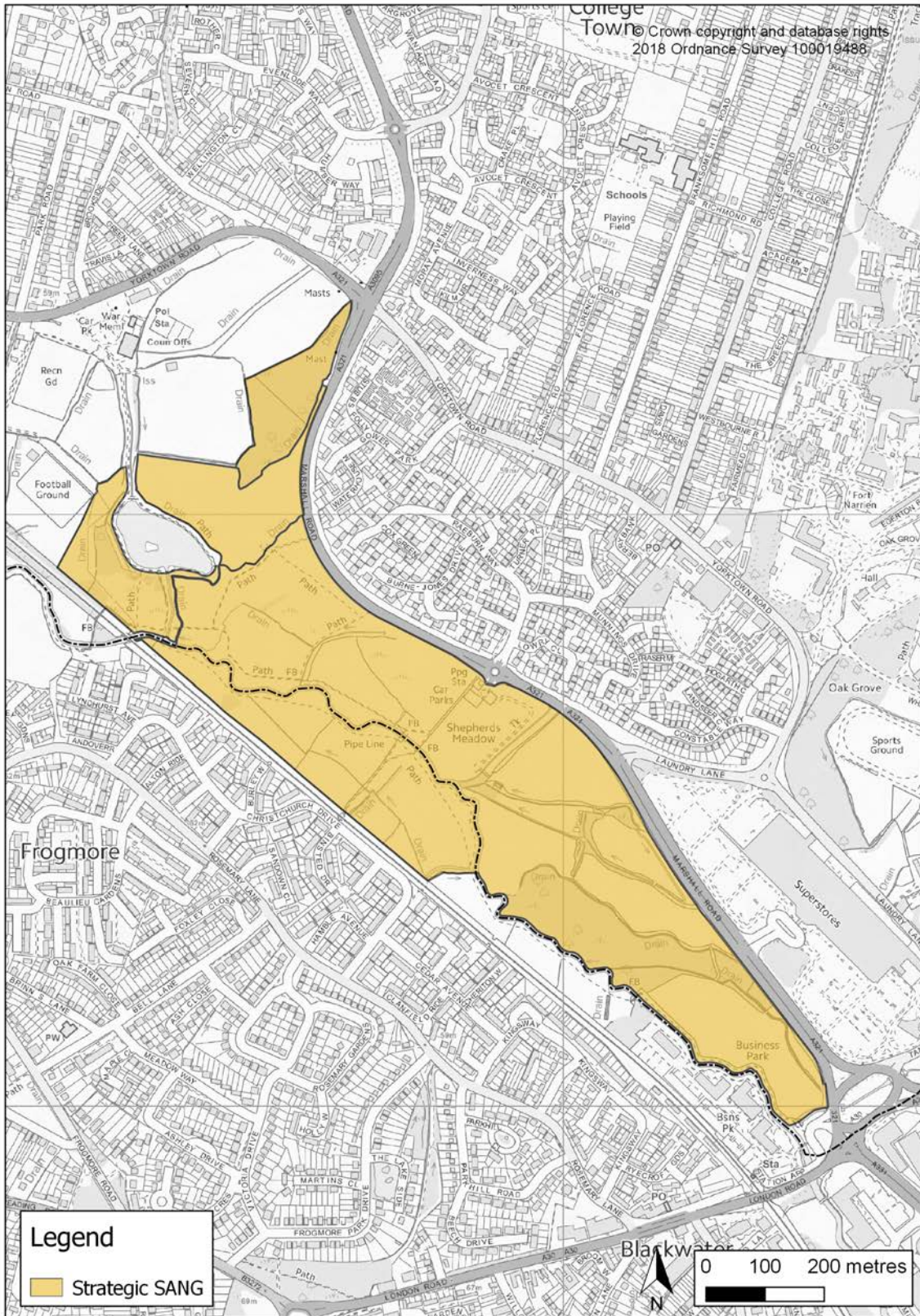


Figure 25 Shepherd Meadows SANG 5km Catchment

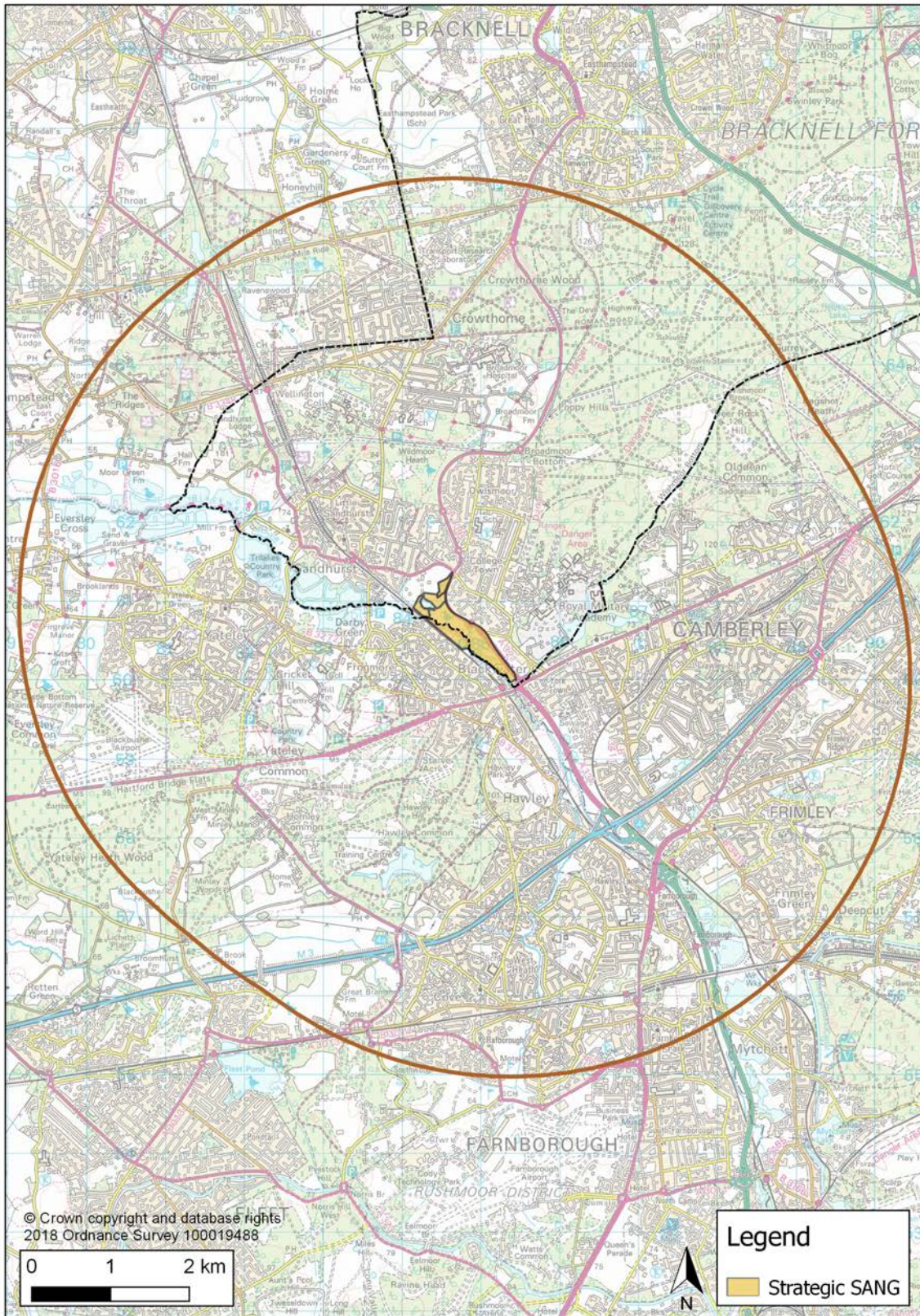
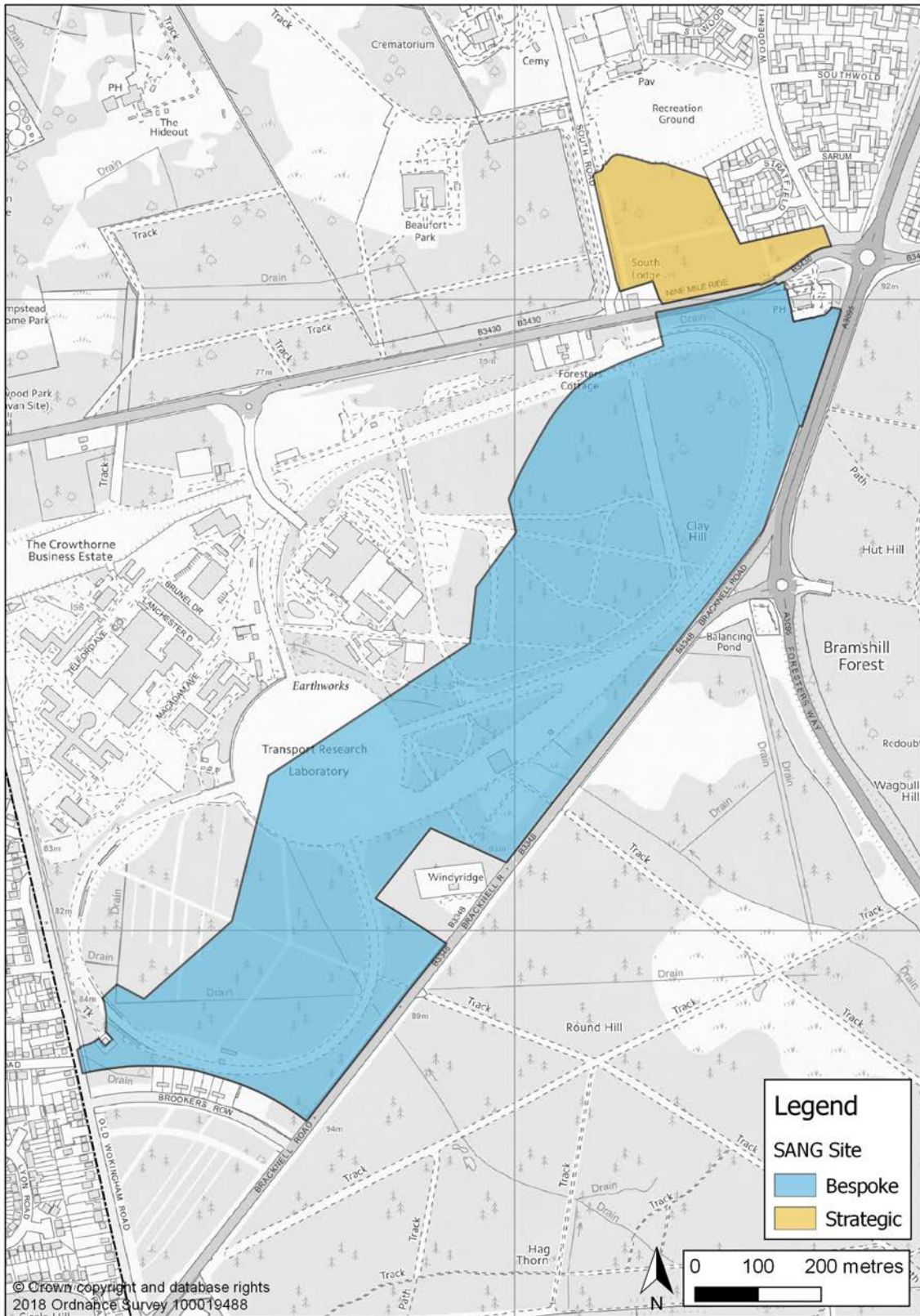


Figure 26 Buckler Park SANG



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Figure 27 Buckler Park SANG 5km Catchment

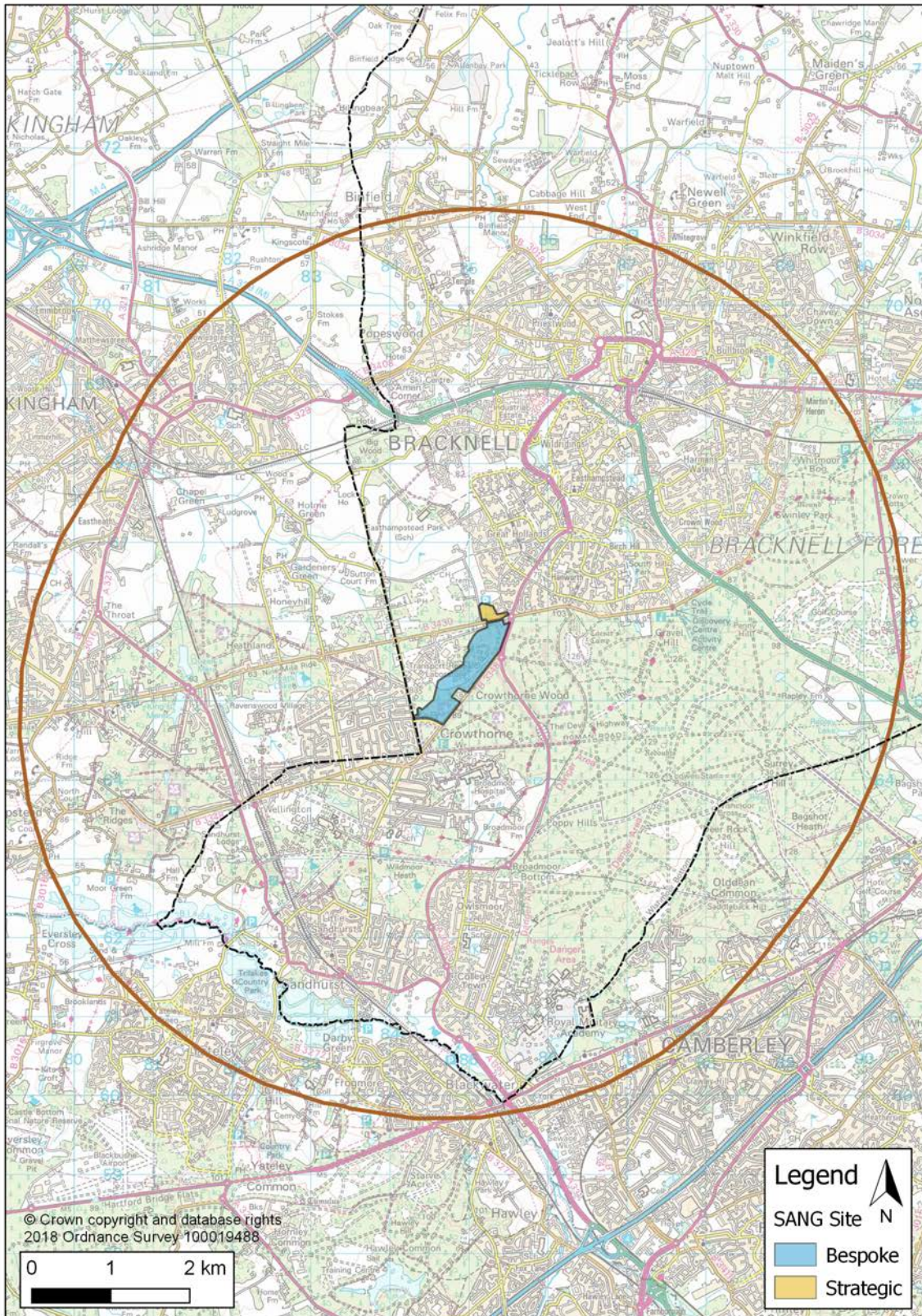


Figure 28 Warfield Park SANG

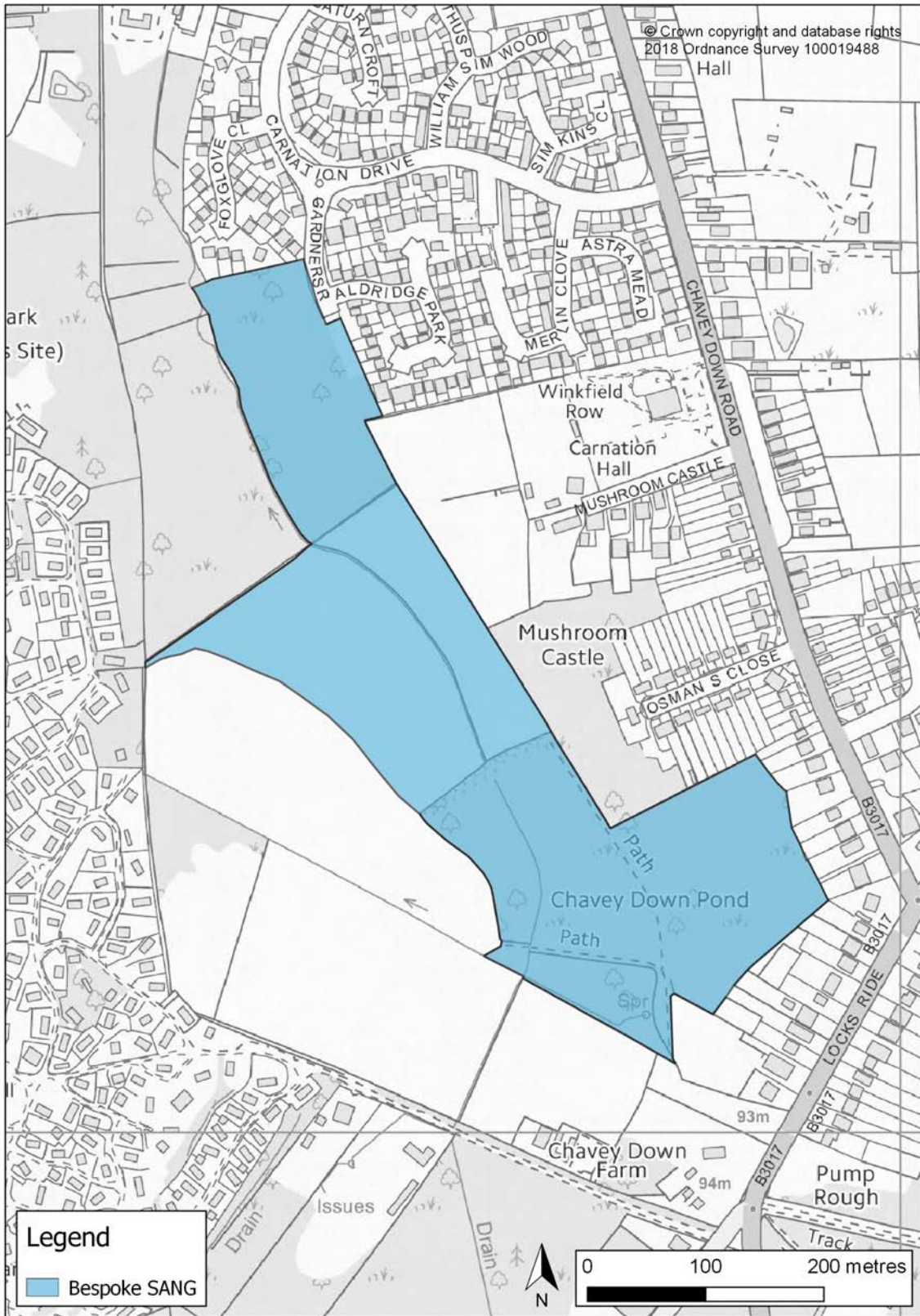


Figure 29 Warfield Park SANG 400m Catchment

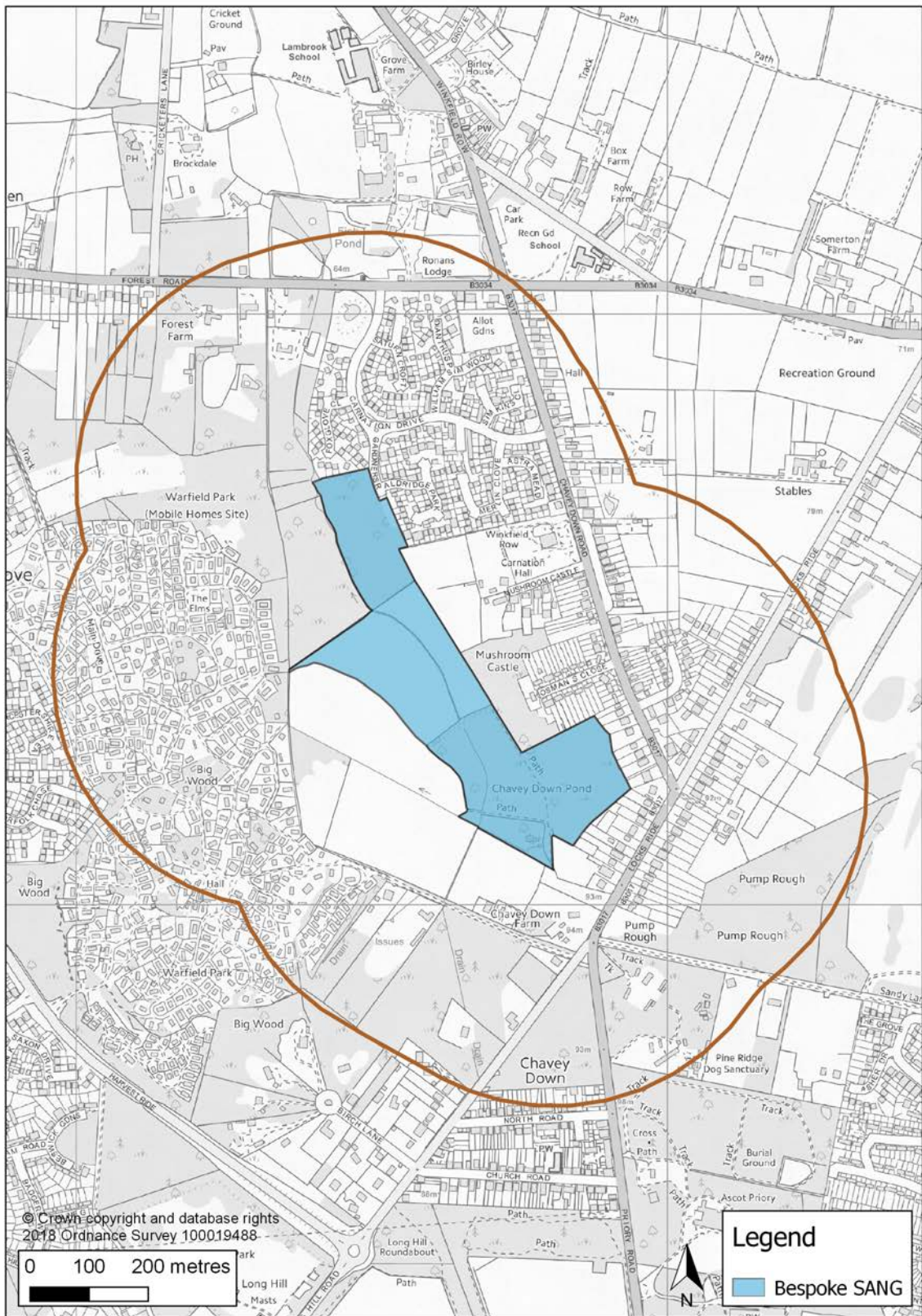


Figure 30 West Binfield SANG

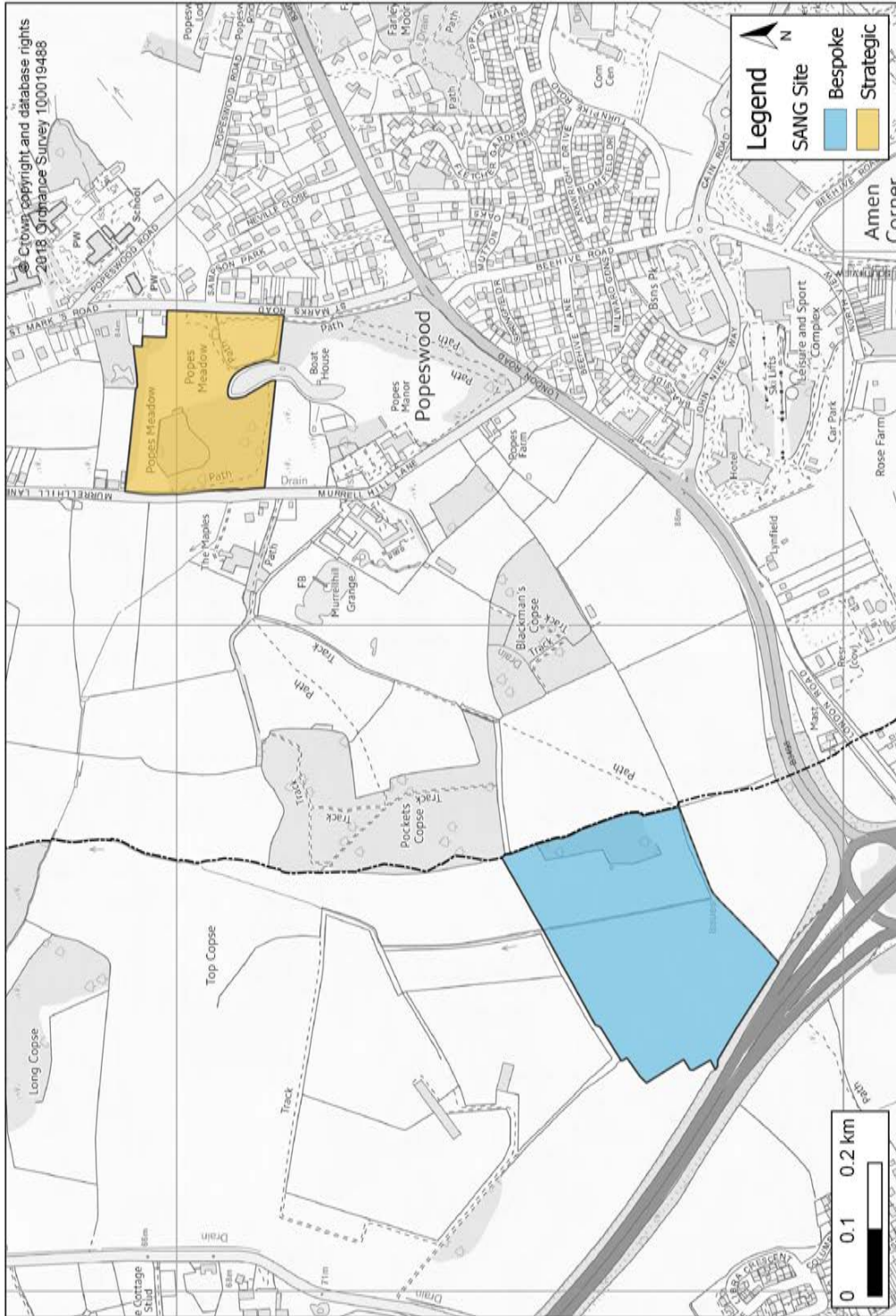
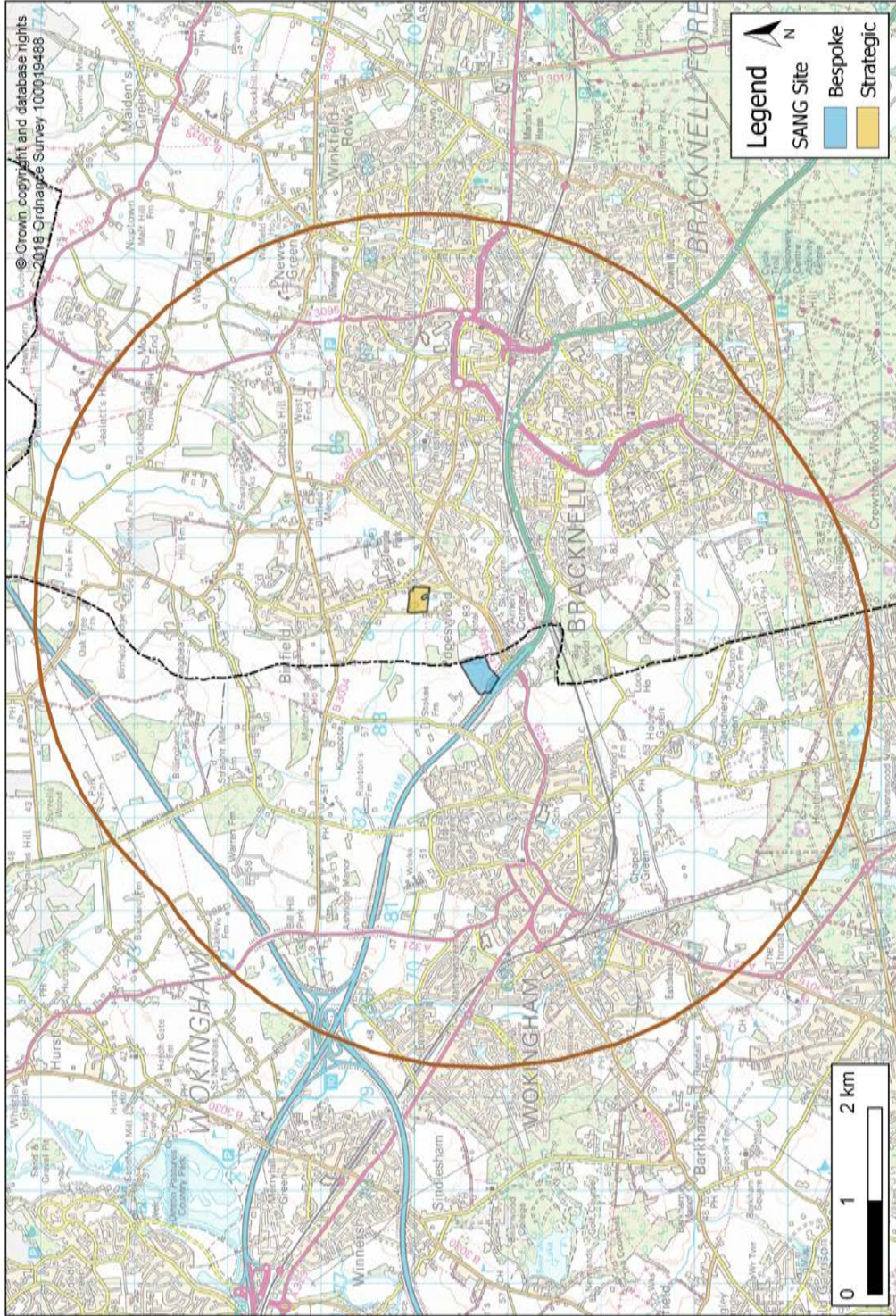


Figure 31 West Binfield SANG 4km Catchment



Appendix 7: SPA Avoidance and Mitigation Contributions

1. The following information summarises potential expenditure relating to delivery of the Bracknell Forest Council Thames Basin Heaths SPA Avoidance and Mitigation SPD.
2. The measures identified are those which will require a lead role to be implemented by the Parks and Countryside Service and the Strategic Access Management and Monitoring (SAMM) Project. The focus is on land management initiatives outside of the designated SPA as well as access management and monitoring on the SPA.
3. It should be noted that mitigation proposals require the provision and management of public open space at a level above and beyond that which is normally sought by developer contributions.
4. Englemere Pond and Shepherd Meadows include Sites of Special Scientific Interest (SSSIs) and it is a statutory requirement that the SSSIs are maintained in a favourable condition by the landowners. Therefore, the financial contribution towards enhancing these sites to provide an alternative to the SPA is in addition to the finances required for management of the interest features for which the SSSI is designated.
5. Relevant action can be broken down into three main activities:-
 - Enhancement of SANGS;
 - Maintenance and management of SANGS in perpetuity;
 - Access management and monitoring within and/or directly relating to the Special Protection Area.

1. SANGs Contributions

a) SANG Enhancement Works

Table 21 SANG Enhancement Works

| SANG Sites | Cost (£) ⁽¹⁾ |
|---|---|
| 1. The Cut Countryside Corridor including Jock's Copse, Tinkers Copse, The Cut (south), Garth Meadows, Larks Hill, Piggy Wood and Anneforde Place (Link with Bracknell Town Council) | £285,750 TCC+ £36,480 (Anneforde Place) = £322,230 |
| 2. Shepherd Meadows SANG (Link with Sandhurst Town Council) | £102,170 |
| 3. Englemere Pond SANG (Link with The Crown Estate) | £224,808 |
| 4. Horseshoe Lake SANG (Link with Blackwater Valley Countryside Partnership) | £150,670 |
| 5. Bullbrook SANG including Longhill Park, Lily Hill Park, Milman Close, Beswick Gardens Copse, Clintons Hill, Whitegrove Copse, Harvest Hill, The Chestnuts and and Edmunds Green | £149,850 (Longhill Park Group) + £185,450 (Lily Hill Park) + £38,375 (Whitegrove Copse, Harvest Hill, The Chestnuts and Edmunds Green) = £373,675 |
| 6. Ambarrow Court/ Hill SANG (Link with the National Trust) | £157,675 |
| 7. Great Hollands Recreation Ground | £40,570 |
| 8. Bigwood | £207,644 |
| 9. Popes Meadow | £125,564 |
| Total Enhancement Costs | £1,705,006 |
| Total including indexation | £1,771,501 |
| Minus spend to date | £361,381 |
| Total including indexation | £1,410,120 |

1. Identified within relevant Open Space Management Plans (OSMPs) or estimates where OSMP not yet produced.

b) Additional Annual Maintenance in Perpetuity

6. There are costs associated with the management of green space (managed by the Council, or partner body such as Bracknell Town Council) which vary significantly across the borough.
7. In general terms, expenditure will be highest where there is the greatest provision of formal facilities such as surfaced paths and parking. However, a pre-requisite of potential mitigation land is that it is semi-natural and encompasses some of the special qualities of the SPA.
8. It should be noted that there is an existing 'base level' of management of the proposed mitigation sites, which is not being funded through these contributions. However, successful delivery (particularly effective re-distribution of visitors) will require an increase to the existing management levels for the specific sites.
9. Accordingly, the costs identified below relate specifically to the sustainable management of the proposed enhancement to be implemented as a result of SPA mitigation measures.

| | | |
|---|--|---|
| Additional maintenance requirements incl. staffing | Based on 3 new rangers plus maintenance. | £176,877 per annum in perpetuity |
|---|--|---|

c) Administration and Education

10. Of particular significance is the production of the OSMP's which detail the necessary enhancement works to the SANGS, project management of enhancement works and promotion of the SANGS.

| | | |
|---------------------------------------|--|--|
| Cost relating to Biodiversity Officer | Based on 0.5 increase to existing post including support costs | £28,375 per annum for 20 years (plan period) |
| | | Total £567,500 |

| | |
|---|---------|
| An allocation for SANG promotional material | £55,255 |
|---|---------|

d) Summary of SANGs Costs (based on 2014/2015 costs)

11. These figures are likely to increase over time when inflation is factored in.

Table 22 Summary of Total SANGs Costs

| SPA Avoidance and Mitigation Works and Measures | Cost | Totals (rounded) |
|--|-----------------|-------------------|
| a) SANGs Enhancement Works incl. indexation | See table above | £1,410,120 |

| SPA Avoidance and Mitigation Works and Measures | Cost | Totals (rounded) |
|---|--|---|
| b) Additional Annual Maintenance in Perpetuity (over and above existing revenue budgets for 125 years) | See above - additional maintenance and increase in staffing requirements for 125 years | £176,877 per annum, requires commuted sum of £7,063,457 for 125 years |
| c) Administration and Education | £28,375 annual staffing cost for 20 year plan period £55,255 for educational resources/material | £622,755 |
| Total excl. facilitation | | £9,096,332 |
| d) Facilitation Sum (contingency to forward plan and deliver the total Avoidance and Mitigation Strategy, the right to use Council land and some planning salary support) Total Facilitation costs = £7,560,000 which is an average of £4,500 per dwelling ⁽¹⁾ | | £7,560,000 |
| Total SANGs measures | | £16,656,332 |

1. This is calculated using land value per hectare and the number of dwellings which can be mitigated per hectare in the 400m - 5km SPA buffer zone.

e) Calculation of SANG Contributions per Dwelling

12. The following estimates and assumptions were made to calculate the SANG contributions.

Table 23 SANG Contributions - Estimates and Assumptions

| Estimates and Assumptions | Totals |
|--|-------------------------------|
| SANG enhancement costs recovered through CIL for planning applications and through s106 obligations for Prior Approval applications | £1,410,120 |
| Additional Annual Maintenance + Administration and Education costs | £7,686,212 |
| Estimated total SANGs capacity available on all strategic SANGs ⁽¹⁾ | 11,920 persons ⁽²⁾ |

| Estimates and Assumptions | Totals |
|---|---|
| Estimated cost per person of SANG avoidance and mitigation measures (excluding Facilitation) where SANG enhancement costs are recovered through s106 obligations for Prior Approval applications. | £763 |
| Estimated cost per person of SANG avoidance and mitigation measures (excluding Facilitation) where SANG enhancement costs are recovered through through CIL for planning applications. | £645 |
| Facilitation costs per market dwelling = an average of £4,500 per dwelling. This amount has been weighted: | 1 bed = £3,500 2 bed = £4,000 3 bed = £4,500 4 bed = £5,000 5+ bed = £5,500 |
| Facilitation costs per dwelling (affordable housing) = an average of £1,125 per dwelling. This amount has been weighted: | 1 bed = £875 2 bed = £1,000 3 bed = £1,125 4 bed = £1,250 5+ bed = £1,375 |

1. 18,596 persons minus SANG capacity allocated to date (6,676 persons).
2. It should be noted that this may never be fully realised. This is because development does not always occur in areas where there is SANG capacity and SANGs have specific catchment areas. In Bracknell Forest for example there are particular pressures on SANGs in the north of the Borough.

Table 24 Calculation of SANG Contribution per Dwelling (Market Housing)

| o. Bedrooms | Estimated Occupancy⁽¹⁾ | SANG Contribution per dwelling (excluding facilitation) | Facilitation per dwelling | Total SANG Contribution per dwelling |
|--------------------|--|--|----------------------------------|---|
| 1 | 1.40 | £903 | £3,500 | £4,403 |
| 2 | 1.85 | £1,193 | £4,000 | £5,193 |
| 3 | 2.50 | £1,612 | £4,500 | £6,112 |
| 4 | 2.85 | £1,838 | £5,000 | £6,838 |
| 5+ | 3.70 | £2,386 | £5,500 | £7,886 |

1. Occupancy figures 'per bedroom' are not available for Bracknell Forest. These have been obtained from a number of data sources from local authorities in the region of the Thames Basin Heaths SPA and used to calculate estimated average occupancy figures, selected on a precautionary basis. The same occupancy figures have been applied to the calculation of the SAMM contributions. See the Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) Project Tariff Guidance (March 2011) on the Councils website.

13. For affordable housing (comprising social rent and intermediate housing) the Council will apply half the facilitation costs compared to market housing as follows:

Table 25 Calculation of SANG Contribution per Dwelling (Affordable Housing)

| No. Bedrooms | Estimated Occupancy | SANG Contribution per dwelling (excluding facilitation) | Facilitation per dwelling | Total SANG Contribution per dwelling |
|---------------------|----------------------------|--|----------------------------------|---|
| 1 | 1.40 | £903 | £875 | £1,778 |
| 2 | 1.85 | £1,193 | £1,000 | £2,193 |
| 3 | 2.50 | £1,612 | £1,125 | £2,737 |
| 4 | 2.85 | £1,838 | £1,250 | £3,088 |
| 5+ | 3.70 | £2,386 | £1,375 | £3,761 |

14. For Prior Approval applications (where SANG enhancement contributions are recovered through s106 obligations), the following SANG contributions will apply:

Table 26 Calculation of SANG Contribution per Dwelling (Prior Approvals)

| No. Bedrooms | Estimated Occupancy | SANG Contribution per dwelling (excluding facilitation) | Facilitation per dwelling | Total SANG Contribution per dwelling |
|---------------------|----------------------------|--|----------------------------------|---|
| 1 | 1.40 | £1,068 | £3,500 | £4,568 |

| No. Bedrooms | Estimated Occupancy | SANG Contribution per dwelling (excluding facilitation) | Facilitation per dwelling | Total SANG Contribution per dwelling |
|--------------|---------------------|---|---------------------------|--------------------------------------|
| 2 | 1.85 | £1,412 | £4,000 | £5,412 |
| 3 | 2.50 | £1,908 | £4,500 | £6,408 |
| 4 | 2.85 | £2,175 | £5,000 | £7,175 |
| 5+ | 3.70 | £2,824 | £5,500 | £8,324 |

2. Strategic Access Management and Monitoring (SAMM) Contributions

15. The SAMM contributions have been calculated based on guidance issued by NE. Details of this calculation can be seen in the Thames Basin Heaths Strategic Access Management and Monitoring (SAMM) Project Tariff Guidance (March 2011) can be found on the Council's website at www.bracknell-forest.gov.uk/spa
16. The tariff was set at £630 per dwelling. It was agreed that the tariff would be collected by an Administrative Body (Hampshire County Council) and the delivery managed by NE. The sum provides for £190 towards annual expenditure and £440 to the long term investment fund.
17. In the above guidance this has been converted to a 'per bedroom' tariff as set out in the following table:

Table 27 SAMM Contribution per Dwelling

| No. of Bedrooms | Tariff |
|-----------------|--------|
| 1 | £399 |
| 2 | £526 |
| 3 | £711 |
| 4 | £807 |
| 5+ | £1,052 |

18. Total SPA avoidance and mitigation contributions are set out in Summary Table 1. SPA Avoidance and Mitigation costs may need to be reviewed and updated periodically.

Glossary and Abbreviations

Table 28 Glossary and Abbreviations

| Term | Explanation |
|--|---|
| Appropriate Assessment (AA) | An assessment required under the Habitats Directive if a plan or project is judged as likely to have a significant effect on a Natura 2000 site. |
| BFC | Bracknell Forest Council |
| Community Infrastructure Levy (CIL) | A tariff allowing councils to raise funds from the owners or developers of land undertaking new building projects in their area. |
| Competent Authority | The decision maker under the Conservation (Natural Habitats, &c.) Regulations 1994 (see Regulation 6): often the local authority, but could be a planning inspector or other body responsible for assessing a plan or project. |
| Delivery Framework | Sub-regional guidance on Thames Basin Heaths SPA avoidance and mitigation methods, produced and endorsed by the Thames Basin Heaths Joint Strategic Partnership Board. |
| Development Plan | A set of documents, currently comprising the Bracknell Forest Borough Local Plan 2001 - 2006, the Core Strategy Development Plan Document, the Site Allocations Local Plan, any adopted neighbourhood plans in the Bracknell borough area, the Berkshire Waste and Minerals Plans, and the saved policies in the South East Plan. Section 54A of the Town and County Planning Act 1990 requires that planning applications and appeals be determined in accordance with the Development Plan unless material considerations indicate otherwise. |
| Development Plan Document | A Local Development Document which forms part of the statutory development plan, examples include the Core Strategy, Proposals Map and Area Action Plans. |
| Habitats Regulations Assessment | An assessment, required under the Habitats Directive, if a plan or project is judged as likely to have a significant effect on a Natura 2000 site. |
| Local Plan | A Local Plan forms part of the development plan system set out in the Town and County Planning Act 1990. Local Plans set out a vision and a framework for the future development of an area, addressing housing, the economy, community facilities and infrastructure, the environment, adapting to climate change and securing good design. Local Plans (together with any adopted neighbourhood plans) are the starting-point for considering whether planning applications can be approved. |

| Term | Explanation |
|---|--|
| Monitoring Report | An annual report, the primary purpose of which is to share information about the Local Plan and new development in Bracknell Forest. The report includes information on SANG. |
| National Planning Policy Framework (NPPF) | A document that sets out the governments planning policies for England. It guides planning decisions and sets the framework for the production of planning documents at the local level. |
| Natura 2000 sites | An ecological network of sites (SPAs and SACs) established under the Habitats Directive to provide a strong protection for Europe's wildlife areas. |
| Natural England (NE) | A non-departmental public body that advises the government about the natural environment for England. NE is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved. It also has a responsibility to help people enjoy, understand and access the natural environment. |
| Section 106 agreement | A legal agreement between planning authorities and developers, described at section 106 of the Town and Country Planning Act 1990 as amended. S106 agreements secure planning obligations (such as financial contributions or infrastructure) that are required to make a development acceptable in planning terms. |
| Site of Special Scientific Interest (SSSI) | A conservation designation, the SSSI designation provides statutory protection for the best examples of the UK's flora, fauna, or geological or physiographical features. It also underpins other national and international nature conservation designations, such as national nature reserves, SPAs and SACs. |
| Special Area of Conservation (SAC) | Nature conservation site designated under the Habitats Directive for its habitat or species interest. |
| Special Protection Area (SPA) | A nature conservation site designated for its bird interest under the Birds Directive, but subject to the assessment procedure set out in the Habitats Directive. |
| Strategic Access Management and Monitoring (SAMM)Project | Overseen by Natural England and Hampshire County Council, implements standard messages, additional wardening and education across the Thames Basin Heaths SPA. |
| Strategic SANGs | Strategic SANGs are open spaces in Bracknell Forest which, in agreement with NE, have been identified as being suitable for bringing up to SANGs standard through the application of developer contributions. |

| Term | Explanation |
|---|---|
| Suitable Alternative Natural Greenspace (SANG) | Open space, meeting guidelines on quantity and quality, for the purpose of providing recreational alternatives to the SPA. |
| Supplementary Planning Document (SPD) | A planning document produced at the local level to build upon and provide more detailed advice or guidance on local policies. |
| Thames Basin Heaths Joint Strategic Partnership (JSP) | Partnership of Thames Basin Heaths-affected Local Authorities, South East England Partnership Board and key stakeholders, which form and oversee the implementation of sub-regional guidance, for example the Delivery Framework. |
| Thames Basin Heaths Special Protection Area Delivery Framework | Produced by the Thames Basin Heaths Joint Strategic Partnership, the Delivery Framework guides the production and revision of local authorities' Thames Basin Heaths SPA Strategies. |

Copies of this booklet may be obtained in large print, Braille, on audio cassette or in other languages. To obtain a copy in an alternative format please telephone 01344 352000

Nepali

यस प्रचारको सक्षेपं वा सार निचोड चाहिं दिइने छ ठूलो अक्षरमा, ब्रेल वा क्यासेट सून्नको लागी । अरु भाषाको नक्कल पनि हासिल गर्न सकिने छ । कृपया सम्पर्क गनुहोला ०१३४४ ३५२००० ।

Tagalog

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Urdu

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Statement of Consultation Regulation 18 (4)(b) Thames Basin Heaths Special Protection Area (SPA) Supplementary Planning Document Consultation Draft (January 2018)

1. Background

The Council is required to prepare Supplementary Plan Documents in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations'). This Statement explains how the Council has met the requirements of Regulation 18(4)(b) in the preparation of the Thames Basin Heaths SPA Supplementary Planning Document (SPASPD).

Bracknell Forest Council produced a draft Supplementary Planning Document (SPD) called the Thames Basin Heaths SPA Supplementary Planning Document (SPASPD) consultation Draft (January 2018). It was published for public consultation commencing on 8 January 2018 until 19 February 2018. Regulations 18(4) (a) and (b) of the Town and County Planning (Local Development) (England) Regulations 2004 require the local planning authority to:

- (a) have considered any representations; and
- (b) have prepared a statement setting out:
 - (i) a summary of the main issues raised; and
 - (ii) how these main issues have been addressed in the SPD to be adopted.

This Statement of Consultation summarises the consultations undertaken during the production of the SPASPD.

2. Consultation and Partnership Working

Consultation

Consultation on the draft SPASPD took place between 8 January 2018 and 19 February 2018. Details of the consultation were sent to key stakeholders including: Parish Councils, other local authorities, developers, housing associations, local environmental groups and government agencies. The draft document was also made available on the Council's website, in local libraries and Council reception areas and the consultation was published on 10th January 2018 in the Bracknell News paper which is available to all households in the Borough.

A total of 63 consultation responses were received from 16 respondents in connection with the SPD. These were subsequently collated and, where appropriate, changes were made to the SPD. Table 1 summarises the main issues raised during the consultation and how these issues were addressed in the SPD.

The Council also produced and consulted upon a Strategic Environmental Assessment (SEA) screening determination (November 2017) with the following statutory bodies:

- Natural England
- Environment Agency
- Historic England

The results of the consultation on the Strategic Environmental Assessment (SEA) screening determination and how the comments have been taken into account are provided on the Council's website at <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/supplementary-planning-documents-spds/thames-basin-heaths-spa-public-consultation> (reference: SPA1).

Partnership Working

In the preparation of the SPD, the Council has worked in partnership with a range of key and statutory organisations on SPA related issues, as follows:

- Bracknell Forest Council officers
- Officers from other authorities affected by the Thames Basin Heaths Special Protection Area
- Natural England, the Royal Society for the Protection of Birds SPB and the Berks, Bucks, Oxon Wildlife Trust (BBOWT)
- Land owners such as the Ministry of Defence and the Crown Estate

The formal arrangement for this partnership working has been facilitated under the Thames Basin Heaths Joint Strategic Partnership Board.

The preparation of the SPD has taken account of a number of factors such as the South East Plan and a strategic dialogue facilitated through the Joint Strategic Planning Board with the organisations listed above. Many of the above organisations have responded to consultations on the SPD.

Appendix 1 - Consultation Responses

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|-----------------------------------|----------------|---|--|
| 1 | Morgan | Appendix 1 | The SSSI "Swinley Forest / Brick Pits" (within the 5km "Zone of Influence") should be included and identified on the map in Appendix 1 or text added to explain why it is not necessary to include this particular SSSI on the map. | This issue is explained in paragraph 1.1.3, the Thames Basin Heaths Special Protection Area consists of 13 Sites of Special Scientific Interest (SSSIs) scattered across Hampshire, Berkshire and Surrey. The Swinley Forest / Brick Pits SSSI is not part of the Special Protection Area designation. This is why it is not shown on the map in Appendix 1. The 400m - 5km zone of influence does not refer to the location of the SSSIs making up the SPA. It refers to the area in which avoidance and mitigation measures should be applied. There are other SSSIs in the Borough which are not part of the SPA designation. No further explanation is required in the SPD. No changes required. |
| 2 | The Office of Rail and Road (ORR) | N/A | No comments to make | Noted with thanks |
| 3 | Runnymede Borough Council | Table 1 | Table 1 of the document does not appear to include any requirements for student accommodation. It is assumed that this is because the Bracknell Forest district does not have a significant student population. | Agreed. The SPD does not include requirements for student accommodation as Bracknell Forest borough does not have a significant student population. No changes required. |
| | | | It is welcomed that reference is made to in-combination effects on the TBH SPA caused by nitrogen deposition as identified by the HRA. It is assumed that the HRA undertaken in relation to the draft Local Plan (referenced at 2.2.1) takes account of the conclusions of the Wealden judgment in so far as necessary. | Noted with thanks. The final Local Plan HRA will take account of the air quality impacts on key designations in-combination and taking account of the Wealden judgment. |
| 4 | Environment Agency | N/A | No comments to make | Noted with thanks. |
| 5 | Rushmoor Borough Council | Whole Document | Support for the principle in the SPD including commitment to joint working. | Noted with thanks. |
| | | | Rushmoor Borough is constrained with limited opportunities for the creation of new Suitable Alternative Natural Greenspace. It would therefore like to offer its support for the | Noted and the Council will continue dialogue with Rushmoor over cross-boundary working opportunities. |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|---------------------------------|-------------------|---|---|
| | | | draft SPD, noting that, subject to agreement, the cross boundary use of SANG capacity according to relevant catchment criteria would not be precluded by the adoption of the approach set out in the document. | |
| 6 | Crowthorne Parish Council | Figures 23 and 24 | Rename South Bracknell SANG as Buckler Park SANG. | Agreed, amend figures 23 and 24 (renumbered figures 26 and 27) to replace “ <i>South Bracknell</i> ” with <u>Buckler Park</u> and amend reference to South Bracknell SANG throughout the document. |
| 7 | West London Mental Health Trust | Paragraph 1.1.2 | The correct citation to be referred to is The Conservation of Habitats and Species Regulations 2017 and this should be updated throughout the SPD. References to the individual Regulations cited elsewhere in the Draft SPD text e.g. at Paragraph 2.1.6 should also be checked and updated in accordance with the 2017 Regulations. | Agreed. Replace all references which read as “ <i>The Conservation of Habitats and Species Regulations 2010 as amended</i> ” to <u>The Conservation of Habitats and Species Regulations 2017</u> and the individual Regulations throughout the document where necessary. |
| | West London Mental Health Trust | Table 2 Page 5 | The text under the Site Allocations Local Plan section excludes any reference to the South East Plan retained Policy NRM6 which forms part of the approved Development Plan. This reference should be included as a policy reference in the Site Allocations Local Plan Policy section. | The purpose of Table 2 is to set out the Spatial Policy Framework. Policy NRM6 is included. In determining planning applications the whole policy framework is a material consideration including for each site allocated in the Site Allocations Local Plan (SALP). Therefore, there is no need to amend the table. No changes required. |
| | | Table 3 Page 6 | The development of the strategic approach to mitigation has been informed by a number of publications that have been the subject of rigorous testing in the courts and public inquiries. All should be included in the tables. It would be useful to show the hierarchy of law. | Table 2 includes policy documents; Table 3 includes guidance; and the legal requirements are referenced in section 2.1 of the SPD. It is not considered necessary to include a further regulatory table. No changes required. |
| | | Table 4 Page 6 | The Draft Local Plan is subject to a separate consultation exercise which extends beyond the timeframe of the SPA SPD. The SPD may however, need to be reviewed in the context of relevant Local Plan consultation so suggest aligning the consultation process more directly | The Local Plan consultation will finish before the adoption of the SPASPD so there is an opportunity to make necessary changes if relevant. If there are significant changes in the future then the SPASPD will have to be reviewed and until then policy, regulation changes will take precedence. No changes required. |
| | | | The inclusion of emerging policies in Table 4 is premature and should be deleted. | Table 4 is for information only and will be subject to change. A caveat will be added which reads as <u>Table 4 is for information only and is correct at the time of the adoption of this SPD. It should be noted that</u> |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|---------------------------------|-------------------------------|---|---|
| | | | | <u>this will be subject to change and any updated polices will replace some of those in Table 2 above.</u> |
| | West London Mental Health Trust | Paragraph 1.4.4 | It is essential that the SPD is consistent policies (e.g. NPPF and NRM6) at the time the SPD is adopted. | This is agreed and the adopted SPD will be consistent with polices, guidance and regulation. |
| | West London Mental Health Trust | Paragraph 1.5.2 | The JSPB Delivery Framework (2009) paragraph 4.5 refers to the ability of LPAs to modify the extent of the 400m buffer zone in 'exceptional circumstances' to take into account physical obstructions. This wording should be reflected in the SPD. | There are no physical obstructions in Bracknell Forest that warrant a change in wording. Such obstructions would prevent cats accessing the SANG such as a motorway. A developer or land owner is welcome to prove otherwise through a full appropriate assessment relating to a particular scheme and the Council will consider this as due process in consultation with Natural England. No changes required. |
| | | Section 3.3 / paragraph 3.3.1 | The JSPB Delivery Framework also recommends a flexible approach to smaller developments i.e. schemes of less than 10 dwellings may not have a significant impact on the SPA (Page 6, Footnote 8). The SPD should be revised to reflect a more flexible approach to schemes of less than 10 dwellings. Given the 'cross border' implications it is essential that any SPD must be consistent with the publications set out by the Joint Strategic Partnership Board (i.e. the Thames Basis Heaths Delivery Framework). | The Council does apply flexibility for schemes under 10 dwellings in that they can, and are quite often, allocated to a SANG even though it is outside the SANG catchment (in accordance with South East Plan policy NRM6). This is set out in paragraph 3.4.5. The Council also has a legal arrangement with Surrey Heath Borough Council where SANG capacity at Shepherds Meadow SANG is used by Surrey Heath developments. The Council in principle will consider allowing developments in other boroughs to use its SANG capacity subject to detail and availability and the need to safeguard an appropriate amount of SANG for its own development sites over an appropriate plan period. Paragraph 1.5 confirms the Council's intentions to continue working jointly with other SPA affected local authorities at the sub-regional level. No changes required. |
| | West London Mental Health Trust | Paragraph 2.1.1 | Change reference to the Conservation of Habitats and Species Regulations 2017. | Agreed. Paragraph 2.1.1 will be amended to <u>The Conservation of Habitats and Species Regulations 2017.</u> |
| | West London Mental Health Trust | Paragraph 3.1.2 | The proposed distance threshold of 5 – 7 km for large developments is not consistent with the TBH SPA Delivery Framework or Policy NRM6. Applications for large-scale | Table 1 (page 1) states that residential developments of more than 50 dwellings located between 5 - 7km of the SPA may be required to provide appropriate |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|---------------------------------|--------------------|--|---|
| | | | developments beyond the zone of influence, assessed on their own merits and on a case by case basis. | mitigation and will be considered on a case by case basis. The SPD seeks to show what the likely mitigation measures will be in order to give developers more clarity. Paragraph 3.1.2 will be amended as follows: <i>“Any net increase in residential dwellings within 5km of the SPA and large developments within 5-7km of the SPA (with a net increase in dwellings of more than 50) are is likely to have a significant adverse effect on the SPA either alone or in combination with other plans or projects. Consequently, every proposal for net additional dwellings must make provision to avoid and mitigate the effect. Large developments within 5-7km of the SPA (with a net increase in dwellings of more than 50) may be required to provide appropriate mitigation. This will be considered on a case by case basis in agreement with NE. The level of SANG mitigation is likely to be at least 2ha / 1,000 new population. The SANG contribution is likely to be equal to the monitoring contribution for the SANG project (an average of £190 per dwelling). If developments secure and provide necessary avoidance and mitigation measures at the time of grant of planning permission as set out in this draft SPA SPD they can avoid the effects of the development proposal and a project-level Appropriate Assessment is not required.”</i> |
| | West London Mental Health Trust | Table 6 Page 12 | Clear justification is required for Zone C or it should be omitted. | Showing Zone C in Table 6 and on the map in Figure 1(a zone of influence 5 – 7km from the SPA) seeks to give developers more clarity. This reflects Footnote 6 of the Thames Basin Heaths SPA Delivery Framework which states that <i>‘between 5 and 7km from the edge of the SPA residential developments of over 50 houses should be assessed and may be required to provide appropriate mitigation. It is recommended that such cases be considered on a case by case basis’</i> . No changes required. |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|---------------------------------|--------------------|---|--|
| | West London Mental Health Trust | Paragraph 3.2.4 | Para 3.2.4 should refer to 400m – 5km in accordance with TBH SPA Delivery Framework or Policy NRM6. Clear justification for the proposal to extend the zone of influence beyond 5km should be provided or this zone and references to it within the SPD should be deleted. | It is agreed that this needs clarification. Paragraph 3.2.4 will be amended as follows: “From 400m – <u>5.7km</u> of the SPA (Zones B and C) development can be permitted and avoidance and mitigation measures should be applied. The majority of new housing development in Bracknell Forest up to 2034 will be located within Zone B. (between 400m and 5km of the SPA). ” A new paragraph 3.2.5 will be added as follows: <u>Applications for residential development in Zone C will be assessed on a case by case basis, in agreement with Natural England.</u> |
| | West London Mental Health Trust | Paragraph 3.3.6 | States a care home within 400m of the SPA may or may not result in a likely significant effect on the integrity of the SPA including comments on resident mobility and behaviours that cannot be established, assumed nor implemented. The 2012 SPA SPD rightly confirms in paragraph 3.6.2 that “These developments will be dealt with on a case by case basis at the planning application stage, in agreement with Natural England. Revert to the 2012 wording. | Paragraph 3.6.2 of the 2012 SPD is still relevant and the fact that ‘these developments will be considered on a case by case basis at the planning application stage, in agreement with Natural England’ is reflected in Table 1 of this document. Paragraph 3.3.6 seeks to provide more clarity to developers. Paragraph 3.3.6 will be amended to add <u>‘these developments will be considered on a case by case basis at the planning application stage, in agreement with Natural England’.</u> |
| | West London Mental Health Trust | Table 7 Page 16 | Comments that any net additional dwellings cannot mitigate their adverse effects so planning permission must not be granted is incorrect and not consistent with the Policy context and requirements of the SALP or Policy NRM6. Nor does this statement reflect the requirements of the Habitats Directive nor the Habitats Regulations 2017. Both these policies recognise that developments within 400m of the SPA will be assessed on their own merits and exceptional circumstances may apply where mitigation is capable of protecting the integrity of the SPA. The wording should be amended to reflect this. | Agreed. The comments in the last column of Table 7 for Zone of Influence A will be deleted as follows: Not additional residential dwellings cannot mitigate their adverse effect on the integrity of the SPA so planning permission must not be granted. and replaced with wording from part of paragraph 3.2.2 as follows: <u>‘There is a presumption against any net increase in residential development within this zone. A Habitats Regulations Assessment will be needed, and agreed with Natural England, to demonstrate that any development within this zone will not have an adverse effect on the SPA and/or the acceptability of any avoidance and mitigation</u> |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|---------------------------------|-----------------|---|---|
| | | | It is not clear what the basis is for comments that some development schemes require SANGs to be significantly in excess of 8 hectares per 1000 persons. The wording undermines other guidance and the policy requirement for SANG provision. Natural England guidelines on SANGs set out a standard of at least 8ha per 1000 people. Policy NRM6 states that this level should be a minimum and was established as applications with the confidence that the SANG requirements are known and clearly defined on the basis of the relevant policy requirements. The reference to developments “close to” the SPA should be deleted as the application of this is impractical and the SPA policy framework provides no justification for the Council to impose a different threshold and standard across the 400m -5km zone. | <p>measures provided.</p> <p>The Council is not seeking SANG provision in excess of that specified in the South East Plan. South East Plan Policy NRM6 paragraph (iv) states that ‘a minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.’ This is therefore a <i>minimum</i> standard.</p> <p>The intention of the text is not to set new policy standards but to clarify the existing situation. The reference refers to actual housing allocations which Natural England required the text ‘<i>significantly in excess of 8 hectares...</i>’ to be included. The sites are Site Allocations Local Plan (SALP) policies SA4 - Land at Broadmoor and SA5 – Land at Transport Research Laboratory.</p> <p>However, as the 8ha / 1,000 persons is a minimum standard the Council has concluded that the discussion over the minimum SANG requirement is unnecessary. The following wording in paragraph 3.6.3 will be deleted: ‘<i>For example, given their respective locations adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons</i>’. and replaced with-‘These applications will be dealt with on a case by case basis in agreement with Natural England’.</p> |
| | West London Mental Health Trust | Paragraph 3.6.3 | References to land at Broadmoor are addressed by Policy SA4 of the SALP. This specific reference to land at Broadmoor should be deleted from the SDP being beyond the scope and purpose of the SPD. | See above. |
| | West London Mental Health | Paragraph 3.6.4 | The reference to a minimum SANG area of 10ha being required in order to provide a 2.3km circular walk is over | The reference to an approximate minimum SANG size seeks to provide clarity to developers. However it is |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|---------------------------------|--|---|--|
| | Trust | | prescriptive and not based on evidence. It also conflicts with paragraph 3.6.5 that bespoke SANGs will be considered on a case by case basis. We agree that the characteristics of each individual site needs to be taken into account and provided a 2.3km walk can be incorporated together with other SANG requirements it is possible to deliver this in less than 10 hectares and schemes have been approved on less land. The second part of sentence 1 with reference to a minimum area should be deleted. | accepted that this will be considered on a case by case basis as stated in 3.6.5. The second half of the first sentence in 3.6.4 will be deleted as follows: ' which effectively means a minimum area of approximately 10 hectares depending on the nature of the site '. |
| | West London Mental Health Trust | Table 8 Page 19 | The comments in relation to the Broadmoor SANG should be updated to reflect planning permission has now been granted. | Agreed. In Table 8 (against Broadmoor SANG), the following sentence will be deleted ' Planning Permission granted subject to s106 agreement ' and replaced with ' Planning Permission granted '. |
| | West London Mental Health Trust | Table 9 and Table 10 Page 27 and 28 | The SANG contributions represent a significant increase over and above the rates set out in the 2012 SPD. The increased costs will present greater difficulties in bringing sites forward and may affect scheme viability and the ability to deliver new homes. It is also unclear how the 'facilitation sum' has been weighted between affordable and market housing. Further clarification and justification should be provided. | The previous SANG contributions (set out in the 2012 SPD) were based on 2010/11 costs. The new contributions have been updated to reflect current costs. The Council explored various methods to calculate costs including a significant increase in maintenance. However it became clear that increasing the facilitation sum provided more flexibility to be used to support further strategy work, purchase of land and staff costs associated with maintenance. The sum is also a property matter and the Council can use an element of this amount to support other work if necessary. Further clarification is required however. Amend the forth bullet in paragraph 4.2.6 to read as: <i>D. Facilitation – This amount does not comprise infrastructure but will be used to operate and review the strategy, to pay Planning and Parks and countryside staff time on SPA matters and for the right to use Council SANG capacity.</i> |
| | West London Mental Health Trust | Paragraph 4.3.1 | The approach to commuted sum payments for SANG transferred to the Council does not calculate to a round number of years based on the rates proposed. Further | Agreed. The second from last sentence in paragraph 4.3.1 will be amended to read as This works out at approximately £65,477 per hectare which allows for |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|--|------------------------------------|--|---|
| | | | clarification and justification for the rates should be provided. | <u>estimated interest rates and inflation to be applied over the in perpetuity period of 125 years.</u> |
| | West London Mental Health Trust | Figure 1 Page 33 | Reference to English Nature should be updated to Natural England or clarified by a footnote. | Agreed. A footnote will be added as follows: <u>Note that English Nature is now known as Natural England.</u> |
| | West London Mental Health Trust | Table 19 Appendix 4, Page 41 | The capacity of land at Broadmoor should be amended to reflect the recent planning permission at Cricket Field Grove and the SANG capacity should be assessed on the same basis required by for development at Cricket Field Grove at 12.4ha/1000 population. The SANG capacity is 279 dwellings of which the Cricket Field Grove development takes 130 dwellings worth leaving a residual capacity of approximately 149 dwellings. The status column against the Broadmoor entry should also be updated as planning permission has now been granted. | Table note 1 (page 43) makes it clear that the figures are based on 8ha/1,000 population and that some sites may require a higher level of mitigation than this. The figures in the third and fourth columns are minimum mitigation capacities for the whole SANG. Some of this SANG capacity may have already been used and residual SANG capacities change on a regular basis. A second table note will be added to Table 19 as follows: <u>The figures show minimum mitigation capacities for the whole SANG. Some of this capacity may have already been used up and residual SANG capacity figures change regularly.</u> In the last column of Table 19 for Broadmoor the following sentence will be deleted " <i>Planning Permission granted subject to s106 agreement</i> " and replaced with ' <u>Planning Permission granted</u> '. |
| 8 | Crowthorne Village Action Group (CVAG) | 2.21 and 3.10.1 | BFBC may not have been adhering to their previous plans. CVAG has already recently raised severe misgivings about the Council's implementation of the Air Quality Plan. As well as the bad effect of poor air quality on the SPA, CVAG has concerns about its bad effect on our village residents. The SPD has only one very, short reference to air quality (2.2.1) plus a small qualification (3.10.1), which puts a vague commitment on "some developments". Crowthorne High street has an air quality issue with Nox levels approximately 25% above the statutory limit and is an air quality management area (AQMA). It should be noted that parts of the SPA overlap with parts of the Crowthorne AQMA. There are currently no air quality monitors along the SPA | The SPD is focused on the air quality effects on ecology and not human health as in the Air Quality Plan and AQMA's. Therefore human health issues relating to air quality impacts on Crowthorne High street are considerations in other strategies and actions in the Council. These comments have been passed to the relevant people within the Council to respond to you separately. Regarding the effect of air quality upon the SPA, Table 5 describes the potential adverse effects. Paragraph 3.10.1 sets out the next steps in the assessment of air quality effects on the SPA as a result of a potential increase in car journeys through further development in |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|-----------|----------|---|---|
| | | | <p>boundary so the air quality along that part of the SPA is not known. The air quality statement is too weak, as it suggests that only “Some developments will therefore be required to carry out an air quality assessment”, without clarifying what is meant by “some” or what steps may be taken if the limits are breached.</p> <p>We propose;</p> <p>a) There should be a plan to monitor the air quality levels along the SPA boundary with the B3348, and take appropriate action if the levels are too high.</p> <p>b) Whilst Nox levels in any part of the SPA are above legal limit, there should be presumption against any new development which would increase traffic at that location.</p> <p>Many planning documents stress the need to mitigate against air pollution – including the National Planning Policy Framework (NPPF), the Draft UK Air Quality Plan (framework) for tackling nitrogen dioxide May 2017. This SPD should also do so</p> | <p>the borough. This strategic assessment will be carried out through the Local Plan process and agreed with Natural England. Any mitigation measures will be identified in the Habitats Regulations Assessment for the Local Plan. Further more detailed air quality assessments may need to be carried out at the planning application stage. In the Summary section (page 1), after ‘A summary of the avoidance and mitigation strategy is outline in the table below’, the Council will add <u>‘The Table does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of air quality as this has yet to be determined. See sections 2.2 and 3.10 for further information’.</u></p> |
| 9 | Murphy | 2.2.2 | <p>It was reasonable when the SPD was formulated for it to deal only with recreation-related effects. However, since then air pollution effects have been identified as a potential impact for European sites. It is inadequate for the SPD to continue not to deal because an SPD for a European site that does not include air pollution impacts will surely be skewed: how can recreational impacts be managed in isolation of traffic/commuting impacts – or any other impact?</p> | <p>Regarding the effect of air quality upon the SPA, Table 5 describes the potential adverse effects. Paragraph 3.10.1 sets out the next steps in the assessment of air quality effects on the SPA as a result of a potential increase in car journeys through further development in the borough. This strategic assessment will be carried out through the Local Plan process and agreed with Natural England. Any mitigation measures will be identified in the Habitats Regulations Assessment for the Local Plan. Further more detailed air quality assessments may need to be carried out at the planning application stage. At the end of the sentence in paragraph 2.2.2 add, <u>‘It does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of</u></p> |

| Ref | Consultee | Location | Summary of comments made | Council response / changes to SPD |
|-----|-----------|-----------------------------|--|---|
| | | | | <u>air quality as this has yet to be determined. See Section 3.10 for further information</u> . |
| | | 3.4–3.8 and Appendices 3–6. | <p>The obligation to protect European sites and designated species is paramount. However, development is now alienating increasing areas of north Bracknell's clay farmlands, accompanied by alienation of yet more farmland as SANG where the fate of farmland birds, which have been in decline in the UK for decades.</p> <p>Bracknell's clay farmland habitat is recognised in the BFC Biodiversity Action Plan, with skylarks and barn owls as representative species. As ground-nesting birds, skylarks may be, inadvertently and indirectly, among those impacted by the SPD strategy. Where large areas of SANG are created can management plans include protected/'set-aside' areas from which people/dogs are excluded during the breeding season? The management plan Frost Folly SANG management plan, for example, refers to improving nesting opportunities but does not protect nesting sites. It is to be hoped a larger SANG area could accommodate this.</p> | <p>The provision of SANGs in the north of the Borough will benefit biodiversity and recreation. The decline of farmland birds is not to do with SANG but mostly because of agricultural practices. The SANGs are designed as multi-function spaces which will encourage recreation and wildlife including farmland birds.</p> <p>It will not usually be possible to create protected/set-aside areas from which people/dogs are excluded during the breeding season as the purpose of SANGs is to divert visitors from the SPA in order to protect the Annex 1 Birds. This is especially important during the bird breeding season. However the Council actively encourages biodiversity enhancements on all sites which are to be SANGs and it is agreed that the wording should be included in the SPD to reflect this. Add a new paragraph 3.4.6 <u>'The Council will seek biodiversity enhancements on sites which are to be SANGs'</u>.</p> |
| | | 3.9 | Documentation from the SAMM does not seem to be available. The Natural England 2012/13 report referred to above was found online. In future it would be good to have such documents made directly available via the consultation portal. | Noted with thanks – the Council does not normally publish external reports and documents on our consultation portal. However in the future the Council will include cross references as to where such documents can be found such as the Thames Basin Heaths Partnership website. |
| | | 3.10.1 | Initiatives to monitor and mitigate air pollution through appropriate means are welcome. It is hoped that cross-local authority 'in-combination' impacts can be monitored and agreement to manage/mitigate them dealt with, either by adapting, or creating a partnership modelled on, the Access Management and Monitoring Partnership. | Noted with thanks. The Council meets regularly with Officers and Councillors of the other SPA affected local authorities as well as Natural England and other interested parties through the Joint Strategic Partnership Board. Future work could identify that a cross border partnership would be useful in tackling air quality issues. This is a matter outside of the SPD however. No changes required. |

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| | | 4.7 Cf. comment against 3.9 | It would be helpful for appropriate SAMM and other documentation to be made available so monitoring activities can be evaluated by the public during a consultation. | Noted with thanks – the Council does not normally publish external reports and documents on our consultation portal. However in the future the Council will include cross references as to where such documents can be found such as the Thames Basin Heaths Partnership website. |
| 10 | South East England Wildfire Group (SEEWG) | | <p>The Draft SPASPD makes no reference to wildfire matters which is a serious omission.</p> <p>Developer contributions and/or Community Infrastructure Levy (CIL) should be used to provide appropriate wildfire mitigation and adaptation for the following:</p> <ul style="list-style-type: none"> • Wildfire mitigation projects – funding specifically to reduce the present risk of wildfire incidents caused by current populations on the Special Protection Area and SANGS. • Wildfire adaptation projects – funding specifically to ensure the increase in future populations can be affectively adapted to in order to reduce the increased risk of wildfires due to climate change on the Special Protection Area and SANGS. | <p>Noted. SANGs are and will continue to be designed to mitigate against wildfire as much as possible where relevant. There is also an opportunity for anyone to comment on individual planning applications to influence the layout and design of new SANGs.</p> <p><i>Add text to new paragraph 3.4.6 (see above) which reads as: The Council will seek biodiversity enhancements on all sites which are to be SANGs and expect wildfire issues to be addressed where relevant in terms of design and planting.</i></p> <p>This is disagreed with as the Council does not own Special Protection Area land so it cannot guarantee that money raised can be spent on the desired purpose secured through s106 or CIL. The Council collects Strategic Access Management and Monitoring (SAMM) contributions and passes them onto the SAMM Project. It may be that the SAMM Project uses part of this funding to address wildfire issues (such as the wildfire training carried out in the past). SAMM wardens are of course in an ideal position to talk to people about the dangers of wildfire.</p> <p>SANGs are and will continue to be designed to mitigate against wildfire as much as possible. Where SANGs are designed to mitigate against wildfire, developers will be expected to meet the cost of SANG enhancement works (initial design of the SANG) on bespoke or third party SANGs. For strategic SANGs, funding secured through CIL will pay for SANG</p> |

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| | | | | enhancement works (including any works to address wildfire issues). Furthermore the Council's Core Strategy (Policy CS14) contains a presumption against a net increase in dwellings within 400m of the SPA so this should avoid pressure from additional development near to the SPA and associated urbanisation effects such as fire lighting. No changes made to the document. |
| 11 | Historic England | N/A | No comments to make | Noted with thanks. |
| 12 | Woolf Bond Planning | Pages 23 and 41 | Include the potential to expand the Warfield Park SANG and its capacity and catchment area. Please include any residual SANG capacity available for other developments. | Table 8 states in the last column that the SANG catchment area will increase if a car park is provided. It is agreed that the Council will add to the final column of table 8 against Warfield Park SANG ' there is a possibility that the SANG could be extended into Big Wood (Warfield) '. The Council disagrees with the inclusion of a reference to the SANG capacity and residual SANG capacity. This is yet to be determined following a visitor survey which Natural England has requested. |
| 13 | Highways England | N/A | No comments to make | Noted with thanks. |
| 14 | Turley Planning (for Bloor Homes Southern) | Table 1 | The SPD seeks to provide different rates for market and affordable dwellings for SANGs as secured by s106 and CIL. The scale of proposed increases to the tariffs is significant and will result in markedly increased costs, which act as a potential burden on developers of residential sites within Bracknell Forest. A major concern is the contributions set out at Table 1 (and as explained further at Tables 9, 10 and 11), do not appear to have been considered in the context of a proper assessment and understanding of development viability. It is important to recognise that the cumulative impacts of developer contributions (paid via CIL, S106, etc.) can be | The costs in Table 1 have been adjusted to reflect the costs of SANG provision to the Council and the fact that the Council is enabling development to proceed. Whilst costs have gone up in terms of SANG costs, in reality the previous strategy relied upon open space contributions in addition. Since the s106 pooling restriction came into force the Council has not been able to continue this strategy which meant the open space baseline funding for SANGs has dried up causing long term issues for the future. Also the costs for the Council have increased. Furthermore the costs of SAMM are not increased. The new approach is more flexible and ensures the SANGs are provided and |

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| | | | substantial. As such, they may influence the value of land and consequently have potential implications regarding the viability of developments. Such matters are a relevant planning consideration, as is recognised in the NPPF at paragraphs 173 and 174. It is concerning that the draft SPD pays scant regard to the potential impacts arising from the combined burden of significantly increased s106 tariffs in addition to contributions for site-specific mitigation and CIL payments. | maintained in perpetuity. When all are considered the increases are considered to be reasonable. Also the Council is actively facilitating alternative 3 rd party SANGs to which developers are perfectly entitled to seek a SANG solution from. This is creating a competitive market for SANGs which will provide certainty and a timely solution for developers. . In this regard the Council does not have a monopoly position for the provision of SANG capacity. No change required. |
| | | 4.28 | The rationale behind a lower rate for affordable housing does not appear to be substantiated by any viability assessment. As such, the Council has no robust evidence or analysis which might validate or disprove the assumptions and reasoning. This is a concern in and of itself. However, there are a number of negative implications that may arise from this approach: | The reduced rate is the Council's choice based on a quarter of the facilitation sum and is justified by the Council's acute need for affordable housing. No changes required. |
| | | | <ul style="list-style-type: none"> The Draft Local Plan (published January 2018), at proposed Policy LP24, indicates that the Council shall seek 35% affordable housing. Smaller sites of 10 or fewer dwellings will not provide affordable housing in accordance with government guidance, which is to encourage smaller scale developments by reducing s106 obligations. Accordingly, it is ironic that the proposals (which propose a markedly higher tariff for market dwellings than for affordable units) would disproportionately affect those developments that are small scale and therefore are not required to provide affordable dwellings. | This is disagreed with because the lack of affordable dwellings on smaller sites will help developers optimise their sales value and profit margins without the distraction of the costs and smaller profits from affordable housing provision. No changes required. |
| | | | <ul style="list-style-type: none"> The vast majority of residential developments in Bracknell Forest (and which propose more than 15 dwellings) seek permission for a mixture of market and affordable units. An assessment of viability, in relation to any given development scheme, will take account of the cumulative impacts of contributions and other factors. | If there are genuine viability reasons then there are mechanisms to test and react to the situation. Developers are not obliged to purchase Council SANG capacity but the Council has and will continue, to work hard to provide SANGs for developments that need them. Of affordable and market dwellings. Lower |

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| | | | <p>The apportionment of the greater part of the tariffs onto the market provision (within a mixed-tenure scheme) is still likely to result in viability concerns which may result in the diminished provision of affordable units. This is significant, because there is a published need within the Borough for 227 affordable dwellings per annum.</p> | <p>SANG costs and CIL relief on affordable housing will make affordable housing an attractive proposition for many development which can provide a balance. Furthermore the Council can accept commuted sums for affordable housing should there be genuine viability concerns. No change required.</p> |
| | | | <ul style="list-style-type: none"> • During the preparation of the CIL Charging Schedule and Examination the Viability Assessment's considered SANG related contributions based on in the 2012 SPD. Such tariffs are markedly lower than those currently being proposed in the 2017 draft SPD. As the draft SPD provides no consideration of viability impacts, the Council cannot be certain that the adopted CIL Charging Schedule still correlates with section 211(2) of the Planning Act 2008 (as amended). This requires that Council's (when setting CIL rates via Charging Schedules) must have regard "to the economic viability of development (which may include, in particular, actual or potential economic effects of planning permission or of the imposition of CIL)." | <p>Whilst costs have gone up in terms of SANG costs, in reality the previous strategy relied upon open space contributions in addition. Since the s106 pooling restriction came into force the Council has not been able to continue this strategy which meant the open space baseline funding for SANGs has dried up causing long term issues for the future. Also the costs for the Council have increased. Furthermore the costs of SAMM are not increased. The new approach is more flexible and ensures the SANGs are provided and maintained in perpetuity. When all are considered the increases are considered to be reasonable.</p> <p>Also the Council is actively facilitating alternative 3rd party SANGs to which developers are perfectly entitled to seek a SANG solution from.</p> <p>This is creating a competitive market for SANGs which will provide certainty and a timely solution for developers. In this regard the Council does not have a monopoly position for the provision of SANG capacity.</p> <p>No changes required.</p> |
| | | | <ul style="list-style-type: none"> • The failure to properly consider viability is a significant and serious shortcoming, which runs contrary to national policy in the NPPF: <ul style="list-style-type: none"> ○ Paragraph 173 which requires that viability is considered at the plan-making stage. ○ Paragraph 174 which relates to viability, costs and limiting the burden on development whilst | <p>The objector does not clarify why the Council should provide a subsidised SANGs for developers in the long term. Developers are not required to use BFC SANG capacity and there are increasing alternatives being provided by third parties. Without SANGs development cannot proceed. Current SANG costs are at 2012 levels do not reflect that costs have increased,</p> |

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| | | | allowing competitive returns for development using proportional evidence. | more land has to be maintained and baseline open space contributions have been lost resulting in a need to raise contribution levels. Furthermore the Planning Obligations SPD formed part of the CIL evidence base in which it provides for open space contributions. The Council has not been securing this provision to pay for the baseline maintenance of SANGs as a result of the s106 pooling restrictions. Therefore the viability concerns are unfounded. No changes required. |
| | | | <ul style="list-style-type: none"> The draft SPD offers no consideration of the potential for cumulative impacts in respect of viability. As a result, the Council has no way of knowing whether the contributions coupled with other requirements and CIL would render a development unviable. This could undermine other elements of the Council's planning strategy such as current and emerging affordable housing percentages. | As above regarding the viability matters. Also the new Local Plan will have viability testing and include the new SANG charges. No changes required. |
| | | Table 1 and other references to increase SANG costs | We agree that it is necessary to mitigate the impact of development on the SPA, we recommend that the Council's approach to financing SANG solutions, should be undertaken in the context of a broader evaluation of the cumulative effects of contributions on development viability. The draft SPD should not be adopted until a comprehensive analysis into development viability in the LPA has been undertaken to assess its potential implications. The current consultation on the draft Local Plan may provide such an opportunity. | This is disagreed with for reasons set out above. The Council is commissioning further work on viability in the meantime on our local plan which will consider all matters including s106, CIL and existing and emerging affordable housing targets. No changes required. |
| | | Table 22d and 4.2.6 | <p>The costs and assumptions behind the Facilitation Sum should be transparent, proportionate and support a service which is lean and efficient avoiding unnecessary expense. Yet no further details are provided to substantiate the costings described. The use of SANG related contributions to cross-subsidise the operation of the planning department and other services may not be regarded as reasonable.</p> <p>The above concerns are particularly relevant in view of the requirement to satisfy the third of the three tests set out in the NPPF (at paragraph 204) and the CIL Regulations at Section</p> | <p>The previous SANG contributions (set out in the 2012 SPD) were based on 2010/11 costs. The new contributions have been updated to reflect current costs.</p> <p>The Council explored various methods to calculate costs including a significant increase in maintenance. However it became clear that increasing the facilitation sum provided more flexibility to be used to support further strategy work, purchase of land and staff costs associated with maintenance. The sum is also a</p> |

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| | | | 122. This is to say that obligations must be “fairly and reasonably related in scale and kind to the development.” | property matter and the Council can use an element of this amount to support other work if necessary. Further clarification is required however. Amend the forth bullet in paragraph 4.2.6 to read as: <i>D. Facilitation – This amount does not comprise infrastructure but will be used to operate and review the strategy, to pay Planning and Parks and countryside staff time on SPA matters and for the right to use Council SANG capacity.</i> |
| | | 4.6.1 | SANG related contributions and/or SANG provision is currently being requested prior to the commencement of development. This is particularly burdensome and indeed unnecessary as it is the occupation of dwellings that may result in impacts on the SPA. Include greater flexibility, including the right to make phased payments. | The Thames Basin Heaths Delivery Framework (2009) paragraph 5.7 states that ‘Sufficient SANG should be provided in advance of dwelling completion’. For the funding of strategic SANGs, the Council requests SANG contributions prior to the commencement of the development because it needs time to undertake SANG enhancement works and to ensure that these are in place before occupation of the dwellings. This process has been agreed with Natural England. The Council does agree to phased SANG payments in many cases for major developments (paragraph 4.6.1). However, the Council will also consider phased payments where appropriate and additional text should be added to the paragraph 4.6.1 which reads as: <u>In some circumstances for smaller development schemes where it is demonstrated that it would help with development viability, the Council will consider phased SANG and SAMM payments.</u> |
| | | Table 7 | The potential requirement to make payments (or provide SANG) in relation to schemes of more than 50 dwellings (on sites located between 5 to 7 km of the SPA), is also problematic. This is because it effectively becomes impossible to understand the scale of obligations likely required without receiving pre-application advice. From a developer perspective the ‘pre-application advice phase’ occurs a very long-way into the land acquisition and | With regard to developments in the 5 – 7km SPA buffer zone, the Council has provided more clarity in the newly updated SPD than in the 2012 version. Policy requires that these developments are considered on a case by case basis but the Council has shown in the SPD (Table 1 page 2) the <i>likely</i> SANG and SAMM costs in order to help developers. No changes required. The Thames Basin Heaths Delivery Framework (2009) paragraph 4.4 states that ‘Applications for large scale |

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| | | | <p>development process. Developers must typically evaluate and appraise sites, and enter into negotiations and contacts with landowners, well in advance of any formal planning engagement. The 'case-by-case' nature of this proposed approach creates another unnecessary layer of uncertainty and, in some circumstances, will undermine viability.</p> | <p>development proposals beyond the zone of influence should be assessed on an individual basis. Where appropriate a full appropriate assessment may be required to ascertain whether the proposal could have an adverse effect on the SPA'. Footnote 6 in relation to this paragraph states 'This is in line with the general requirements of the Habitats Regulations and reflects the approach proposed by the Assessor, who recommended that between 5 and 7km from the edge of the SPA residential developments of over 50 houses should be assessed and may be required to provide appropriate mitigation. It is recommended that such cases be considered on a case by case basis. No changes required.</p> |
| | | 3.6.3 | <p>Regarding Bespoke SANGs the draft SPD appears to be seeking SANG provision in excess of that specified in the South East Plan. At paragraph 3.6.3 of the draft document, it is stated that; "Bespoke SANGs mitigating dwellings in Zone B would need to be provided at a standard of at least 8 hectare per 1,000 population. However, the minimum SANGs standard may not be sufficient to demonstrate that the requirements of the Habitats Regulations are met. For example, given their respective locations adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons."</p> <p>The 8 hectare SANG provision per 1,000 people is the ratio set out in retained policy NRM6 in the South East Plan which form as part of the development plan. The Town and Country Planning (Local Planning) (England) Regulations 2012, "any policies contained in a supplementary planning document must not conflict with the adopted development plan". The wording of the draft SPD should therefore be altered to ensure that such a conflict does not exist and the potential for legal challenge is averted.</p> | <p>The Council is not seeking SANG provision in excess of that specified in the South East Plan. South East Plan Policy NRM6 paragraph (iv) states that 'a minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.' This is therefore a <i>minimum</i> standard.</p> <p>The intention of the text is not to set new policy standards but to clarify the existing situation. The reference refers to actual housing allocations for which Natural England required the text significantly in excess of 8 hectares to be included. The sites are Site Allocations Local Plan (SALP) policies SA4 - Land at Broadmoor and SA5 – Land at Transport Research Laboratory.</p> <p>However, as the 8ha / 1,000 persons is a minimum standard the Council has concluded that the discussion over the minimum SANG requirement is unnecessary. The following wording in paragraph 3.6.3 will be deleted: 'For example, given their respective locations</p> |

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| | | | | <p>adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons. and replaced with-<u>These applications will be dealt with on a case by case basis following guidelines on Appropriate Assessment and in agreement with Natural England.</u></p> |
| | | | <p>The SPD refers to duplicated CIL and S106 SANG provisions for Prior Approval schemes. Large sites which provide their own bespoke SANGs and other schemes considered on a case by case basis. Some developers may have to purchase capacity from third party SANGs. In all these instances the developments would also be subject to the CIL rates set out in the Charging Schedule.</p> <p>The Planning Obligations SPD (2015) makes no specific provision for reduced CIL rates applicable to developments that provide bespoke SANG mitigation or which otherwise finance SANG related provision via S106 contributions. The Planning Obligations SPD makes no specific provision for the ring-fencing of CIL payments such that the 'double counting' of S106 and CIL expenditure on SANG can be avoided.</p> <p>It is not known if the Council's information management systems are sufficiently sophisticated such that specific CIL payments can be directed and tracked in such a way that relevant payments could be restricted from expenditure on SANG provision.</p> <p>There is potential for conflict with Section 122 and 123 of the CIL Regulations and paragraph 204 of the NPPF.</p> | <p>The enhancement of the Council's strategic SANGs are considered to be infrastructure in the context of the CIL Regulation 123 and therefore the pooling restriction of s106 obligations applies. This was considered in developing the CIL charging rates to ensure there was no double counting.</p> <p>Prior Approvals (usually office to residential) are not considered through the planning application process and therefore CIL regulation 123 does not apply hence the need for full SANG mitigation. These developments usually do not increase in floor space and in many cases are in the nil CIL rate charging zone. Therefore if such schemes want to take advantage of Council land (SANGs) they must pay.</p> <p>There are no reduced rates for CIL because the Council strategic SANG costs were factored into the assumptions for developing CIL rates.</p> <p>The strategic SANG sites allocated in the Site Allocations Local Plan also benefit from lower CIL rates because of other infrastructure requirements including bespoke SANG requirements.</p> <p>Not all bespoke SANG solutions are land provided in lieu of financial contributions, some pay for strategic SANG capacity. It depends on the location of the</p> |

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| | | | | <p>scheme. For example Bloor Homes benefitted from this at Alford Close.</p> <p>The Council can keep track of payments regarding this issue because the SANG enhancement cost is relatively low (for example around £100,000 out of £7.5 million CIL income).</p> <p>There is no conflict with Section 122 and 123 of the CIL Regulations and paragraph 204 of the NPPF.</p> <p>No changes required.</p> |
| | | 3.3.4 | States that replacement dwellings will not lead to increased recreational pressure. However, many replacement dwellings result in an increased number of bedrooms and higher levels of occupancy (e.g. replacement of a bungalow with a 4 no. bedroom dwellings). It could be that the impact is so minimal such that resultant effects could be regarded as de-minimums and not merit avoidance and mitigation measures. Evidence should be provided to confirm that this is the case. | The Thames Basin Heaths SPA Delivery Framework (2009) paragraph 3.1 states that 'All net new residential development - when considered either alone or in combination with other plans and projects - is likely to have a significant effect on the SPA and should therefore provide or contribute to the provision of avoidance measures'. SPA avoidance and mitigation measures do not therefore apply to replacement dwellings. No changes required. |
| | | 3.3.6 | Proposes that applications for care homes or equivalent developments (which fall into use class C2 and C3) should be considered on a case by case basis. This is a reasonable approach, although paragraph 3.3.6 does appear to focus on the impacts created by residents. This focus perhaps omits consideration of the potential impacts arising from staff. If a proposed use or development has the potential to result in impacts upon the SPA, it should bear part of the burden for doing so. | The potential impact of staff working in care homes is agreed is will be considered in line with paragraph 3.3.8 (staff accommodation) as follows: "Where staff accommodation becomes the permanent full time address for that member of staff then avoidance and mitigation measures will be required". No changes required. |
| | | 3.3.7 | Hotels (depending on their format) may require a number of staff members to live on site. This is common with larger and up-scale hotels that are more labour intensive and typically employ a multi-national workforce. Such residents have as much potential to impact on the SPA as anyone else. The SPD should consider whether hotel developments should be | The potential impact of staff working in hotels is agreed is will be considered in line with paragraph 3.3.8 (staff accommodation) as follows: "Where staff accommodation becomes the permanent full time address for that member of staff then avoidance and mitigation measures will be required". No changes |

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| | | | expected to make appropriate contributions. | required. |
| | | 3.3 | All developments which have potential to result in impacts should be expected to make contributions, rather than this burden simply be displaced to housebuilders. If the scope of uses / types of development liable for SANG-related contributions increases, then the per-dwelling figures should be adjusted downward to reflect this pattern of distribution. | All development are considered and it is not the house builders that pick up all the mitigation as other developments do also. However new dwellings place the most pressure hence the per bedroom costs. The Council's view of spreading the mitigation wider is counterproductive as this would mean that SANG capacity being a finite resource, could be unnecessarily taken from housebuilding which need it. No changes necessary. |
| | | Whole document | The draft SPD is proposed to be adopted via the agreement of Bracknell Forest Borough Council's Full Council, following this consultation. In view of the wide-ranging implications of the SPD regarding viability and the potential for it to undermine the existing and emerging Local Plan, we recommend that it is taken forward as part of a wider and more holistic review into viability and developer contributions. In the absence of further detailed analysis and consideration, we consider that the adoption of the SPD (at least in its present form) would be vulnerable to legal challenge. | The SPD will be adopted by the Executive. It will not undermine existing or emerging policies and will proceed as programmed (to seek adoption in April 2018). |
| 15 | Natural England | 3.6.3 | Note the discussion over the minimum SANG requirement in Zone B (8ha/1000 population), and that in some cases this would not be sufficient. For greater clarity, we advise examples of why a SANG greater than 8ha/1000 might be brought forward. | As the 8ha / 1,000 persons is a minimum standard the Council has concluded that the discussion over the minimum SANG requirement is unnecessary. The following wording in paragraph 3.6.3 will be deleted " For example, given their respective locations adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons ". and replaced with- <u>These applications will be dealt with on a case by case basis in agreement with Natural England</u> . |
| | Natural England | 4.6.3 | Revise to give greater clarity to the Grampian Condition approach, which is they will only be accepted to secure a SANG where there is absolute certainty that the SANG will | Agree. Paragraph 4.6.3 will be amended to read <u>'The use of a Grampian Condition to secure a SANG for a development will only be accepted when there is</u> |

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| | | | <p>be brought forward. This could take different forms e.g. the SANG needs to have been granted planning permission; the SANG must not be subject to legal challenge; written permission must be given by the LPA if the developer wants to use a strategic SANG etc.</p> | <p><u>absolute certainty that a suitable SANG will come forward. The SANG needs to have been granted planning permission or planning permission is imminent; the SANG must not be subject to legal challenge; the landowner has given written permission for the development to be mitigated by a particular SANG and only final sign off is awaited and this is agreed by the Council. It may also be necessary to provide for financial contributions in addition to the Grampian Condition which should be secured by s106 Agreement at the time of grant of planning permission.</u></p> |
| 16 | Boyer (for Brookstone Ltd) | | <p>Brookstone Limited are progressing an application Area on part of the wider Amen Corner South allocation. (See Policy SA 8, Land at Amen Corner South, Binfield of the Site Allocations Local Plan.) Application reference 17/00870/FUL proposes 15 dwellings and is pending determination. The site is approximately 3.4km away from the Thames Basin Heath Special Protection Area (SPA).</p> <p>This representation responds specifically to matters within the SPA SPD that are of relevance to the consideration of the above planning application, Amen Corner South allocation and application reference 12/00993/OUT. The committee report for this site refers to a SANG solution of Riggs Copse and Bigwood for the application and wider Amen Corner South allocation.</p> <p>The progress of this SPD is welcomed.</p> <p>We seek additional wording to ensure the SPD is entirely clear in the role of the Bigwood SANG for the Amen Corner South allocation. This should specifically to ensure the role that Bigwood has in mitigating the development at Amen Corner South is clearly set out and ensure the SPD is consistent with the resolution to grant planning permission</p> | <p>This is disagreed with as planning permission for the development at Amen Corner South allocation (reference 12/00993/OUT) was dependent on the signing of the s106 agreement. This has yet to be signed and planning permission has therefore not yet been granted. The Council has therefore reviewed the situation and through the new SPD has unlocked further SANG opportunities including Tarman's Copse. This means that the main development in Amen Corner South can benefit from Tarman's Copse and that other developments including residual parcels at Amen Corner South can utilise Bigwood (which is now a Strategic SANG. There is no need to reserve capacity for Amen Corner sites as such but there are now enough options to ensure timely SANG provision is provided for sites including Amen Corner South. However further clarification is needed in the SPD in Table 8 which will read as: <u>Bigwood SANG can be used for Amen Corner South and other sites within its catchment at the Council's discretion. It will be necessary for enhancement works to be carried out by the Council which means that there will be an occupation restriction until appropriate works have been completed.</u></p> |


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| | | | under application reference 12/00993/OUT. | |
| | | Table 8 | Lists all of the 'current and emerging SANGs' in Bracknell Forest. 'Bigwood' is identified as a strategic SANG with an area of 10.7ha. Table 8 notes that 'Bigwood' is part of the 'West Bracknell SANG'. This Table also identifies that this SPA will be 'operational on adoption of SPA SPD.' This statement and the Council's commitment to ensure the timely operation of the SPA is welcomed. | Noted with thanks. |
| | | | Table 18 sets out that the approximate mitigation capacity of the Bigwood SANG, i.e. 578 dwellings and 1,337 persons, which is noted. This wording should additionally set out the capacity of Bigwood remaining for public use after mitigation has been provided for the Amen Corner South allocation in order that the role is clear and transparent, the capacity is not used elsewhere and the delivery of development on this allocated site is not delayed. | As above. |

Initial Equalities Screening Record Form

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|---|---|--|--|
| Date of Screening: April 2016 | Directorate: Environment, Culture and Communities | Section: Planning and Transport: Planning | |
| 1. Activity to be assessed | THAMES BASIN HEATHS SPECIAL PROTECTION AREA SUPPLEMENTARY PLANNING DOCUMENT (SPASPD) | | |
| 2. What is the activity? | <input checked="" type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change | | |
| 3. Is it a new or existing activity? | <input checked="" type="checkbox"/> New <input type="checkbox"/> Existing | | |
| 4. Officer responsible for the screening | Simon Cridland – Team Manager Implementation and Infrastructure | | |
| 5. Who are the members of the screening team? | Max Baker, Head of Planning and Andrew Hunter, Chief Officer | | |
| 6. What is the purpose of the activity? | To authorise the adoption of a revised Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPASPD) to replace the existing Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (TBHSPD, 2012), which will be revoked. The SPASPD will also replace relevant section of the Planning Obligations Supplementary Planning Document (POSPD, 2015) which relates to the Thames Basin Heaths Special Protection Area (SPA). The SPASPD will provide planning guidance to planning applications and set out the measures required to mitigate new development impacts on the integrity of the SPA. | | |
| 7. Who is the activity designed to benefit/target? | Recreational activity form new residents in development proposals which will have an adverse impact on the SPA | | |
| Protected Characteristics | Please tick yes or no | Is there an impact? No | What evidence do you have to support this? The SPASPD is directed at the development rather than the people who will live in the properties who will be unknown to the Council and mitigation is secured and provided prior to any occupation. |
| 8. Disability Equality – this can include physical, mental health, learning or sensory disabilities including conditions such as dementia. | N | No | N/A |
| 9. Racial equality | N | No | N/A |
| 10. Gender equality | N | No | N/A |

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| | | | | |
|---|---|---|-----|-----|
| 11. Sexual orientation equality | | N | No | N/A |
| 12. Gender re-assignment | | N | No | N/A |
| 13. Age equality | | N | No | N/A |
| 14. Religion and belief equality | | N | No | N/A |
| 15. Pregnancy and maternity equality | | N | No | N/A |
| 16. Marriage and civil partnership equality | | N | No | N/A |
| 17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders, armed forces communities) and on promoting good community relations. | There are no equality impacts as a result of the decision because the decision does not prevent people living in the new developments simply that mitigation measures must be provided prior to any occupation (i.e. before people purchase, rent or occupy the development). Such measures are provided by developers before the properties are sold or rented to new residents. | | | |
| 18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason? | N/A | | | |
| 19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected? | No negative impacts have been identified in respect of any of the groups listed in 8 – 16 above. | | | |
| 20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties? | | N | No. | |
| 21. What further information or data is required to better understand the impact? Where and how can that information be obtained? | None | | | |

| | | | | |
|--|--|--------------------|-------------------------------|--|
| 22. On the basis of sections 7 – 17 above is a full impact assessment required? | | N | Full assessment not required. | |
| 23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed. | | | | |
| Action | Timescale | Person Responsible | Milestone/Success Criteria | |
| N/A | | | | |
| | | | | |
| 24. Which service, business or work plan will these actions be included in? | Planning and Transport | | | |
| 25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening? | None | | | |
| 26. Chief Officers signature. | Signature:  | | Date: 14.03.2018 | |

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TO: THE EXECUTIVE
10 April 2018

COUNCIL PLAN OVERVIEW REPORT
Chief Executive

1 PURPOSE OF REPORT

- 1.1 To inform the Executive of the performance of the Council over the third quarter of the 2017/18 financial year (October - December 2017).

2 RECOMMENDATION

- 2.1 **To note the performance of the Council over the period from October - December 2017 highlighted in the Overview Report in Annex A.**

3 REASONS FOR RECOMMENDATION

- 3.1 To brief the Executive on the Council's performance, highlighting key areas, so that appropriate action can be taken if needed.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None applicable.

5 SUPPORTING INFORMATION

Performance Management

- 5.1 The Council's performance management framework provides for the preparation of Quarterly Service Reports (QSRs) by each department. These QSRs provide an update of progress and performance against departmental Service Plans.

Quarterly Service Reports

- 5.2 Executive Portfolio Holders will have received the first quarter QSRs for their areas of responsibility. QSRs are also distributed electronically to all Members, and will be considered by the Overview & Scrutiny Commission and Scrutiny Panels. This process enables all Members to be involved in performance management.

Council Plan Overview Report

- 5.3 The QSRs have been combined into the Council Plan Overview Report (CPOR), which brings together the progress and performance of the Council as a whole. The CPOR enables the Corporate Management Team and the Executive to review performance, highlight any exceptions and note any remedial actions that may be necessary, either from under-performing or over-performing services, across the range of Council activities.

- 5.4 The CPOR for the third quarter (October - December 2017) is shown at Annex A.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 There are no specific legal issues arising from this report.

Borough Treasurer

- 6.2 There are no direct financial implications arising from this report.

Equalities Impact Assessment

6.3 Not applicable.

Strategic Risk Management Issues

6.4 Any specific issues are included in the QSRs and in the CPOR in Annex A.

Other Officers

6.5 Not applicable.

7 CONSULTATION

Principal Groups Consulted

7.1 Not applicable

Method of Consultation

7.2 Not applicable.

Representations Received

7.3 None.

Background Papers

QSR – Resources – Quarter 3 2017/18

QSR – Environment, Culture and Communities – Quarter 3 2017/18

QSR – Adult Social Care, Health and Housing – Quarter 3 2017/18

QSR – Children, Young People and Learning – Quarter 3 2017/18

Contact for further information

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Document Ref

G:\CXO\Performance and Partnerships\Performance Management\2017-18\1 - Quarter 3\6 - CPOR



COUNCIL PLAN OVERVIEW REPORT

Q3 2017 - 18
October - December 2017

Chief Executive:
Timothy Wheadon

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Section 1: Chief Executive's Commentary

1 Introduction

- 1.1 This report sets out an overview of the Council's performance for the third quarter of 2017/18 (October-December 2017). The purpose is to provide the Executive with a high-level summary of key achievements, and to highlight areas where performance is not matching targets or expectations, along with any remedial action that is being taken. It complements the detailed Quarterly Service Reports (QSRs) produced by each Director that have been available for many weeks.
- 1.2 Overall, good progress was made against the actions in the departmental service plans. At the end of the third quarter progress showed:
- 154 actions (74%) are on target to be completed within the timescales set
 - 22 actions (11%) are at risk of falling behind schedule
 - 5 actions (2%) have fallen behind schedule
 - 27 actions (13%) have been completed.
- 1.3 Section 3 of this report contains information on the performance indicators across the Council for each of the strategic themes. Again the picture was positive, showing that the status for the key indicators in the Council Plan in the third quarter is:
- 37 (66%) green – i.e. on, above or within 5% of target
 - 6 (11%) amber – i.e. between 5% and 10% of target
 - 13 (23%) red – i.e. more than 10% from target.
- 17 further indicators have no set target.

2 Overview of Q3 and what went especially well

- 2.1 The Lexicon continues to attract large numbers of visitors and this is reflected in the early car parking figures that indicate a very positive financial position. The most popular car park as expected is The Avenue, then High Street, then Braccan Walk. The new town centre highway infrastructure is working extremely well in managing traffic flows but equally encouraging is the information from bus operators that patronage of town centre buses has increased. From October to December 2017, there has been a 17.59% increase in bus patronage compared to October to December 2016. In addition, the first full quarter since The Lexicon opened has seen a 32% reduction in shoplifting and a 27% reduction in criminal damage compared to the same quarter last year. This all paints a very positive picture of the impact of the new town centre, and this will continue to be monitored.
- 2.2 Transformation continues across the organisation. In the libraries review, the tender evaluation process for the assisted opening and self-service kiosk technologies is now complete and the contract has been awarded. Design work on physical alterations to the libraries is currently underway and should be completed mid-March. There are also parallel discussions regarding the future of both Bracknell and Harmans Water libraries. In the Citizen and Customer Contact Review (CCC) a Volunteering Policy, Volunteering Agreement, Manager's Guidance and Volunteering Handbook have been agreed. Work is underway to develop a borough wide volunteering website.

- 2.3 I reported last quarter that a sharp focus was now on our Adult Social Care and Children's Social Care Transformation Programmes. The Children's Transformation programme is now into the Plan Phase and proposals have been developed that include savings of £1.85m by the end of 2019/20. Meanwhile the adult programme is beginning to deliver, and is reporting an in-year saving of £977k (£1.5m full year equivalent).
- 2.4 The Time 2 Change accommodation project continues, and over 300 staff have been relocated into new agile working practices. At the end of 2017 only 60 staff and the Democratic function remain in Easthampstead House. These remaining staff and the councillors will start to vacate in February. Easthampstead House will be empty by late April 2018.
- 2.5 There are always a range of success stories to recognise each quarter from across the organisation, and Ofsted visited our community learning service which was judged 'good' across all areas of the inspection. This demonstrates our effective partnership with delivery partners and the wider system. Since September 2017 with the introduction of the new Standards and Effectiveness Team and the implementation of the Learning and Improvement Strategy we have had 8 Ofsted inspections and all of them have resulted in a positive outcome with one recent inspection reporting that the school has considerable strengths and could be considered to be graded as outstanding at its next full inspection within the next 12 months.
- 2.6 Other things to mention are Self Care week where an impressive array of different activities were held including (but not limited to) 42 events, 17 student volunteers, 95,000 people reached on social media, 16,000 video views, 12,500 community map visits, 1 choir and the biggest walking group session they've ever organised with 42 people.
- 2.7 Under the Commercial Property Investment Strategy we have now invested £58m in four properties to produce net £2.1m per annum. Full Council have released an additional £30m to support the programme and deliver full annual net income of £3m per annum. Income at Bracknell Leisure Centre (BLC) continues to over-perform budget, primarily due to successful fitness sales and retention. During 2017 Platinum membership numbers have been tracking at their highest level in at least 9 years.

3 What we are doing about things going not quite so well?

- 3.1 We continue to see a higher number of households in B&B than the target. The number of household nights in non self contained accommodation in quarter three was 908 compared to a target of 274. Over the quarters, although there have been a higher number of households in B&B, they have been mainly single people with complex needs. Due to their specific needs it has not been possible to house them in council owned non-self contained accommodation and specialist housing has not been available. The requirement to house them in B&B has often been based on risk assessments provided by support agencies such as the probation service. Actions are being taken to ensure we manage this as well as we can.
- 3.2 You already know that we have lost a number of key staff due to our successful Ofsted report for Children's Services last year. This has impacted on our current Social Worker caseload figures. We are therefore working through the family safeguarding model implementation to urgently rectify this situation. This is a challenge as our demand through the number of referrals continues to rise. Therefore, this is a key for improvement this quarter.
- 3.3 We have not only lost a number of staff from children's services, we have experienced difficulties recruiting to a number of vacant posts across the organisation. Therefore, we are starting some focussed work looking at recruitment and retention. Our quarter three figure for voluntary staff turnover is 3.4%, which is an increase of 0.6% compared to the same period last year. There can be seasonal variations which can affect this figure however the general trend does seem to be an increasing figure.
- 3.4 The council recycling target is 45% for this year as there is a national target of 50% to be achieved by 2020. Recycling in the Borough however, like in many other councils is not improving. We are currently at around 41% and unlikely to achieve the 45% target in the current year. The Re3 contractor continues to investigate outlets for recycling more materials and assessing the changes needed to enable the re3 Councils to access sustainable markets. Initiatives continue to be explored and as viable options are established these will be brought forward. Meanwhile neighbouring authorities are examining introducing food waste collection services.
- 3.5 Performance on successful planning appeals (L286) has improved from 43% in quarter two to 50% but is still falling short of the 68% target. However, this is being closely monitored and each appeal decision is reviewed and where required learning points are recorded and changes in approach implemented.

Timothy Wheadon
Chief Executive

Section 2: Budget Position

REVENUE BUDGET MONITORING

The monthly monitoring returns are set out in detail in each department's Quarterly Service Report (QSR).

Across the Council, variances have been identified that indicate a net over spend of £1.5m, with £1.8m remaining unallocated in the Corporate Contingency. The net position is therefore an under spend of -£0.3m.

The major variances being reported are as follows:

Children, Young People and Learning

- Within Children's Social Care, placement costs are forecast to over spend by £2.3m. There has been an increase in the number of high cost placements from the 89 full time equivalents assumed in the budget to 125. Plans are in place to make future changes that could save on current costs. In addition, the Transformation Programme requires significant savings in this area and a number of work streams have been developed that identify potential actions to effect significant cost reductions although there remains the prospect of further placements needing to be made in the short term.
- Significant cost increases have arisen through greater use of the Childcare Solicitor service (operated by Reading Borough Council as a Berkshire Joint Arrangement (£0.44m)). The main reason for the rise relates to a significant increase in the number of care proceedings which have increased by 88% in the last year from 25 to 47. The current numbers are expected to reduce moving forward through the work of the Family Safeguarding Model and once the current peak of cases completes a more settled number of 25 cases is expected to remain.
- The devolved staffing budget is forecast to under spend by -£0.2m primarily due to staff vacancies, and in particular relating to Chief Officer posts pending the implementation of a new management structure through the Transformation Programme.

Adult Social Care, Health and Housing

- The Adult Community Team is forecast to overspend by £0.7m. This primarily relates to care packages (£1.1m), where the level of demand has increased, partly offset by Better Care Funding (-£0.4m) for end of life care and the new intermediate care service.
- The over spend on the Community Team for People with Learning Disabilities (£0.5m) primarily relates to higher care package costs and now reflects the additional Care Funding received following the positive outcome of the Care Quality Commission review.
- The Community Mental Health Teams are forecast to over spend by £0.4m, with the most significant pressures being additional care package costs for Older Adults (£0.4m) and higher staff costs resulting from the use of agency staff to cover vacant posts (£0.2m). Against these, a refund of £0.2m has been received

related to a care package funded by the CCG. The figures also reflect the additional care funding which has been used to offset pressures in relation to nursing placements and Approved Mental Health Practitioners (-£0.45m)

- The use of the Better Care Fund (BCF) to purchase Assistive Equipment has now been approved and reflected in the forecast outturn (-£0.3m). An under spend has also developed on Joint Commissioning relating to BCF funding of carers costs, a reduction in grant payments and savings from the new Healthwatch contract (-£0.25m).
- Underspends against Housing services totalling £0.4m, primarily relating to the recovery of housing benefits overpayments where the Council receives £0.40 of subsidy for each £1 recovered.
- The unit costs for Adult Social Care clients are now being monitored as an indicator of the impact of the Transformation Programme. Savings are now being achieved in 2017/18.

Environment, Culture & Communities

- The latest projected outturn for the waste PFI is an under spend of -£0.4m; this is based on actual and provisional tonnages to November
- Within Highways Maintenance, electricity budgets were reduced to reflect the anticipated saving from the LED capital project. However, due to delays in the project these savings have not been realised in this financial year (£0.4m). The estimated savings for the project as a whole are also being reviewed and are likely to impact on future years' budgets.
- Based on a projection of house building within the borough of Surrey Heath, particularly Camberley, it is unlikely that the income received from Surrey Heath for Suitable Alternative Natural Greenspaces (SANGS) capacity at Shepherds Meadow will meet the budget target (£0.2m).
- The catering function at The Look Out has started the year strongly and based on projections the income for the year should exceed budget by -£0.09m. Income is also higher at Bracknell Leisure Centre, due in the main to changes in the marketing and sales functions, implementing initiatives which have seen an increase in memberships (-£0.1m). However, at Easthampstead Park Conference Centre income from both weddings and bereavements is down, resulting in an estimated shortfall of £0.1m once reductions in expenditure are taken into account.
- Until Coral Reef was reopened in September no income was being generated. Since re-opening, the income achieved has been higher than anticipated and as a result the overall estimated pressure has reduced (£0.34m).
- Within Concessionary Fares, the decline in trip rates experienced over the past three years has continued in the first half of the current financial year. The anticipated significant increase in trip rates in the third quarter, following the opening of the town centre, has not materialised, however this will continue to be monitored. (-£0.2m).

Non Departmental Budgets

- Higher than forecast capital receipts in 2016/17 and significant capital carry forwards into 2017/18 have created an under spend against the Minimum Revenue Provision (-£0.7m).

- The 2017/18 Interest Budget assumed no pre-payment of pension contributions. With interest rates staying low and short term rates remaining below 0.5%, it was beneficial to maximise use of cash-flow in the early part of the year to pre-pay the maximum amount of the Council's pensions' liability (-£0.30m). Secondly, there has been a lag in major capital projects over the last 2 years, specifically Binfield Learning Village and Coral Reef, resulting in significantly less borrowing and as such interest payments (-£0.65m). The Council expects to borrow at least a further £30m over the coming months, and therefore the interest costs included within the budget will be required in 2018/19.

The in-year financial position will continue to be monitored closely, in particular the impact of demand pressures in Children's and Adult Services, which are the most volatile areas.

Section 3: Strategic Themes


Value for money



| Ind Ref | Short Description | Previous Figure Q2 2017/18 | Current Figure Q3 2017/18 | Current Target | Current Status |
|---------|---|----------------------------|---------------------------|----------------|----------------|
| L051 | Percentage of current year's Council tax collected in year (Quarterly) | 57.02% | 84.49% | 84.60% | |
| L053 | Percentage of current year's Business Rates collected in year (Quarterly) | 60.93% | 90.74% | 83.10% | |
| L221 | Satisfaction level expressed in survey of contact with Customer Services, across all channels (Quarterly) | 92.10% | 89.25% | 85.00% | |
| L255 | Subsidy on leisure services (Quarterly) | 83,627 | 146,686 | 263,602 | |
| L256 | Percentage of transactions carried out online and the use of the customer portal (Quarterly) | 33.0% | No longer available | 53.9% | N/A |
| L257 | Cumulative number of complaints received at stages 2 and 3, statutory social services complaints, and complaints referred by the Local Government Ombudsman (Quarterly) | 73 | 109 | N/A | N/A |
| L261 | Level of staff sickness absence (Quarterly) | 1.21 | 1.71 | 1.62 | |
| L262 | Level of voluntary staff turnover (Quarterly) | 7.0% | 3.4% | 2.8 | |

A strong and resilient economy






| Ind Ref | Short Description | Previous Figure Q2 2017/18 | Current Figure Q3 2017/18 | Current Target | Current Status |
|---------|--|----------------------------|---------------------------|----------------|---|
| L265 | Number of newly incorporated businesses (Quarterly) | 190 | 174 | N/A | N/A |
| L268 | Percentage of working age people who are unemployed (Quarterly) | 2.3% | 2.4% | N/A | N/A |
| L269 | Percentage of working age population in employment (Quarterly) | 82.0% | 82.9% | N/A | N/A |
| L271 | Percentage of the borough covered by Superfast broadband (Quarterly) | 96.2% | 91.0% | 96.2% |  |

People have the life skills and education opportunities they need to thrive



| Ind Ref | Short Description | Previous Figure Q2 2017/18 | Current Figure Q3 2017/18 | Current Target | Current Status |
|---------|--|----------------------------|---------------------------|----------------|----------------|
| NI114 | Number of permanent exclusions from secondary schools (Quarterly) | 3 | 2 | N/A | N/A |
| NI117 | Number of 16 - 18 year olds who are not in education, employment or training (NEET) (Quarterly) | 4.8% | 3.9% | 7.5% | |
| L139 | L139 - Percentage of all schools rated good or better (Quarterly) | N/A | 72.0 | 75.0% | |
| L139p | Percentage of all primary schools rated good or better (Quarterly) | 71.0% | 72.0% | 83.3% | |
| L139s | Percentage of all secondary schools rated good or better (Quarterly) | 80.0% | 83.3% | 75.0% | |
| L237 | Number of apprenticeships starts for 16-24 year olds through City Deal interventions (Quarterly) | 2 | Missing | 5 | Missing |
| L325 | Number of permanent exclusions from primary schools (Quarterly) | 0 | 0 | 0 | |
| L326 | Number of fixed period exclusions from secondary schools (Quarterly) | 104 | 216 | N/A | N/A |
| L327 | Number of fixed period exclusions from primary schools (Quarterly) | 23 | 37 | N/A | N/A |

| Ind Ref | Short Description | Previous Figure 2016/17 | Current Figure 2017/18 | Current Target | Current Status |
|---------|---|-------------------------|------------------------|----------------|----------------|
| NI073 | Achievement at level 4 or above in Reading, Writing and Maths at Key Stage 2 (Annually) | 52.0% | 57.0% | 57.0% | |
| NI102.1 | Achievement gap between pupils eligible for free school meals and their peers - Key Stage 2 (Annually) | 31.0% | 24.0% | 20.0% | |
| NI102.2 | Achievement gap between pupils eligible for free school meals and their peers - Key Stage 4 (Annually) | 26.0% | 28.0% | N/A | N/A |
| L153 | Percentage of children looked after (as at 31st March) reaching level 4 in Reading at Key Stage 2 (Annually) | 100.0% | 50.0% | 75.0% | |
| L154 | Percentage of children looked after (as at 31st March) reaching level 4 in Maths at Key Stage 2 (Annually) | 100.0% | 75.0% | N/A | N/A |
| L155 | Percentage of children looked after achieving 5 A(star)-C GCSEs (or equivalent) at Key Stage 4 (including English and Maths) (Annually) | 33.3% | 21.4% | 20.0% | |
| L190 | Percentage of children looked after (as at 31st March) reaching level 4 in Writing at Key Stage 2 (Annually) | 100.0% | 100.0% | 65.0% | |
| L328 | Progress measure for reading at the end of KS2 (Annual) | N/A | -0.8 | 0.0 | |
| L329 | Progress measure for writing at the end of KS2 (Annual) | N/A | -1.3 | 0.0 | |

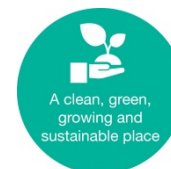
| | | | | | |
|------|---|-----|-------|-------|---|
| L330 | Progress measure for mathematics at the end of KS2 (Annual) | N/A | -1.3 | 0.0 |  |
| L331 | Attainment 8 score (KS4) (Annual) | N/A | 46 | 53 |  |
| L332 | Progress 8 score (KS4) (Annual) | N/A | -0.08 | +0.11 |  |

People will live active and healthy lifestyles



| 4. People live active and healthy lifestyles | | | | | |
|--|--|----------------------------|---------------------------|----------------|----------------|
| Ind Ref | Short Description | Previous Figure Q1 2017/18 | Current Figure Q2 2017/18 | Current Target | Current Status |
| OF1c.2a | Percentage of people using social care who receive direct payments (Quarterly) | 43.1% | 43.5% | 31.4% | |
| L003 | Number of visits to leisure facilities (Quarterly) | 832,858 | 1,292,453 | 1,084,000 | |
| L015 | Number of attendances for junior courses in leisure (Quarterly) | 54,525 | 80,009 | 84,515 | |
| L030 | Number of lifelines installed in the quarter (Quarterly) | 340 | 233 | 200 | |
| L031 | Percentage of lifeline calls handled in 60 seconds in the quarter (Quarterly) | 97.70% | 97.40% | 97.50% | |
| L278 | Percentage of adult social care records in the Adult Social Care IT System that contain the person's NHS number (Quarterly) | 98.2% | 97.1% | 98.0% | |
| L279 | The number of young people who are newly engaging with KOOTH (the online counselling service for young people) (cumulative - new plus existing registrations by end of year) (Quarterly) | 1,910 | 2,140 | 1,850 | |
| L280 | The % of young people who receive a response from KOOTH (the online counselling service for young people) within 2 hours (Quarterly) | 100.0% | 100.0% | 95.0% | |
| L281 | Number of individual clients attending Youthline sessions (Quarterly) | 331 | 412 | 375 | |
| L309 | Number of community groups worked with by Public Health to develop their support to local residents (Quarterly) | 65 | 68 | 67 | |
| L311 | Number of people actively engaged with Public Health social media channels (Quarterly) | 2,032 | 2,354 | 1,920 | |

A clean, green, growing and sustainable place



| Ind Ref | Short Description | Previous Figure Q2 2017/18 | Current Figure Q3 2017/18 | Current Target | Current Status |
|---------|---|----------------------------|---------------------------|----------------|----------------|
| NI155 | Number of affordable homes delivered (gross) (Quarterly) | 8 | 16 | 10 | |
| NI157a | Percentage of major applications determined in 13 weeks (Quarterly) | 88% | 80% | 85% | |
| NI157b | Percentage of minor applications determined in 8 weeks (Quarterly) | 95% | 96% | 85% | |
| NI157c | Percentage of other applications determined in 8 weeks or within an agreed extension of time period (Quarterly) | 99% | 98% | 85% | |
| NI181 | Time taken in number of days to process Housing Benefit or Council Tax Benefit new claims and change events (Quarterly) | 6.7 | 9.3 | 8.0 | |
| NI192 | Percentage of household waste sent for reuse, recycling and composting (Cumulative figure reported quarterly in arrears) | 41.2% (Q1) | 41.6% (Q2) | 45.0% | |
| NI193 | Percentage of municipal waste land filled (Cumulative figure reported quarterly in arrears) | 11.90% (Q1) | 10.60% (Q2) | 18.00% | |
| L178 | Number of household nights in B&B accommodation (Quarterly) | 687 | 908 | 274 | |
| L179 | The percentage of homeless or potentially homeless customers who the council helped to keep their home or find another one (Quarterly) | 82.00% | 82.00% | 80.00% | |
| L241 | Income from CIL (Quarterly) | 211,676 | 1,713,797 | 1,237,500 | |
| L284 | Number of homes given planning permission (Quarterly) | 306 | 407 | 487 | |
| L286 | Percentage of successful planning appeals (Quarterly) | 43.0% | 50.0% | 68.0% | |
| L312 | Number of families that have been in non self contained accommodation for over 6 weeks at quarter end (Bed & Breakfast) (Quarterly) | 0 | 0 | 0 | |
| L313 | Number of families that have been in non self contained accommodation for over 6 weeks at quarter end (Non Bed & Breakfast) (Quarterly) | 13 | 11 | 15 | |

Strong, safe, supportive and self-reliant communities



| Ind Ref | Short Description | Previous Figure Q2 2017/18 | Current Figure Q3 2017/18 | Current Target | Current Status |
|---------|---|----------------------------|---------------------------|----------------|----------------|
| NI062 | Stability of placements of looked after children in terms of the number of placements (Quarterly) | 9.2% | 10.3% | 11.0% | |
| NI063 | Stability of placements of looked after children - length of placement (Quarterly) | 55.6% | 57.7% | 60.0% | |
| L092 | Number of children on protection plans (Quarterly) | 143 | 128 | N/A | N/A |
| L161 | Number of looked after children (Quarterly) | 142 | 145 | N/A | N/A |
| L185 | Overall crime (Quarterly) | 2,495 | 3,788 | N/A | N/A |
| L202 | Number of families turned around through Family Focus Project (Quarterly) | 72 | 0 | N/A | N/A |
| L203 | Number of Referrals to Early Intervention Hub (Quarterly) | 125 | 89 | N/A | N/A |
| L204 | Total number of CAFs and Family CAFs undertaken (Quarterly) | 54 | 40 | N/A | N/A |
| L242 | Number of cases that step up to Children's Social Care (Quarterly) | 3 | 12 | N/A | N/A |
| L243 | Number of cases that step down from Children's Social to Early Intervention Hub (Quarterly) | 88 | 21 | N/A | N/A |
| L287 | Number of children in need supported under Section 17 of the Children Act (Quarterly) | 639 | 680 | N/A | N/A |
| L288 | Number of foster carers recruited to meet need (Quarterly) | 5 | 10 | 7 | |
| L289 | Average caseload per children's social worker (Quarterly) | 18.5 | 17.7 | 16.0 | |
| L290 | Rate of referral to children's social care (Quarterly) | 127.3 | 162.1 | 137.9 | |
| L316 | Forestcare - % of Lifeline demos within 7 days of customer request (Quarterly) | 97% | 98% | 90% | |

Note: Details of the annual indicators not being reported on this quarter are contained within the departmental quarterly service reports (QSRs).

Section 4: Corporate Health

a) Summary of People

Staff Turnover

| Department | Previous Figure* | For the last 4 quarters | Notes |
|---|------------------|-------------------------|--|
| Adult Social Care, Health & Housing | 9.8% | 10.4% | |
| Children, Young People & Learning | 11.4% | 10.5% | |
| Environment, Culture & Communities | 14.7% | 15.4% | * need to be mindful that this is now a % of a very small number of staff. If % start to fluctuate widely may make more sense to combine with Resources. |
| Resources | 14.3% | 13.7% | |
| Chief Executive's Office | 11.1% | 13.2% | |
| Total Voluntary Staff Turnover including schools (L262) | 11.7% | 14.7% | |

* This figure relates to the previous 4 quarters and is taken from the preceding CPOR.

| Comparator data | % |
|---|-------|
| Total voluntary turnover for BFC, 2016/17: | 13.8% |
| Average voluntary turnover rate UK public sector 2015: | 15.4% |
| Average Local Government England voluntary turnover 2015: | 13.5% |

(Source: XPerHR Staff Turnover Rates and Cost Survey 2014 and LGA Workforce Survey 2013/14)

Staff Sickness

| Department | Quarter 3 2017/18 (days per employee) | Previous Financial Year (Actual Average days per employee) | 2017/18 Projected Annual Average (days per employee) | Notes |
|---|---------------------------------------|--|--|---|
| Adult Social Care, Health & Housing | 3.21 | 9.47 | 13.0 | |
| Children, Young People & Learning | 2.11 | 6.44 | 6.6 | Staff numbers have fluctuated over the last quarter due to re-organisations but figures should smooth out over the whole financial year |
| Environment, Culture & Communities | 4.22 | 6.55 | 15.0 | Staff numbers have fluctuated over the last quarter due to re-organisations but figures should smooth out over the whole financial year |
| Resources | 1.8 | 7.16 | 5.58 | |
| Chief Executive's Office | 1.5 | 6.33 | 5.6 | |
| Total staff sickness excluding maintained schools | 2.16 | 6 | 7.84 | |

| Comparator data | All employees, average days sickness absence per employee |
|-------------------------------------|---|
| Bracknell Forest Council 16/17 | 6.0 days |
| All local government employers 2015 | 10.5 days |

(Source: Chartered Institute of Personnel and Development Absence Management Survey 2014)

b) Summary of Complaints

| Department | Type of complaint | New | Total cumulative complaints | Outcome of all complaints received year to date |
|--|----------------------------|-----|-----------------------------|--|
| Adult Social Care, Health & Housing | Statutory | 6 | 21 | 1 – ongoing 2 – upheld/fully substantiated 1 – partially upheld/partially substantiated 17 – not upheld/not substantiated/no finding made |
| | Housing stage 2 | 1 | 6 | 6 – not upheld/not substantiated/no finding made |
| | Housing stage 3 | 0 | 1 | 1 – not upheld/not substantiated/no finding made |
| | Local Government Ombudsman | 2 | 4 | 1 – premature application to LGO 3 – not upheld/not substantiated/no finding made |
| Children, Young People & Learning | Statutory stage 1 | 18 | 51 | 8 – ongoing 3 – upheld/fully substantiated 15 – partially upheld/partially substantiated 5 – proceeded to next stage 20 – not upheld/not substantiated/no finding made |
| | Statutory stage 2 | 0 | 7 | 4 - ongoing 3 - partially upheld/partially substantiated |
| | Statutory stage 3 | 0 | 0 | |
| | Stage 2 | 0 | 0 | |
| | Stage 3 | 1 | 1 | 1 – ongoing |
| | Local Government Ombudsman | 1 | 3 | 1 – ongoing 2 - premature application to LGO |
| Environment, Culture & Communities | Stage 2 | 5 | 9 | 2- ongoing 1 – partially upheld/partially substantiated 2 – proceeded to next stage 4 – not upheld/not substantiated/no finding made |
| | Stage 3 | 1 | 3 | 3 – not upheld/not substantiated/no finding made |
| | Local Government Ombudsman | 1 | 2 | 2 – not upheld/not substantiated/no finding made |
| Resources and Chief Executive's Office | Stage 2 | 0 | 1 | 1 – partially upheld/partially substantiated |
| | Stage 3 | 0 | 0 | |
| | Local Government Ombudsman | 0 | 0 | |

c) Strategic Risks and Audits

Five limited assurance reports were issued in quarter three relating to Cyber/VOIP, Business Rates, Council Tax, Forestcare and one junior school.

The risk register was reviewed by the Strategic Risk Management Group on 27 November and by the Corporate Management Team (CMT) on 20 December 2017. The key changes agreed were;

- A reduction in the Finance risk to reflect reduced budget pressures, making this now an amber rather than red risk.
- The combining of risks that a) jobs in the town centre impact on Council and Council contractors ability to recruit and b) loss of key staff.
- Reducing the risk on school places as proposals are now being put forward, hence reducing this from red to amber.
- To remove the risk on the Coral Reef project as this has now been delivered.
- Reducing the safeguarding risk following the outcome of the OFSTED inspection, reducing this from red to amber.
- The risk on IT has been reframed to focus on the IT Strategy implementation and now incorporates cyber risks.
- With respect to the risk on the Binfield Learning Village, it is expected that the next monthly report on the programme will indicate it is no longer a red risk. If this is confirmed, CMT's view is that the project will continue to be closely monitored by CMT acting as the Programme Board but should not be included in the Strategic Risk Register.

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TO: Executive 10th April 2018

EASTHAMPSTEAD PARK CONFERENCE CENTRE
Directors of Environment, Culture and Communities / Resources

1 Purpose of the report

- 1.1 To consider the sale of Easthampstead Park Conference Centre as a going business concern.

2. RECOMMENDATION

It is recommended that:

- 2.1 Easthampstead Park Conference Centre be sold to Purchaser C as detailed in the confidential annexe; and**
- 2.2 The Borough Solicitor and Chief Officer Property be given delegated authority to conclude the property transaction in an expeditious manner.**

3 REASONS FOR RECOMMENDATION

- 3.1 The sale of Easthampstead Park Conference Centre to a well-established and high quality conference operator will bring much needed investment in a unique heritage facility which will not only protect and secure EPCC's future as a listed building and local business but will also bring additional employment into the borough. Furthermore, the combined effect of the revenue savings and capital receipt will make a significant contribution to meeting the council's savings requirements.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 One alternative is not to dispose of the Centre and continue to manage the property directly but it is considered this would be damaging to the Council financial plans and transformation programme resulting in a continued annual revenue loss of circa £250,000 per annum and significant amounts per annum in capital maintenance costs. The condition of the listed building would unlikely to be improved by retention.
- 4.2 Another alternative is to establish a wholly owned council trading company which would allow the new operation to take advantage of the hotel market which the council, under direct management, is not lawfully able to do. However, based on the scale of investment proposed by all three companies to bring EPCC into a sustainable trading condition (circa £10m - £15m) it is considered too high a risk for the level of return that would need to be delivered for this to be achieved by a council influenced company with negligible expertise in the hotel market.
- 4.3 The soft market testing by external consultants has excluded previous parties for under bidding, lack of credibility and deliverability, especially for a continuing facility which also protects the listed building nature of the property.
- 4.4 Prior to the appointment of Christie and Co., Savills were appointed to consider the value of the property and the suitability as conversion either as a single dwelling or

multiple dwellings and for alternative uses such as education establishment or health complex. The conclusion of all of this analysis, whilst heavily caveated, was clear that none would be more viable and offer a sustainable future for the building than the disposal of the operation as a going concern. This was also supported by the Mazars report as referred to in this paper.

5 HISTORICAL BACKGROUND INFORMATION

- 5.1 Easthampstead Park Conference Centre (EPCC) was transferred to Bracknell Forest Borough Council (BFBC) in 1998 upon the dissolution of Berkshire County Council and the establishment of 6 unitary authorities. It was transferred under a “category two” legal agreement which essentially dictates that as long as BFBC (in this instance) continues to use EPCC broadly in line with the operation when it was transferred, it can maximise the use of the asset for its own benefit. The agreement runs for 20 years and ends on 31st March 2018 when the property is exclusively owned by BFC with no restrictions on use or disposal. Now that that restriction has passed it is appropriate to consider the future use of the facility. Officers have, therefore, been assembling information over recent months that will allow Members to consider the future options.

SUPPORTING INFORMATION

- 5.2 EPCC is a Grade II Victorian mansion originally built as a private residence. For many years it was owned and operated in a variety of guises by Berkshire County Council. These uses included a school, an education centre and a conference centre under external management. As with many publically owned estates, there was a history of under-investment and the conference centre was struggling financially to the extent that the operator withdrew from the lease in 1999, at which point the council became the operator of the facility.
- 5.3 Since that time there has been some limited investment that has improved the facility to its current level. However, in recent years, EPCC has been making a significant annual operating loss in the region of £250,000 per annum and projections are that this will be at a similar level, or more, this financial year. In addition, the repairs and maintenance requirements for a listed building of this age and scale is significant - adding a further burden to the Council’s financial challenges. This can amount to several hundreds of thousands of pounds for major repairs but in the past two years alone about £100,000 has been spent. Critically, this level of expenditure on repairs and maintenance, although significant, is only dealing with the most urgent works and is nowhere near sufficient to deal with the estimated £4m of back dated maintenance work that would be required to ensure this prestigious listed building is protected well into the future. Protecting this asset is therefore a major council objective.
- 5.4 Although the quality of the service offered at EPCC is considered high for a council owned facility and it is immensely popular for weddings, the council does not have the resources, expertise or complete trading freedoms to maximise the use of what is a unique heritage asset within the borough.
- 5.5 Given the scale of annual losses and no realistic prospect of reversing this trend, Christie and Co, a company recognised as being the leading property specialist with regards to conference centres, was appointed in May 2017 to undertake a market testing exercise to determine whether it was a reasonable prospect to sell EPCC as a

going concern with the objective if this were to prove possible to reduce BFC's revenue expenditure by about £250k per annum and equally importantly to remove the risk associated with the long term and expensive maintenance of a listed building.

- 5.6 Disposal as a going concern was essential as EPCC takes bookings many months in advance and wedding bookings can be 18 months in advance. Clearly it is essential that existing bookings are not compromised or future ones jeopardised. In these circumstances standard practice in the private sector for disposing of going concerns is to appoint specialist agents to test and then create a market that delivers the best possible price for a disposal that meets any conditions the vendor wishes to set. Using their extensive knowledge of the hotel and conference market, Christie and Co, stimulated a confidential market of 7 potential purchasers who expressed an interest in being involved in the market testing. A detailed data room was established and non-disclosure agreements implemented. Two subsequently pulled out and five intimated they would make initial proposals. Four outline bids were eventually received at round 1.
- 5.7 Three further bidding rounds were progressed with each round increasing the amount of due diligence and commitment required of the participants, culminating in a 4th bidding round of "best and final offers" from 3 highly regarded operators. At each stage the capital bids increased and the clarity of the proposals also crystallised with the final round also requiring an outline planning assessment of proposals. While this required a significant amount of work for the participants, EPCC is a unique heritage asset in the borough which the council has been proud custodians of for 20 years and it is therefore important that in addition to disposing of EPCC as a going concern and protecting those that have already booked weddings and events with the council, the council must also be as assured as it can be that the building will continue to be used, and indeed be more accessible, as an asset for the community to make use of in the future.
- 5.8 The approximate area to be sold is shown on the attached plan and in essence reflects the current operational use at EPCC plus an ancient woodland which will require maintenance in perpetuity. The exact site will be separated from the existing title which includes adjacent property such as part of the golf course, Mendeleev building and Easthampstead Park School. Prior to any soft market testing consultation with the planners was also conducted to identify alternative uses. The planners are sympathetic to alterations which ultimately support and protect the heritage and listing of the building. Housing options for the property are not considered viable and do not form part of the proposals made by any of the interested parties. Consideration of housing on any surplus land has been considered as part of the new local plan consultation process and rejected in order to protect the current status of adjacent land, which is "gap land", between Bracknell and Wokingham. The emerging local plan extends to 2034.
- 5.9 Although the site is well protected by the council's own planning policies, by its listed status and by the well-established modus-operandi of the hotel/conference operators displaying an interest in the property, the contract for sale will have what are termed as "anti-embarrassment" clauses within it. The first will prevent any onward sale (anti-flipping) for a minimum of 12 months and another will prevent any prospect of converting any part of the building into residential for a minimum period of 10 years.
- 5.10 The process has been robust and set out to identify whether it would be possible to assure a sustainable future for EPCC by sale to a third party since at the outset this was by no means certain. The market testing has shown that this is indeed possible and it is therefore recommended that a sale is agreed.

- 5.11 The confidential annexe provides details of the bids received from the 3 participants that submitted a “best and final offers”. Members are asked to note that:
- All parties are well established high quality businesses with significant experience in the hotel and conference business
 - All plan to operate the facility as a 4 star hotel and conference centre which will increase community access beyond that currently available
 - All are committed to honouring existing bookings at EPCC on the same terms and conditions as originally agreed
 - All offer a substantial capital receipt and plan to invest sums in excess of £10m in the facility and would increase bedroom numbers as well as providing new facilities
 - All would bring additional employment to the site
 - All staff will transfer on existing terms and conditions under TUPE
 - Bids do differ in the scale of offer and ambition and all are considered acceptable in principle by the council’s planning officers
 - All offers are unconditional
 - No proposals involve the provision of any housing
- 5.12 In essence, all bidders would greatly enhance the existing main building and would provide more bedroom accommodation by extending and obviously upgrading the Whitfield Building.
- 5.13 Given the strength of the proposals, officers have assessed all bids and concluded that Bidder C provides best value to the council. Details of the bids are in the confidential annexe. Not only is this the highest capital bid made at the “best and final offer” stage but the development proposals are robust and ambitious. Christie and Co advise that the process has produced a very substantial capital receipt commensurate with the trading performance and condition of the building and that to undertake any more bidding rounds would simply not be credible and would not produce any significant increase in capital receipt. Consequently it is recommended that a sale to Bidder C is agreed.
- 5.14 Agreeing a sale will require the relocation from the site of the council’s Education Centre, IT Training Suite and the emergency back-up for the Forestcare IT data. Members should note that all parties are content for the Education Centre to be on a rolling 6 month lease at no additional cost to that currently which in practical terms equates to a minimum 9 month period of occupancy and the Director of Children, Young People and Learning is content with this timeframe. The council’s IT training suite will be accommodated in Bracknell Library and while an exact location for the Forestcare IT data back up has not yet been identified the requirements are so minimal that this is not considered to be problematic.
- 5.15 Berkshire Ballroom currently uses the gymnasium in the Whitfield building. While they will have to vacate at some stage, they will benefit from the same 6 month rolling lease offered to the Education Centre.
- 5.16 Finally, the sale of EPCC as a going concern is complex and the council will establish a corporate team to effect the transition which will be sponsored by the Director of Environment, Culture and Community, the Project Manager will the Head of Performance and Resources in Environment, Culture and Communities, and involve significant input from legal, property, finance, HR, IT, communications, and staff representatives from EPCC.

Conclusion

- 5.16 Given all the information, it is felt that Bidder C's offer is the most aspirational and offers the highest price, the status of the partnership means that the council can be confident that a high quality conference and hotel facility will be delivered at EPCC for the benefit of local staff, local businesses and those from further afield. The recommendation therefore is that Bidder C should be given preferred bidder status with a view to finalising a sale as soon as practical.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The Borough Solicitor is satisfied that the process culminating in the identification of a preferred bidder has been transparent and that the council, in putting forward these recommendations will be achieving best consideration for the venue in accordance with its requirements and s123 of the Local Government Act 1972.

Subject to Executive approval appropriate legal documents to effect the transfer of land and business as a going concern will be drawn up and executed. These will also make provision for the transfer of staff under the provisions of TUPE.

Borough Treasurer

- 6.2 The relevant financial information is included in the confidential annexe. The combination of a capital receipt and the savings in revenue and capital receipt will result in a significant revenue benefit which will support council expenditure and in turn reduce the requirement to raise council tax levels

Chief Officer Property

- 6.3 At the heart of this disposal is the property and Councils' are obliged to obtain best consideration on asset disposals, S123 Local Government Act 1972, but the credibility of an offer goes to the heart as to its deliverability and therefore the robust testing of the parties to date has led to these final offers in the expectation that they will be delivered as will the continuation of the operation. This process has also included assessments on available information, site surveys and pre-app planning processes.

Other comments Incorporated into the report

Equalities Impact Assessment

- 6.4 Not applicable

Strategic Risk Management Issues

- 6.5 Detailed in the report but primarily pertaining to reputation of the council during the sale and transition phase where a third party will deliver contracts entered into by the council. The future protection and sustainability of a listed building is better ensured by the sale.

7 CONSULTATION

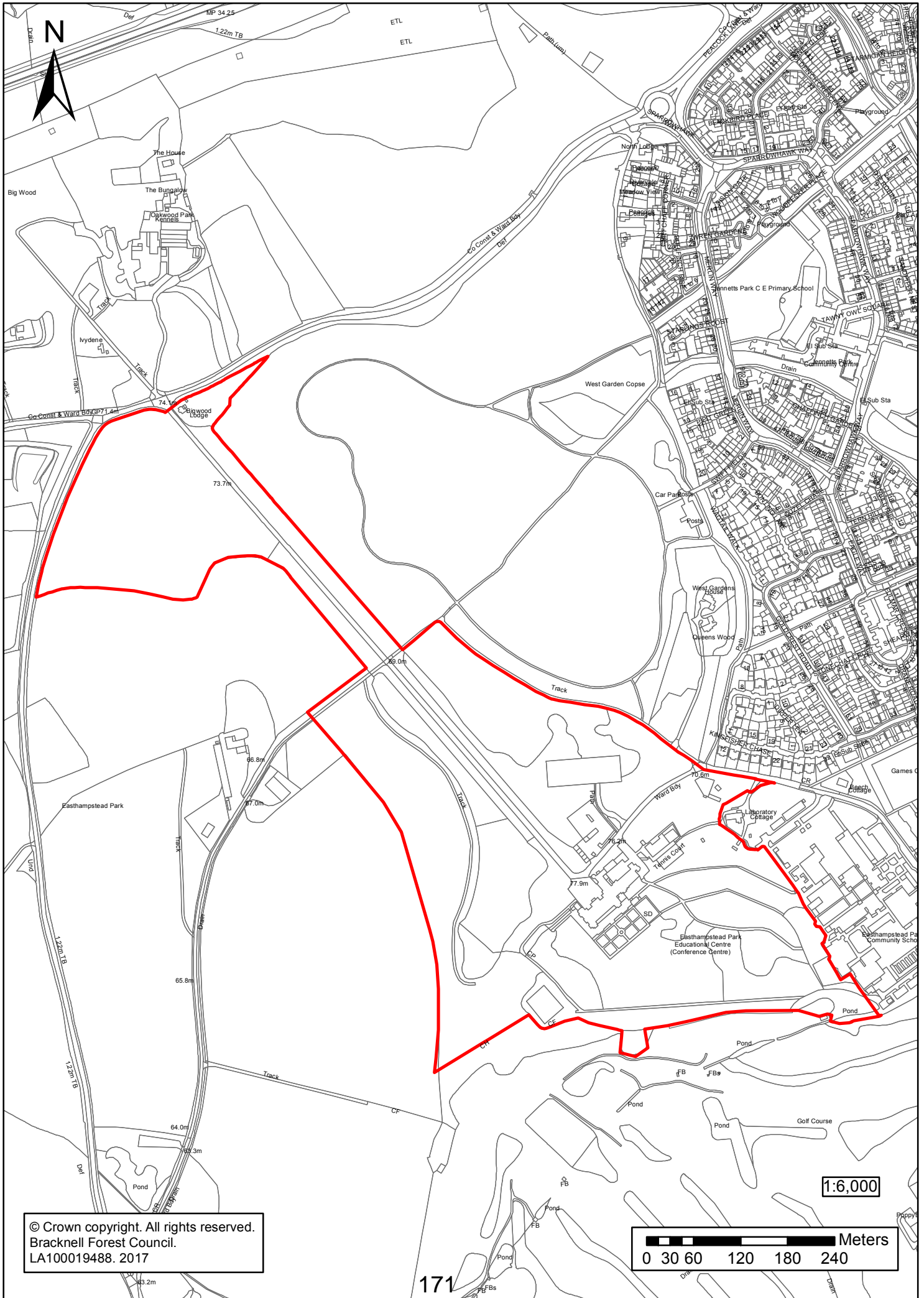
Principal Groups Consulted

- 7.1 Not as consultation, but EPCC staff have been regularly briefed during the market testing process

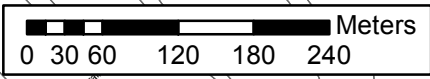
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