

TO: THE EXECUTIVE  
6 JUNE 2017

---

## **SUITABLE ALTERNATIVE NATURAL GREENSPACES (SANGS) – CAPACITY ALLOCATION**

**Director of Environment, Culture and Communities**

### **1 PURPOSE OF REPORT**

- 1.1 This report seeks to authorise officers to not provide Strategic Suitable Alternative Natural Green (SANG) capacity for developments which collectively undermine the delivery of the Council's Thames Basin Heaths Special Protection Area avoidance and mitigation strategy and threaten the delivery of plan-led development set out in the Council's Development Plan.
- 1.2 Bracknell Forest Council provides Strategic SANG capacity for relevant housing developments to enable them to proceed. This fulfils statutory obligations to protect the integrity of the Thames Basin Heaths Special Protection Area; and to provide new and enhanced open spaces (SANGs) for the residents of the borough to enjoy.
- 1.3 However, in the north of the Borough (i.e. excluding Sandhurst and Crowthorne) Strategic SANG capacity is under particular pressure and the Council has recently received many Prior Approval applications to convert offices to residential schemes which require a SANG solution to enable their implementation. These applications and other unplanned developments outside of defined settlements are placing a severe strain on existing Strategic SANG capacity. If they continue to be accommodated, they will take away SANG capacity reserved for allocated sites and/or windfall planning application sites within the defined settlement boundaries which will come forward in accordance with the development plan and the National Planning Policy Framework (NPPF).

### **2 RECOMMENDATIONS**

- 2.1 **That following careful assessment officers are authorised not to provide capacity in its Strategic Suitable Alternative Natural Greenspaces (SANGs) for large Prior Approval schemes or other unplanned large applications located beyond the defined settlements in Binfield, Bracknell, Warfield and Winkfield which are considered to undermine the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy.**
- 2.2 **That these forms of development are directed to known private Bespoke SANGs where capacity may exist.**

### **REASONS FOR RECOMMENDATIONS**

- 3.1 To safeguard Strategic SANG capacity for allocated residential development sites and windfall planning application sites within the defined settlement boundaries which conform with the development plan and the NPPF.
- 3.2 To protect the Council's SPA avoidance and mitigation strategy as set out in the Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (2012).

## **4 ALTERNATIVE OPTIONS CONSIDERED**

### **4.1 Two alternative options have been considered:**

1. To provide Strategic SANG capacity for such developments in the north of the Borough. This would ultimately result in the Council having to refuse many applications for sites which are allocated in the Site Allocations Local Plan or windfall planning application sites within the defined settlement boundaries which are supported in the Development Plan.
2. Withdraw the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (2012) and place an embargo on all new residential development in the Borough. Development could then proceed but only if where it provides its own SANG solution accompanied by a full Habitats Regulation Assessment (HRA).

### **4.2 Both options are considered unnecessary and undesirable and can be avoided if the Council agrees not to provide Strategic SANG capacity for large residential Prior Approval applications and relevant large unplanned residential developments located beyond the defined settlement boundary in the North of the Borough. The term large developments are defined as residential developments of 10 or more dwellings. The Council has worked, and will continue to work, with third parties to facilitate alternative private Bespoke SANG capacity to enable such developments to proceed, outside the Councils avoidance and mitigation strategy.**

## **5 SUPPORTING INFORMATION**

### **5.1 The Thames Basin Heaths, which cover parts of Surrey, Hampshire and Berkshire, comprise a rare example of lowland heathland. It is home to three important bird species, (the Dartford Warbler, the Nightjar and the Woodlark) and protected by international law (the EU Birds Directive and the EU Habitats Directive), national legislation (the Conservation of Species and Habitats Regulations 2010 (as amended)) 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.**

### **5.2 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 applications in the other 11 local authorities affected by the SPA.**

### **5.3 An Appropriate 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.

### **5.4 To mitigate the impact of development the Council has produced the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPASPD) (2012) which sets out a two-pronged strategy:**

- Suitable Alternative Natural Greenspaces (SANGs) which provide new or upgraded existing open space to divert recreation activity away from the

## Unrestricted

designated SPA.

- Strategic Access Management and Monitoring (SAMM) whereby financial contributions are paid by developers to Natural England which are spent these on matters such as wardening and habitat works at the SPA.

5.5 The Council facilitates some residential development by providing access to its own SANGs. Individual SANGs have catchment areas therefore a development needs to be within a specific distance of the SANG in order to use it for mitigation. SANG capacity is a finite resource and is particularly under pressure in the north of the Borough where there tends to be a higher level of residential development.

5.6 In order to allocate land for residential development and bring forward planned development, the Council through the local plan process is required to demonstrate that sufficient SANG capacity is available to be able to mitigate the impacts of proposed residential development. This process was carried out as part of the Site Allocations Local Plan so that there was an agreed strategy to provide SANG for planned development coming forward now. The Council is also currently working hard to ensure that sufficient SANG is available in the right place to support its future Comprehensive Local Plan proposals. Any erosion of Council SANGs capacity being allocated to unplanned development will put the implementation of the Site Allocations Local Plan and the Comprehensive Local Plan at risk.

### *Types of SANGs*

5.7 There are two types of SANGs:

- Strategic SANGs which are open space land owned / managed by the Council to which developments pay financial contributions towards their enhancement to SANG status and long term management. These are mainly for smaller or urban developments which cannot realistically provide their own land for SANGs.
- Bespoke SANGs which are new open spaces provided mostly for large developments where the developer upgrades the land to SANG status and then usually transfers the land to Council ownership with maintenance sums to guarantee its long term management.

### *Strategic SANGs*

5.8 Developments must be located within a particular distance of a SANG in order to be able to use it for mitigation. There are six Strategic SANGs, these are:

- The Cut Countryside Corridor (Warfield) to which relevant developments within 5km can make a financial contribution.
- Englemere Pond (Winkfield) which also has a catchment of 5km
- Longhill Park Group/Lilly Hill Park (Winkfield) with a 5km catchment. This SANG is used for developments associated with the Town Centre planning permission and sites allocated in the Site Allocations Local Plan (SALP).
- Ambarrow Hill/Court (Sandhurst) with a 4km catchment.
- Shepherds Meadow (Sandhurst) with a 5km catchment.
- Horseshoe Lake (Sandhurst) with a 4km catchment.

5.9 Developments which can pay financial contribution to Strategic SANGs are usually under 109 dwellings but there are some exceptions. Development of 9 or fewer dwellings can make a contribution to any SANG irrespective of catchment distances. Developments of 10 or more dwellings have to be located within the catchment of a SANG. Of the Strategic SANGs, three cover the north of the Borough (Binfield, Bracknell, Warfield and Winkfield) and three, the south (Crowthorne and Sandhurst).

The three southern SANG catchments can provide capacity to developments under 10 units in the north of the borough, so for example, they cannot be used to mitigate developments of 10 or more dwellings in the north including Bracknell Town Centre.

*Bespoke SANGs*

- 5.10 There are a number of Bespoke SANGs in the Borough either planned or fully laid out, these are:
- Peacock Meadow (Bracknell/Binfield) - which was laid out to serve the Jennet's Park development.
  - The east side of Cabbage Hill (Warfield) – which was provided by, and serves, the emerging Berkeley's development (Woodhurst Park).
  - Land at Amen Corner North (Wokingham / Binfield) – which will be provided by Bellway Homes for their Amen Corner North Development.
  - Land at Bigwood and Riggs Copse (Binfield) likely to be provided for the Amen Corner South Development.
  - Land at Blue Mountain (Binfield) to be provided for the residential development to be built at Blue Mountain. It will have some excess SANG capacity with a catchment of 5km.
  - Land at Wellers Lane (Warfield) which is owned by Harrow Estates and will be brought forward in association with their development in Warfield. This proposed SANG will have a large amount of excess SANG capacity for other developments. Its catchment is 5km.
  - Land at the Transport Research Laboratory (Crowthorne) is to be provided for the allocated development there by Legal and General.
  - Land at the Broadmoor Hospital estate (Crowthorne) which will be provided for the Cricket Field Grove and Broadmoor Hospital developments as allocated in the Site Allocations Local Plan.
- 5.11 There are also two smaller Bespoke SANGs which are intended to support development in the Site Allocations Local Plan, these are:
- Land at Great Holland Recreational Ground (Bracknell) which will become available once the Transport Research Laboratory SANG (above) is available.
  - Land at Popes Meadow (Binfield) which will become available once the Amen Corner North SANG (above) is available.

*Strategic SANG issues*

- 5.12 The Strategic SANG capacity available for residential development has dwindled in the north of the Borough (the Cut Countryside Corridor, Englemere Pond and the Longhill Park Group) because there has been significant demand from new development over recent years. Developments provided with capacity from these SANGs comprise schemes of between 10 and 109 dwellings which are located within their catchments. As stated in paragraph 5.9 above, sites of 9 or fewer dwellings are allocated SANG capacity in the south of the Borough to relieve the pressure on the northern SANG capacities.
- 5.13 The southern three Strategic SANGs have not faced as much pressure so there is capacity to absorb development within their catchment areas and to accommodate the smaller development sites in the north of the Borough. The Council, through a legal arrangement, has allowed some SANG capacity at the Shepherds Meadow SANG to provide for housing developments in Surrey Heath. This has been under the Duty to Co-operate.

*Prior Approvals and other unplanned development*

- 5.14 The Government in 2013 introduced a temporary measure that office blocks could be converted to residential development without the need for planning permission. Whilst they could gain a prior approval decision from the Council, such developments must not be implemented until the Habitats Regulations are complied with, which means providing SANG and SAMM mitigation. The Council accommodated all Prior Approvals in the two year temporary period using Strategic SANG capacity. However the Government has made the temporary measure permanent and coupled with the forthcoming town centre redevelopment, there has been a proliferation of new Prior Approval applications to convert offices to residential development over recent months all within the north of the Borough. So far such schemes total over 700 new residential units, and there is no sign of this reducing.
- 5.15 If the Council were to continue to allow the use Strategic SANG capacity to mitigate these developments and unplanned development of over 10 dwellings located outside the defined settlement boundary then the available Strategic SANG capacity would be significantly further reduced. The impact will be that Strategic SANG capacity which has been safeguarded for allocated sites in the Site Allocation Local Plan will be used up. This would result in sustainably located plan-led developments being put at risk of not being implemented in a timely manner or not at all.
- 5.16 The plan-led developments in the north of the Borough, when they come forward will also provide other important infrastructure benefits which Prior Approval developments do not. These may include Community Infrastructure Levy and s106 contributions towards affordable housing, open space, schools and transport. If Strategic SANG capacity is not available for plan-led development then developers of such sites will be forced to find other SANG alternatives which are likely to be more expensive. The impact of this on development viability could result in the failure to provide all of other infrastructure measures, which the Council will not be able to provide by other means.
- 5.16 This situation will be exacerbated by the need to plan for more residential sites in the Comprehensive Local Plan where potential new sites in the north of the Borough will require a SANG solution to be demonstrated at the examination stage. Failure to do so will be likely to result in the plan being found unsound by the Inspector.
- 5.16 Therefore, to ensure that the Council protects its current avoidance and mitigation strategy and to facilitate planned development, it is important that, at this time, the Council does not provide Strategic SANG capacity for unplanned or Prior Approval development sites for 10 or more dwellings in the north of the Borough. However officers will continue to facilitate Prior Approval applications for fewer than 10 dwellings irrespective of their location, and development of 10 or more dwellings in the south of the Borough. There is also a 400m exclusion zone around the SPA designation in which no new residential development is allowed.
- 5.17 Denying access to Strategic SANG capacity for large unplanned or Prior Approval developments in the north of the Borough does not mean that they cannot be implemented. It is just that they have to demonstrate they have provided their own SANG solution. This could be in the form of bringing forward their own Bespoke SANG solution or making a private arrangement with a third party to purchase the required SANG capacity. There are third-party private Bespoke SANGs available to facilitate the SANG capacity needs of the unplanned or Prior Approval schemes such as at Blue Mountain or Wellers Lane.

- 5.18 It is therefore considered reasonable that the Council refuses to provide Strategic SANG capacity in the north of the Borough for unplanned and Prior Approval developments to safeguard Strategic SANG capacity for allocated development sites and windfall sites in defined settlements. Furthermore there are proposals for alternative private SANGs available for the unplanned and Prior Approval sites to be able to buy capacity. The Council will continue to facilitate further SANG options as and when they come forward for consideration.
- 5.19 Should the situation change, a report will be brought back to the Executive with a further recommendation.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The reserves of strategic SANG capacity in the north of the Borough are severely depleted. The current position has been largely due to the extension of Permitted Development rights to change from office to residential planning use pursuant to Class O of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 .
- 6.2 Whilst the Council has sought to accommodate new dwellings for large schemes approved by way of this mechanism, by allowing such development to contribute towards Council-owned Strategic SANG for the purposes of assessment pursuant to Regulation 75 of the Conservation of Habitats and Species 2010 Regulations, this has resulted in a material reduction in the availability of Strategic SANG.
- 6.3 The recommendation seeks to safeguard the Council's strategic planning position and ability to facilitate plan-led development through the retention of its Strategic SANG capacity alongside the attendant infrastructure generated and delivered from CIL and s106 contributions. The proposed approach to restrict access to Strategic SANGs to allocated sites within settlement is lawful and reflects the plan-led system endorsed by planning policy. In this regard, the importance of the role played by the development plan in delivering sustainable development is long established. This is demonstrated for example by paragraph 17 of the National Planning Policy Framework, which identifies as the very first of its "*core land-use planning principles [which] underpin both plan-making and decision-taking*", the requirement that planning "...be genuinely plan-led".
- 6.4 The Executive will note that the recommendation relates solely to large Prior Approval schemes or other unplanned large applications located beyond the defined settlements referenced which are considered to undermine the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy. The mitigation from these developments will need to be accommodated either as part of an on-site SANG solution or part of a private Bespoke SANG arrangement dependant upon individual capacities. Therefore, an alternative mitigation route is available to affected developers.
- 6.5 The recommendation of the report are reserved to the Executive Committee in accordance with Part 2, sub-paragraph 5.6(2) of the Bracknell Forest Council Constitution, 26 April 2017.

### Borough Treasurer

- 6.2 The implications of providing Strategic SANG capacity to large unplanned or Prior approval applications in the north of the Borough is likely to put at risk the delivery of necessary infrastructure as identified in the Council's policies, guidance and the Infrastructure Delivery Plan. The resulting loss of s106 financial contributions and Community Infrastructure Levy income could be millions of pounds.

### Equalities Impact Assessment

- 6.3 An Equalities Impact Screening Record Form is attached as Appendix A.

### Strategic Risk Management Issues

- 6.4 The Strategic Risk Register (2015) includes the following risks which are relevant:
- Project Risk Management – where infrastructure schemes which are being or to be provided, which rely on s106 or CIL funding may find shortfall in the amounts coming forward from future development.
  - Operational Risk Management – where the forced withdrawal of the Council SPA avoidance and mitigation strategy could result in an embargo on new housing and associated infrastructure coming forward in a timely manner.
  - Reserves and Balances – where the Council has to use its reserves and balances to make up the shortfall in infrastructure provision especially to support corporate projects

## **7 CONSULTATION**

### Principal Groups Consulted

- 7.1 No consultation

### Background Papers

Thames Basin Heaths Special protection Area Avoidance and Mitigation  
Supplementary Planning Document

### Contact for further information

Simon Cridland, Environment, Culture and Communities - 01344 351186

[Simon.Cridland@bracknell-forest.gov.uk](mailto:Simon.Cridland@bracknell-forest.gov.uk)