



Examiner of the Warfield Neighbourhood Plan

25th March 2019

Dear Examiner

WARFIELD NEIGHBOURHOOD PLAN SUBMISSION (REGULATION 16) CONSULTATION

This document contains Bracknell Forest Council's response (as the Local Planning Authority) to the Regulation 16 consultation on the Warfield Neighbourhood Plan (5 March to 16 April 2019). This response does not include any comments from the Council as a land owner.

Bracknell Forest Council is generally supportive of the Plan, and acknowledges the work involved in its preparation. The structure of the document and policy sections is supported.

Basic Conditions

It is considered that a number of policies as currently worded do not meet the Basic Conditions (further detail set out in Appendix 1 of this response), namely A (regard to national policy and guidance), D (contribution to achievement of sustainable development), E (general conformity with strategic policies contained in the Development Plan) and F (does not breach EU obligations):

- **Policy WNP1: A Spatial Plan for the Parish**
The policy conflicts with national and local policy with regards to what development would be appropriate in the Green Belt, countryside and within defined settlements. It is considered more appropriate to deal with the extension of the Hayley Green settlement boundary through the emerging Local Plan. The policy approach is unclear in respect of other areas of built development that fall within the defined settlement boundary. The policy map requires amending so that this policy applies to the whole parish, not only to specific areas, as it is an overarching strategy. The policy therefore conflicts with Basic conditions A & E.
- **Policy WNP2: Hayley Green Allocation**
Because of the inclusion of a site allocation, the making of the neighbourhood plan currently breaches, and is not compatible with, EU obligations. This specifically relates to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). The inclusion of this policy therefore means that the plan conflicts with Basic Condition F. The allocation and concept plan (Inset Map 2) are not considered to be based on adequate, up-to-date and relevant evidence. The interests of the owners of the land should not override the best disposition of future land uses. Deliverability of the site is therefore questioned. References to the Council's SPDs should be in the supporting text and not the main policy as they are guidance. The policy is therefore considered to be contrary to Basic Condition A.

- Policy WNP3: Promoting Good Design in Newell Green
It is recommended that the policy is simplified and reference to background evidence and the Council's SPDs is removed. Inclusion of Warfield Memorial Ground is considered to be in conflict with a local strategic policy. The policy wording on appropriate development and design is too prescriptive and therefore contrary to local and national planning policy. Therefore the policy would be contrary to Basic Conditions A & E.
- Policy WNP4: Promoting Good Design in Warfield Street
It is recommended that the policy is simplified and reference to background evidence and the Council's SPDs is removed. Reference to Newell Hall should be removed as it is outside of the policy area. Policy wording on appropriate development and design is too prescriptive and therefore contrary to local and national planning policy. It is recommended that heritage issues are separated from design issues to ensure that the statutory requirements with respect to heritage matters are met. Therefore the policy is considered to be contrary to Basic Conditions A & E.
- Policy WNP5: Promoting Good Design in Hayley Green
It is recommended that the policy is simplified and reference to background evidence and the Council's SPDs is removed. Policy wording on appropriate development design is too prescriptive and therefore contrary to local and national planning policy. It is recommended that heritage issues are separated from design issues to ensure that the statutory requirements with respect to heritage matters are met. Therefore the policy would be contrary to Basic Conditions A & E.
- Policy WNP6: Suitable Alternative Natural Greenspace
It is unclear as to what mitigation is required to comply with the Habitat Regulations as no Appropriate Assessment has been carried out and consulted on. Therefore the plan/policy is contrary to Basic Condition F (Refer to comments against the Basic Conditions Statement).
- Policy WNP7: Local Gaps
No comments in relation to Basic Conditions have been made.
- Policy WNP8: Enhancing Green Infrastructure
Policy text needs amending to remove ambiguity in order to avoid conflict with Basic Condition A. The policy is limited to only those areas of the green infrastructure network which are mapped, but the mapping is not a complete record of green infrastructure. This means the scope of this policy to secure future improvements would be limited, which would be contrary to local strategic policy.
- Policy WNP9: Local Green Space Designations
The deletion of reference to Warfield Memorial Ground is recommended as this would conflict with local strategic policy.
- Policy WNP10: Supporting Community Assets
The inclusion of commercial uses such as the Moss End Garden Village is not appropriate given their isolated locations in the Green Belt. The extension or intensification of commercial enterprises could conflict with national and local Green Belt policy and in view of their isolated locations may not be sustainable development. The policy should exclude reference to a new doctor's surgery or a new dentist facility, as this could be in conflict with local policy for development in the countryside. Therefore the policy is currently contrary to Basic Conditions A, D & E.

- Policy WNP11: Supporting Rural Diversification
Policy requirements for the re-use of existing buildings in the countryside is considered to be more restrictive than NPPF policy and reference to 'very special circumstances' should be restricted to the Green Belt only. The policy is currently considered to be contrary to Basic Condition A.
- Policy WNP12: Protecting and Enhancing Heritage and Biodiversity
It is recommended that the policy is split to deal with built heritage and archaeological assets, and biodiversity separately given the difference in the statutory duties. The policy is currently considered to be contrary to Basic Condition A.
- Policy WNP13: Promoting Dark Skies
No comments in relation to Basic Conditions have been made.
- Policy WNP14: Drainage Infrastructure
No comments in relation to Basic Conditions have been made.
- Policy WNP15: Parking, Garaging and Ancillary Buildings
Reference to the Council's SPDs should be moved to the supporting text to avoid conflict with Basic Condition A.
- Policies Maps
The 'Policies Map' should be merged with the 'Green Infrastructure Policies Map' to form one policy map in the interests of clarity for users. Amendments to the content and key are recommended for clarity and to ensure that policies are effective.

Other suggested changes/comments

Whilst recognising that a number of the comments set out in Appendix 2 of this response are not specific to the Basic Conditions, the Council considers that the suggested changes to the structure and presentation of the document will improve its usability and readability.

Suggested changes to policies/supporting text (for the purposes of correcting factual errors or seeking clarity) will help to ensure consistency and robust decision making. Technical comments broadly relate to the following matters:

- Whilst it is acknowledged that under the transitional arrangements this Plan will be examined against the 2012 NPPF, references to the 2019 NPPF, and an assessment of general conformity with policies would help to ensure the longevity of the Plan over the plan period to 2026.
- All policy paragraphs should be numbered to ease referencing.
- Amendments to Policy WNP2 – Hayley Green Allocation are recommended to clarify policy requirements, including clarity regarding the masterplan needed to secure the comprehensive development of the site.
- The terminology used in the Plan needs to be more clearly defined to ensure that policies are implemented in a consistent way.
- The Neighbourhood Plan should set out a monitoring framework to enable BFC to monitor the extent to which the planning policies are being achieved.

Basic Conditions Statement

It is noted that assessment against National Policy has been undertaken against the 2012 NPPF. A new version of the National Planning Policy Framework (NPPF) was issued on 19 February 2019 after submission of the Plan. Whilst it is acknowledged that under the transitional arrangements (para. 214 of the 2018 NPPF) this Plan will be examined against the previous 2012 NPPF (as it was submitted on 24 January 2018), references to the 2018 NPPF, and an assessment of general conformity with policies would help to ensure the

longevity of the Plan over the plan period to 2026. It is also noted that the assessment of the Plan against the Development Plan is wider than the 'strategic policies'. (See Appendix 3 of this response for a list of relevant Strategic Policies).

Strategic Environment Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening

Information provided as part of the Warfield Neighbourhood Plan Submission relates to the draft report that was issued for consultation. The final decision, incorporating the comments of the statutory consultees, is the 'Warfield Neighbourhood Plan Strategic Environmental Assessment Screening Opinion, September 2016', and the 'Warfield Neighbourhood Plan Habitats Regulations Assessment Screening Decision, October 2016.' Both are available to view on the Council's website: <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/neighbourhood-planning/warfield-neighbourhood-area>

Please do not hesitate to contact the Development Plan Team if you require any clarification on the points raised (email: development.plan@bracknell-forest.gov.uk).

Yours faithfully

Max Baker
Head of Planning

Appendix 1 – BFC comments in relation to Basic Conditions
Appendix 2 – BFC detailed comments on the Warfield Neighbourhood Plan
Appendix 3 – List of BFC Strategic Planning Policies

Appendix 1 – BFC comments in relation to Basic Conditions

Where comments relate to the ‘basic conditions’ these are referred to as:

- A) regard to national policy and guidance
- D) contribution to the achievement of sustainable development
- E) general conformity with strategic policies contained in the Development Plan
- F) does not breach EU obligations
- G) meets prescribed conditions (significant effect on a European Site as defined in the Conservation of Habitats and Species Regulations 2012)

B) & C) are not referred to as these only apply to Neighbourhood Development Orders.

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| Comments on the Submission version of the Warfield Neighbourhood Plan | | |
| General: Compatibility with EU Legislation | Basic Condition F | <p>The making of the neighbourhood plan currently breaches, and is not compatible with, EU obligations specifically the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively).</p> <p>A SEA/HRA Screening Decision issued in October 2016 concluded that significant effects were not likely to occur with regard to the integrity of the European sites within and around Bracknell Forest Borough, due to the implementation of the Warfield Neighbourhood Plan. Since this time the Case 323/1/Court of Justice of the European Union “People over Wind and Peter Sweetman v Coillte” has arisen. This means that Neighbourhood Plans must now be subject to Appropriate Assessment and it is no longer permissible to take account of mitigation measures at the HRA screening stage. To date the Qualifying Body has not requested that Bracknell Forest Council (BFC) undertakes an Appropriate Assessment of the Warfield Neighbourhood Plan nor has it provided the Council with the information BFC would require in order to carry out an Appropriate Assessment.</p> <p>BFC is in the process of bringing forward its Local Plan and a Draft Habitats Regulations Assessment of the Draft Bracknell Forest Local Plan (including a proposed allocation at Hayley Green) was published for consultation in January 2018 (before the Sweetman case). Part of this assessment concluded that further work was necessary to establish the effect on the integrity of Habitats Sites as a result of air quality effects in combination with other Plans and Projects (with reference to the Wealden Case - Wealden District Council v.</p> |

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| | | Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017] EWHC 351 (Admin)) (March 17). A Local Plan Air Quality Assessment is ongoing and will not be completed in time for the proposed Examination of the Warfield Neighbourhood Plan in May 2019. To date no Appropriate Assessment of the Bracknell Forest Local Plan has been undertaken and this will form part of the evidence base for the Submission Local Plan (current timescale for publication February – March 2020). |
| p27 | Basic Condition A & E | <p>Para 5.2:</p> <p>(b) “SustainProtect and enhance...” to be consistent with the existing BLP/Core Strategy and the emerging BFLP. In accordance with the Town and Country Planning (Listed Buildings and Conservations Areas) Act 1990, the Council has a statutory duty to preserve and enhance the character of the conservation - s72 of the LBC Act refers).</p> <p>(c) “Conserve and Protect, enhance and manage the existing network...” To be consistent with the existing BLP/Core Strategy and the emerging BFLP.</p> |
| Policy WNP1 | Basic Condition A & E | <ul style="list-style-type: none"> • The policy map (ref. WNP1 key) indicates that the Policy WNP1 applies only to specific areas referred to as ‘settlements’. This needs amending as the policy should apply to the whole parish as it is overarching. • 1st para: Development can be appropriate in the Green Belt under ‘very special circumstances’ (NPPF (2012) para. 88), and some forms of development are not inappropriate in the Green Belt (NPPF (2012) para. 89 and 90). Text should be amended to clarify this. • 2nd para: The Hayley Green ‘settlement boundary’ extends the defined settlement as delineated on BFC’s policies map, to include the whole of the Hayley Green housing allocation (Policy WNP2). It is considered more appropriate to deal with this in the emerging Local Plan as a strategic matter and once the extent of the new built up area is clearer. The Neighbourhood Plan should however show the boundaries of the site that is being allocated. • 2nd para: The policy refers to defining the settlement boundaries of Newell Green, Warfield Street and Hayley Green - subsequent policies suggest that the boundaries are identifying character areas as opposed to settlement boundaries. As currently worded, it is unclear what the policy approach is in respect of other areas of built development that fall within the defined settlement boundary e.g. the existing urban area south of Harvest Ride and the Land at the Warfield strategic development site. • 2nd para: Does not define infill or clarify the policy position on non-infill development. It is considered to be contrary to Policy CS2 which states that “Development will be permitted within defined settlements”, i.e. all development, not just infill. • 3rd para: Does not reflect that there are different policies in the NPPF and the BFC Development Plan for |

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| | | <p>countryside in the Green Belt and for countryside outside of the Green Belt. It is therefore not consistent with the NPPF.</p> <ul style="list-style-type: none"> • 3rd para: ‘appropriate forms of development’ is not defined and is too ambiguous a term to be effective in decision making. Considerations in the determination of planning applications are less rigorous than existing policy, and could lead to unacceptable development. This conflicts with strategic Core Strategy policy CS9 that protects land outside of settlements. <p>The following changes are recommended: “Proposals for development outside these settlement boundaries will only be supported if they are appropriate forms of development and they are consistent with development Plan policies relating to and specifically those relating to the historic environment, heritage assets, landscape character, protecting the natural environment and where they will not compromise the delivery of the green infrastructure network.”</p> |
| Policy WNP2 | Basic Condition A | <ul style="list-style-type: none"> • The Council is supportive of the principle of allocating this land in its emerging Local Plan. • Point xii: In line with Planning Policy Guidance, the flood risk assessment should take account of all issues identified within Planning Practice Guidance Flood Risk and Coastal Change, Paragraph: 030 Reference ID: 7-030-20140306; rather than be limited to the issues identified (e.g. the fluvial flood risk in the north east of the site; flood risk ‘elsewhere’ rather than only ‘adjoining’). • Point xvi: References to the Council’s SPDs should be in the supporting text and not the main policy as they are guidance. The SPDs have been adopted in accordance with the requirements of Reg 14 the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council’s SPDs cannot be subject to examination through the Neighbourhood Plan and it is not appropriate to examine them against the basic conditions. The reference to the SPDs in the policy (rather than the supporting text) would be contrary to national policy and guidance and therefore contrary to Basic Condition A. |
| Policy WNP2 | Basic Condition F | <ul style="list-style-type: none"> • Because of the inclusion of a site allocation, the making of the neighbourhood plan currently breaches, and is not compatible with, EU obligations. This specifically relates to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds (often referred to as the Habitats and Wild Birds Directives respectively). |
| p32, Inset Map 2 (Concept Plan); and SA Appendix A WNP” Hayley Green | Basic Condition A | <p>Para 5.20:</p> <ul style="list-style-type: none"> • The NPPF 2012 requires ‘that each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area’ (para 158); and ‘Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area’ (para 165). Themes of the effective use of land and allocating land of lesser environmental value run |

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| Allocation | | <p>through the Framework. Further, plans are required to be deliverable.</p> <ul style="list-style-type: none"> • Planning Policy Guidance, Neighbourhood Planning, goes on to state ‘Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan. A local planning authority should share relevant evidence, including that gathered to support its own plan-making, with a qualifying body.’ Paragraph: 040 Reference ID: 41-040-20160211. • Bearing in mind the above, whilst the concept plan does promote the retention of hedgerows and trees; the concept plan and Sustainability Appraisal (SA) do not draw upon all the relevant evidence. For example, the BFC landscape sensitivity evidence (which is listed in Appendix A Schedule of Evidence) identifies the eastern edge of the site as having the most sensitive landscape given its rural edge, with lower areas of sensitivity to the west of the site; fluvial and surface water flood risk exist on site (predominantly to the east of the site) . • The SA states (Appendix A) ‘An agreement with the landowner(s) that the proposed area of land that formed the ‘designated open green space’ would be delivered as part of the overall development.’ • The allocation of a site must relate to land use and the best use of land for planning purposes. An owner’s vested interests should not override the best disposition of future land uses within the site which should in turn be based on robust evidence. Otherwise deliverability of the site is questioned. |
| Policy WNP3 | Basic Condition A Suggested amendments | <p>1st para:</p> <ul style="list-style-type: none"> • References to the Council’s SPDs should be in the supporting text and not the main policy as they are guidance. It is not appropriate to examine them against the basic conditions. It is considered that this would be contrary to planning legislation, therefore contrary to Basic Condition A. • There is a need to simplify and to remove reference to BFC’s Character Area Assessment SPD and WNP’s supporting documents. Recommend the following amendments: “Development proposals in the Newell Green Character Area, as shown on the Policies Map, will be supported, provided they are of a high quality design that responds positively to the Character Area Study and haveshould have full regard to the following design principles and the recommendations of the BFC Character Area Assessment:”. |
| Policy WNP3 | Basic Condition A & E Suggested amendments | <ul style="list-style-type: none"> • Point i – SA9 requires a neighbourhood centre which is planned to be partly on Priory Fields, and will consist of a new Community Hub building. This is likely to conflict with the policy requirement to respect the ‘open character’ of Priory Fields. Similarly at Warfield Memorial Ground (WMG), an SA9 policy objective is to enhance existing areas of open space – one project being to improve recreational facilities at WMG, which could include a new sports pavilion. Policy WNP3 would conflict with this strategic policy. |

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| | | <ul style="list-style-type: none"> Point ii: Text is too restrictive. Subdivision might be achievable without compromising the character of the area. The starting point for the assessment of a proposal is the principal of sustainable development and as drafted the policy would be in conflict with the specific guidance within section 7 of the NPPF 2012 and specifically para 65. This should be deleted and existing and emerging Development Plan policies relied upon. Point iii: This requirement is too prescriptive and should not prevent architectural variety that is sympathetically designed, for example 2.5 storey buildings in key locations, such as on the gateway site at Warfield Garage. The requirement to “maintain the existing plot ratio” is contrary to the NPPF 2012 (section 7) and Core Strategy Policy CS1 requirement to make efficient use of land. |
| Policy WNP4 | Basic Condition A Suggested amendments | <p>1st para:</p> <ul style="list-style-type: none"> References to the Council’s SPDs should be in the supporting text and not the main policy as they are guidance. It is not appropriate to examine them against the basic conditions. It is considered that this would be contrary to planning legislation, therefore contrary to Basic Condition A. There is a need to simplify and to remove reference to BFC’s Character Area Assessment SPD and WNP’s supporting documents. Recommend the following amendments: “Development proposals in the Warfield Street Character Area, as shown on the Policies Map, will be supported, provided they are of a high quality design that responds positively to the Character Area Study and haveshould have full regard to the following design principles and the recommendations of the BFC Character Area Assessment:”. |
| Policy WNP4 | Basic Condition A & E Suggested amendments | <ul style="list-style-type: none"> Point i: Newell Hall is opposite the SA9 strategic development site, so it will be difficult to respect the ‘rural character’. Furthermore, it is located outside the area of application of the policy, as shown on the Policies Map. The following amendment should be made: “...setting of Newell Hall, Priory Cottage...” Point i: Important to note that where listed buildings are engaged that in order to be able to determine whether the design respects the setting of a listed buildings it will be necessary for the decision maker to exercise the statutory duty to preserve and enhance and consider the significance of the asset and the impact of a proposal on the significance. It would be better to separate out the heritage issues from the design issues here to ensure that the statutory requirement with respect to heritage matters is met. Point ii: This point does not allow for variation in design. For example, the Northern Villages Character Area Assessment Area 1: Newell Green refers to ‘materials are predominantly red brick and white render, with the exception of Tudor Cottage and farm buildings that are clad in dark timber’ (https://www.bracknell-forest.gov.uk/sites/default/files/documents/chapter-4-northern-villages-study-area.pdf). Whilst it is noted that there is consistency in terms of red brick and white render the wording |

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| | | does not recognise the existence of dark timber which it would be important to retain in the event of development taking place. |
| Policy WNP5 | Basic Condition A Suggested amendments | <ul style="list-style-type: none"> • 1st para: References to the Council's SPDs should be in the supporting text and not the main policy as they are guidance. The SPDs have been adopted in accordance with the requirements of Reg 14 the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council's SPDs cannot be subject to examination through the Neighbourhood Plan and it is not appropriate to examine them against the basic conditions. The reference to the SPDs in the policy (rather than the supporting text) would be contrary to national policy and guidance and therefore contrary to Basic Condition A. • Point i: Important to note that where listed buildings are engaged that in order to be able to determine whether the design respects the setting of a listed buildings it will be necessary for the decision maker to exercise the statutory duty to preserve and enhance and consider the significance of the asset and the impact of a proposal on the significance. Suggest separating out heritage issues from design issues here to ensure that the statutory requirement with respect to heritage matters is met. • There is a need to simplify and to remove reference to BFC's Character Area Assessment SPD and WNP's supporting documents. Recommend the following amendments: "Development proposals in the Hayley Green Character Area, as shown on the Policies Map, will be supported, provided they are of a high quality design that responds positively to the Character Area Study and haveshould have full regard to the following design principles and the recommendations of the BFC Character Area Assessment:" |
| Policy WNP8/ Policies map | Basic Conditions A & E | <ul style="list-style-type: none"> • <i>'The Neighbourhood Plan proposes the establishment of the Warfield Green Infrastructure Network within the Parish, as shown on the Policies Map.'</i> 'Proposes the establishment' is not clear policy wording and as such is not in line with Neighbourhood Planning, Planning Practice Guidance, which states <i>'A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.'</i> Paragraph: 041 Reference ID: 41-041-20140306. • Further, this paragraph significantly limits the application of the policy to only those areas of the network that are mapped. The map itself does not show all current areas of green infrastructure and does not allow future improvements to the network to fall within the definition of green infrastructure for the purposes of this plan. Suggest this paragraph is modified such that the map shows areas of green infrastructure 'included but not limited to'. |
| Policy WNP9 | Basic | <ul style="list-style-type: none"> • The Council is generally supportive of the policy being included within the Plan, however an objective of |

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| | Conditions A & E | the SA9 strategic policy is to enhance existing areas of open space. One project is to improve recreational facilities at Warfield Memorial Ground (identified in the Warfield SPD), which could include replacing the existing sports pavilion with one of a slightly larger scale. This could conflict with the openness of the land, therefore be in conflict with NPPF Green Belt policy (NPPF 2012, para 89 & NPPF 2019, para 145), which this policy would trigger. Therefore the Policy does not meet Basic Condition A. Suggest deletion of Warfield Memorial Ground to avoid conflict. |
| Policy WNP10 | Basic Condition A, D & E | <ul style="list-style-type: none"> • The inclusion of commercial enterprises located in the Green Belt such as the Moss End Garden Village is not appropriate. This policy supports their extension/ redevelopment which given that several of these are in the Green Belt could conflict with national and local Green Belt policy and in view of their isolated locations the extension or intensification of these commercial enterprises may not be sustainable development. Suggest the list of assets is amended to omit commercial uses in the Green Belt. • Development on 'Local Green Spaces' is permitted in 'very special circumstances' (NPPF (2012) para. 76), so text should be amended accordingly to avoid conflict. • Last para: Policy allows for "a new doctor's surgery or a new dentist facility" potentially in the countryside. This para should be deleted, as it conflicts with the strategic Development Plan policies CS2 (protection of land outside of settlement) and CS9 (locational principles). Instead, any proposals should be considered against existing development plan policy. |
| WNP11 | Basic condition A | <ul style="list-style-type: none"> • NPPF para 83 states "Planning policies and decisions should enable: <ul style="list-style-type: none"> a) the sustainable growth and expansion of all types of business in rural areas...". It is considered that provisos i. and possibly iv. are in conflict with this. <p>Final para also appears to conflict with NPPF para 79. "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; c) the development would re-use redundant or disused buildings and enhance its immediate setting; d) the development would involve the subdivision of an existing residential dwelling; or e) the design is of exceptional quality..."</p> <p>Policy WNP11 appears far more restrictive than this.</p> <ul style="list-style-type: none"> • Reference to very special circumstances should be limited to land within the Green Belt. • The final sentence is too onerous and a condition or s106 obligation to this effect is unlikely to meet the |

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| | | basic tests of necessity or reasonableness in most cases. There is no such requirement in the NPPF, and while there may be an occasional need to tie the occupation of a dwelling to the land this should be assessed on a case by case basis and not subject to a blanket policy in the Development Plan. |
| Policy WNP12 | Basic Condition A Clarification/ Correction | Recommend splitting policy to deal with built heritage and archaeological assets (designated/non designated assets in one policy) and biodiversity in separate policy given the difference in the statutory duties in respect of both i.e. heritage – to preserve and enhance (and the relevant guidance as set out in the NPPF with respect to assessment of significance of the asset and impact on the significance) and biodiversity – to conserve. |
| Policy WNP15 | Basic Condition A | Last para: References to the Council's SPDs should be in the supporting text and not the main policy as they are guidance. The SPDs have been adopted in accordance with the requirements of Reg 14 the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council's SPDs cannot be subject to examination through the Neighbourhood Plan and it is not appropriate to examine them against the basic conditions. The reference to the SPDs in the policy (rather than the supporting text) would be contrary to national policy and guidance and therefore contrary to Basic Condition A. |
| Comments on the Sustainability Appraisal | | |
| Para 8.11 | Basic Condition A Amendment | <ul style="list-style-type: none"> In addition to the identified fluvial flood risk to the east, there is a small area at risk of fluvial flooding within the site at the north eastern corner. This is not reflected in the SA, or subsequently in the plan itself. This potentially poses a risk to development; and an opportunity for enhancement. Whilst the concept plan does not propose development within the floodplain, the fluvial flood risk needs to be taken into account within policy WNP2 to ensure inappropriate development does not take place in this area; and to ensure it is assessed within the flood risk assessment. Reference can be made to the Strategic Flood Risk Assessment (April 2018) and Draft Sequential Test (February 2018) commissioned by BFC, both available here: https://www.bracknell-forest.gov.uk/draft-bracknell-forest-local-plan/evidence-base |
| Comments on the Basic Conditions Statement | | |
| Para. 6.5 | Basic Condition F | Para 6.5 refers to advice sought from BFC in July 2018. It states that ' <i>BFC advised that they had commissioned consultants to prepare a draft Habitat Regulations Assessment report for the draft Local Plan (which also includes the Hayley Green Allocation)...</i> ' The Council has not commissioned consultants to prepare a Draft HRA Report as this is being done in-house. Paragraph 6.5 goes on to say that ' <i>it was agreed that for the 'Qualifying Body' to undertake a full 'Appropriate Assessment' in parallel with the work commissioned by BFC would not be ideal</i> '. This is also incorrect. It is a legal requirement for the Plan to be subject to an Appropriate Assessment. The Council questions whether the Qualifying Body is confusing |

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| | | <p>Habitats Regulations Assessment with Air Quality Assessment which will provide evidence on the effects of air quality on the integrity of Habitats Sites. This appears to be confirmed in paragraph 6.6 which refers to air quality assessment of the Local Plan.</p> <p>Indeed, in July 2018, the Council advised that if it were to undertake a HRA screening at that point in time, the opinion in relation to HRA would almost certainly change (in comparison to the HRA Screening Opinion of 2016) and conclude that the Warfield Neighbourhood Plan will require a full Appropriate Assessment (in the light of the Sweetman Judgement). At that time, BFC also advised that as the plan stands, it would not meet the basic condition “the making of the plan does not breach and is otherwise compatible with EU obligations”. This is because of the outstanding issue around air quality. An appropriate assessment undertaken without an air quality assessment would not be able to conclude ‘no likely significant effect’ on the Habitats Sites (in the light of the Wealden judgement).</p> <p>In paragraph 6.9 of the Basic Conditions Statement it states that, in the advice from the Council in July 2018, ‘BFC would accept the Submission Plan and that further information could be submitted as it becomes available and be fed into the Examination’. The Council understands that it has no alternative but to accept the Warfield Neighbourhood Plan (WNP) Submission Version (i.e. BFC cannot ‘refuse’ the Plan) and can only make representations in relation to whether the Neighbourhood Plan meets the ‘Basic Conditions’ and other relevant legal requirements set out in the Localism Act.</p> <p>In its advice of July 2018, the Council did state that it has commissioned an Air Quality Assessment of the Bracknell Forest Draft Local Plan. It was stated that this was intended to be an internal document and then updated and published when the Local Plan Submission sites are known and assessed. The Council also said that an internal draft Air Quality Assessment report was due to be with BFC in around two months time and that at that time the Council may have further information (on air quality) to feed into the Neighbourhood Plan Examination, or that may be able to help with the Council’s decision of whether or not the plan meets the basic conditions/ can proceed to referendum.</p> <p>It was also pointed out in the advice of July 2018 that the risks / issues associated with using the BFC draft air quality modelling report rather than commissioning a separate report for the WNP included:</p> <ul style="list-style-type: none"> o Potential for delays to the Council’s programme o The air quality assessment may identify issues that may need to be addressed <p>Indeed over the last few months the progress of the Local Plan Air Quality Assessment has been slower than the Council originally envisaged due to the implications of the Kokott Judgement (based on the Opinion</p> |

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| | | of Advocate General Kokott delivered on 25 July 2018). A Local Plan Air Quality Assessment is ongoing and will not be completed in time for the proposed Examination of the WNP in May 2019. To date no Appropriate Assessment of the Bracknell Forest Local Plan has been undertaken and this will form part of the evidence base for the Submission Local Plan (current timescale for publication February – March 2020). |

Appendix 2 – BFC other suggested changes/detailed comments on the Warfield Neighbourhood Plan

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| Comments on the Submission version of the Warfield Neighbourhood Plan | | |
| General comment – NPPF | | A new version of the National Planning Policy Framework (NPPF) was issued on 19 February 2019, after the preparation of the plan. Whilst it is acknowledged under the transitional arrangements (para 214 of the 2018 NPPF) that this Plan will be examined against the 2012 NPPF (as it was submitted on 24 January 2019), references to the 2019 NPPF, and an assessment of general conformity with policies would help to ensure the longevity of the Plan over the plan period to 2026. |
| General comment – policies | | All policy paragraphs should be numbered to ease referencing. |
| p3 | Amendment to text | “Appendix H: Glossary of Planning Terms” |
| p4 | Amendment to text | <ul style="list-style-type: none"> • 2nd para: “...community centres facility to be built...” • 5th para: “...that exists in Warfield. The Bracknell Forest Local Plan is emerging, and issues around housing land supply and housing targets...” |
| p7 | Amendment to text | Para 1.4: “ N eighbourhood plans...” |
| p11 | Update map | <p>Plan B – High Level Constraints Plan: the plan published is out-of-date and should be replaced with: [A higher resolution plan can be provided]</p>  |
| p12 | Amendment to text | <ul style="list-style-type: none"> • Para 2.15: “a. Frost Folly Country Car Park”, and add: v. Cabbage Hill” • Para 2.17: “f. _____ Sandy Lane Primary School, and “g.f. _____ Meadowbrook Montessori School.” |

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| | | <ul style="list-style-type: none"> Para 2.18: "...and services to..." |
| p13 | Amendment to text | Para 2.22: "is characterised by..." |
| p14 | Amendment to text | <ul style="list-style-type: none"> Para 2.27: "Policy CS5) and Site Allocations Local Plan Policy SA9)) and further refined in the Warfield Supplementary Planning Document-framework." Para 2.29 (& Plan D): This site is described as 'Land at Warfield' in the SALP. SA9 is the policy reference, not the name of the site. |
| p15 | Suggested amendment | Plan C: Parish Spatial Context: whilst it is acknowledged that this plan is for illustrative purposes only, the extent of the 'Emerging new built up area (Warfield extension SA9)' is inaccurate (ref. Plan D, p16) and map colours do not match the key. |
| p16 | Amendment to text | <ul style="list-style-type: none"> Area 3: "The eastern end which is allocated for housing and open space, but which does not yet have an agreed masterplan. Since pre-submission stage BFC have indicated may not be deliverable." Suggest deletion, as this statement is incorrect and no evidence has been provided to justify inclusion. Area A: "Part D delivered... SANG – East side of Cabbage Hill" |
| p17 | Amendment to text | <ul style="list-style-type: none"> Para 2.31: "Its planned new neighbourhood centre... A secondary school will be located..." Para 2.32: Suggest that reference to North Lodge Farm is deleted as it is not relevant in the context of the lifetime of the plan. Para 2.33: It is the Policies Map not Policy CS2 which sets out the defined settlement boundaries. |
| p18 | Amendment to text | <ul style="list-style-type: none"> Para 2.38: "...in terms of the public rights of way, woodland (both predominantly broad-leaf-and-mixed leaf) and..." Para 2.39: "Policy GB5 of the Bracknell Forest Borough BFC Local Plan" |
| p19 | Amendment to text | <ul style="list-style-type: none"> Para 3.1: "The Parish lies in the Bracknell Forest Council planning authority area." Para 3.4 "...the saved policies of the Bracknell Forest Borough Local Plan (2002), Bracknell Forest Core Strategy..." |
| p19 | Amendment to text | <ul style="list-style-type: none"> Para 3.5: The list of strategic Development Plan policies is not comprehensive. Recommend the list is removed or amended to accord with BFC's list of strategic policies: [A higher resolution version can be provided] |

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| | | <p>South East Plan</p> <p>Policy</p> <p>“Saved” NRM6 Thames Basin Heaths Special Protection Area</p> <hr/> <p>Core Strategy</p> <p>Policy</p> <p>CS1 Sustainable Development Principles</p> <p>CS2 Localational Principles</p> <p>CS3 Bracknell Town Centre</p> <p>CS4 Land at Amen Corner (Parish of Binfield)</p> <p>CS5 Land north of Whitegrove and Quelm Park (Parish of Warfield)</p> <p>CS6 Limiting the Impacts of Development</p> <p>CS8 Recreation and Leisure</p> <p>CS9 Development on land Outside Settlements</p> <p>CS13 Sustainable Waste Management</p> <p>CS14 Thames Basin Heaths Special Protection Area</p> <p>CS15 Overall Housing Provision</p> <p>CS16 Housing Needs of the Community</p> <p>CS17 Affordable Housing</p> <p>CS19 Location of Employment Development</p> <p>CS21 Retail Development in Town Centres</p> <p>CS23 Transport</p> <hr/> <p>Site Allocations Local Plan</p> <p>Policy</p> <p>CP1 Presumption in Favour of Sustainable Development</p> <p>SA1 Previously Developed Land in Defined Settlements</p> <p>SA2 Other Land within Defined Settlements</p> <p>SA3 Edge of Settlement Sites</p> <p>SA4 Land at Broadmoor, Crowthorne</p> <p>SA5 Land at Transport Research Laboratory, Crowthorne</p> <p>SA6 Land at Amen Corner (North), Binfield</p> <p>SA7 Land at Blue Mountain, Binfield</p> <p>SA8 Land at Amen Corner (South), Binfield</p> <p>SA9 Land at Warfield</p> <p>SA10 Royal Military Academy, Sandhurst</p> <p>SA11 Bracknell Town Centre</p> <p>SA12 The Peel Centre</p> <p>SA13 Policies Map Changes</p> <hr/> <p>Bracknell Forest Borough Local Plan</p> <p>“Saved” Policy</p> <p>EN3 Nature conservation</p> <p>EN4 Local Nature Reserves, Wildlife Heritage Sites and Regionally Important Geological Sites</p> <p>EN6 Ancient monuments and archaeological remains of national importance</p> <p>EN10 Areas of landscape importance</p> <p>EN12 Historic parks and gardens</p> <p>E5 Hierarchy of shopping centres</p> <p>H11 Retention of housing stock</p> <p>M2 Safeguard road line – Extension of the northern distributor road</p> <p>M3 Protected road lines – Sandhurst – Crowthorne by pass</p> <p>R4 Provision of open space of public value</p> <p>SC3 No reduction in existing community facilities</p> <p>Proposal PE1I Land in the northern sector of Bracknell Town Centre</p> <p>Proposal PE1II Land at the south of Bracknell Town Centre</p> <p>Proposal PH1.1 The Staff College, Bracknell</p> <p>Proposal PH1.2 New housing development proposal at Peacock Farm, west of Bracknell Town</p> <p>Proposal PM1.1 Road junction and highway works</p> <p>Proposal PM1.3 Land protected for dualling</p> <p>Proposal PM5 Service road schemes</p> <p>Proposal PR10 Blackwater Valley</p> <p>Additionally, WPC might choose to include a list of ‘other relevant polices’.</p> <ul style="list-style-type: none"> • Para 3.8: “Therefore, the WNP has been prepared at a time of great uncertainty over the spatial strategy for allocating housing land in the Borough, therefore the housing number appropriate for the Parish has not been determined, and that t At the time of drafting, BFC the Borough Council was can only able to |

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| | | demonstrate...". BFC is currently able to demonstrate a 5 year housing land supply. |
| p21 | Amendment to text | Para 3.11: "...which states:..." |
| p22 | Clarification | Para 3.14: Reference is made to the 'spatial options (set out above)' – but it is not immediately clear what the 'set out above' relates to and a cross reference to the section of relevant paragraphs should be included. |
| p24 | Amendment to text | <ul style="list-style-type: none"> • Para 4.11: "...the responses in order..." • Para 4.19: "...listed under section 3.54, some..." |
| p27 | Clarification Amendment to text | <p>Para 5.1:</p> <ul style="list-style-type: none"> • It is not clear what is meant by "retained its rural and open countryside character in part by the retention of the Metropolitan Green Belt". • The Vision should be revised to state that the majority of the parish will still be rural in character whilst accepting the need for some growth up to 2026, because the allocation of land for development at Hayley Green will not retain the 'rural and open countryside character'. • Para 5.3: • WPC need to provide a monitoring framework for each policy to enable BFC to monitor the extent to which the planning policies set out in the Development Plan are being achieved. • "...emerging Comprehensive Bracknell Forest Local Plan." |
| p28 | Amendment to text | <ul style="list-style-type: none"> • Para 5.7: "...from the Bracknell Forest Council's development plan District Local Plan will continue..." • Para 5.8: "...the policies maps, which contain; where a the policies that refers to a specific site or area then it is shown on the Maps. A reference to the policies map should also be included for ease of use. |
| Policy WNP1 | Amendment to text | <p>1st para: This is not specific enough to be within policy, as it does not suggest how this would be achieved. It appears to be more of a 'vision' and should be relocated to the supporting text.</p> <p>2nd para:</p> <ul style="list-style-type: none"> • The policy map key should be amended to perhaps refer to 'character areas' in relation to policies WNP3 to WNP5, to align with basic condition comments related to policy WNP1 above. • The Hayley Green 'settlement boundary' includes a housing allocation for 235 dwellings (Policy WNP2) which is more than simply 'infill development'. • All policies within the development plan will need to be taken into account in decision making, not just Development Management policies; and once 'made', the WNP will form <i>part of</i> Bracknell Forest Council's Development Plan. <p>The following changes are therefore recommended: "The Neighbourhood Plan defines the Character Areas Settlement Boundaries of Newell Green, Warfield</p> |

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| | | Street and Hayley Green; these areas are shown on the Policies Map. Development Proposals for infill development within their boundaries will be supported, provided they accord with Development Plan policies , the development management policies of the Bracknell Forest Development Plan and with the relevant policies of the Warfield Neighbourhood Plan.” |
| p30 | Amendment to text Clarification | <ul style="list-style-type: none"> • Para 5.13: “...because of the potential current lack...” • Para 5.13: Reference is made to the Ministerial Statement dated 12th Dec 2016 which states, with respect to the relevant policies for the ‘supply of housing in a neighbourhood plan, that is part of the development plan, should not be deemed ‘out of date’ under paragraph 49 of the NPPF where all the following circumstances arise at the time the decision is made: <ol style="list-style-type: none"> 1. This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less; 2. The neighbourhood plan allocates sites for housing; and 3. The local planning authority can demonstrate a three – year supply of deliverable housing sites (https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-12-12/HCWS346/) <p>The statement within the WNP is out of date, as the Ministerial statement is now over 2 years old, the Neighbourhood Plan has not been adopted/part of the development plan, and the Council is able to demonstrate a 5 years Housing Land Supply (HLS) – i.e. as of 1/4/18 the HLS is 6.04 years.</p> • Para 5.14: “the Bracknell Forest Comprehensive Local Plan.” |
| Policy WNP2 | Amendment to text Clarification Amendment to text | <ul style="list-style-type: none"> • 1st para: replace “allocation” with “development”. • Point i: suggest replacing text with “Affordable Housing”, to allow this policy to accord with NPPF definition, and allow some flexibility in light of changing definitions of affordable housing, and so that a narrower definition does not prevent BFC from securing a mix of affordable housing to meet needs at the time of determining a planning application. • Point iii: The requirement for a ‘safe and convenient’ cycle and pedestrian connection from the development land onto Hayley Green, along Forest Road to Westmorland Park, is welcomed. This would however be likely to require a degree of highway widening and lighting to achieve this. • 2nd para: “... planning application permission to ensure that the site is developed comprehensively. Any planning applications for piecemeal development that would undermine this objective will not be supported. • [New 3rd para]: “Prior to the submission of a planning application for any part of the site, a masterplan will be prepared by the developer(s) and agreed with the Council in accordance with the requirements of Policy WNP2 and other relevant Development Plan policies unless otherwise |

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| | | <p><u>agreed with the Council. Once agreed by the Council it will be an important material planning consideration in the determination of any subsequent planning application(s).</u></p> <ul style="list-style-type: none"> • New 4th para: “The application should include:” • Delete point (vi) – replaced by para above. • Point viii: “A housing mix which favours 1, 2 and 3 bed family and starter homes and homes <u>provision of housing to meet the needs for older people and those with long term health and physical disabilities</u>” This requirement is however quite ambiguous and suggest text is amended to provide clarity, for example, specific Use Classes could be referenced to provide for older people. • Point x: “A heritage <u>assessment</u> statement which that <u>demonstrates how the proposal preserves and enhances</u> considers the setting of listed buildings nearby;” • Point xi: “...and enhancements such as <u>large broadleaf trees, hedgerows,</u> bat roosting and bird nesting features will be integrated into the built development; <u>creating new ecological habitats, which could include green corridors linking habitats.</u>” • Point xii: The concept plan shows housing development proposed on areas susceptible to surface water flood risk. Detailed flood risk assessments will need to be conducted to inform actual layout. Suggest wording is amended to require the remediation of existing site flooding, rather than simply to result in no increase. • Point xii: Change wording from adjoining land to ‘any land off-site’ as water may be conveyed to land further downstream which does not adjoin the site boundary. Also state that the sustainable drainage scheme needs to ensure that water quality is considered given the proximity of the outfall to the River Cut. • Point xiii: It is assumed that this is referring to foul water connection. This will need to be agreed between developer and statutory undertaker. Delete. It is unclear what this is trying to achieve. • Point xvi: This information is too detailed to be sought for an outline application. |
| p31 | Amendment to text | Para 5.18: “...representations from the land interests...”. |
| p33 | Clarification | Para 5.25: Whilst developers could use the WNP Character Area Studies and WNP Landscape Study for guidance, only the BFC Character Areas Assessment SPD carries (limited) weight in determining planning applications. |
| Policy WNP3 | Amendment to text | <ul style="list-style-type: none"> • Final para: Delete. Reference to infill development at the end of the policy is already covered by rest of policy and existing development management policy. |
| Policy WNP4 | Amendment | <ul style="list-style-type: none"> • Point i: “Design respects the <u>semi-rural</u> character...” |

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| | to text | <ul style="list-style-type: none"> Point iii: Policy should go further than to retain or re-provide trees and hedgerows. Development should supplement tree and hedgerow cover. Suggest amending text: “Proposals should retain and supplement, or re-provide as necessary important trees and boundary hedges, or replant if a net benefit can be achieved, to improve consistency to the street frontage along Warfield Street and particularly at the gateway of the settlement to maintain the sense of separation...”. Point iv: “a lower density” form of development should be defined. Otherwise, suggest the deletion of this point and revert to existing development plan policy. Final para: Delete. Reference to infill development at the end of the policy is already covered by rest of policy and existing development management policy. |
| Policy WNP5 | Amendment to text | <ul style="list-style-type: none"> Point i: Amend to be consistent with the supporting text: “Design respects the semi-rural character...” Point i: Important to note that, where listed buildings are engaged, in order to be able to determine whether the design respects the setting of a listed buildings it will be necessary for the decision maker to exercise the statutory duty to preserve and enhance and consider the significance of the asset and the impact of a proposal on the significance. Suggest separating out heritage issues from design issues here to ensure that the statutory requirement with respect to heritage matters is met. Point iii: Policy should go further than to retain or re-provide trees and hedgerows. Development should supplement tree and hedgerow cover. Suggest amending text: “Proposals should retain and supplement, or re-provide as necessary important trees and boundary hedges and or replant if a net benefit can be achieved, to improve consistency to the street frontage along Forest Road”. Final para: “Infill development should minimise its impact on the street scene and avoid unacceptable harm on the amenity of adjoining residential properties.” Should be deleted, as such matters are already covered by existing development management policy. |
| p37 | Amendment to text | Para 5.37: “...any development proposals mitigates...” |
| Policy WNP7 | Clarification Amendment to text | <ul style="list-style-type: none"> Policy refers to ‘settlements’, whereas the three areas are referred to as character areas in policies WNP3 to WNP5. This needs to be clarified. While the concept of local gaps is supported it is unclear what the difference in policy is from other land outside settlement boundaries defined in WNP1. If local gaps are intended to have a more restrictive approach this isn’t clear. Suggest wording on the line of CS9 “protect the defined gaps ... from development that would harm the physical and visual separation of settlements...”. It is difficult to imagine how a development proposal “might reinforce the positive characteristics of the |

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| | | <p>Gap". This is really too ambiguous and requires clarifying/defining for policy to be effective. Use of the word "might" in particular should be deleted.</p> <ul style="list-style-type: none"> • "...maintain its integrity and does not conflict with other policies in the Development Plan." |
| p37 | Amendment to text | Para 5.39 "...to prevent the coalescence of the <u>character areas</u> settlements of Newell Green..." |
| Policy WNP8 | Amendment to text | <ul style="list-style-type: none"> • The inclusion of a green infrastructure policy is positive and is welcomed, providing the potential for multi-functional benefits. • Title is misleading as this policy is about the green infrastructure network, but the term 'green infrastructure' encompasses more features than those shown on the policies map. Need to ensure that if the green infrastructure network is mapped it is comprehensive and that the policy doesn't preclude adequate protection and enhancement of green spaces not specifically shown on the map. • 2nd para: Recommend the following amendments: "Development proposals on land that comprises or adjoins...the maintenance and improvement of..." • Whilst the supporting text refers to blue infrastructure, it is not included within the policy wording or the definition of Green Infrastructure within the Glossary. Access routes such as cycleways, footpaths and bridleways are also omitted from the definition (although some are mapped). • The supporting text acknowledges that the River Cut is a failing watercourse and states that the policy reflects this – but it is not clear how water quality is addressed. |
| p39 | Amendment to text | <ul style="list-style-type: none"> • Paras 5.46 & 5.48: Phrases such as "The network proposes..." or "The network also seeks..." should be amended, as it is not the network that is 'proposing' or 'seeking'. • Para 5.49: "...proposals that are part of impinge on the network..." |
| Policy WNP10 | Amendment to text | <ul style="list-style-type: none"> • 1st para: Supporting text needs to define "unnecessary loss". As drafted, this is too ambiguous. Suggest deletion: "...will lead to the unnecessary loss of the..." • Point vii: "Frost Folly Country Car Park" • Location and extent of facilities/assets listed need to be defined on the policies map to avoid confusion in decision making. |
| Policy WNP11 | Amendment to text | <ul style="list-style-type: none"> • Point i: "...agriculture, or small scale enterprise..." • Point ii: It is not clear what 'buildings of historic interest' are, as this is quite a subjective term. Suggest more specific terminology is used, such as 'listed buildings' or 'locally listed buildings'. Similar issue with 'nature conservation interests'. Suggest using more specific designation definitions, such as 'Local Wildlife Sites'. • Point iv: "...a future need for another building further development to fulfil..." |

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| | | <ul style="list-style-type: none"> Last para: "...only be granted supported in very..." It is unclear whether a proposal has to meet all of the provisos – e.g. proviso iii. Only relates to farms so it would not be appropriate for proposals that are not on a farm to be bound by this proviso. |
| Policy WNP12 | Amendment to text | <ul style="list-style-type: none"> 2nd para: "...satisfaction of the Parish Council and local planning authority..." Last para: "...local assets such as mature trees, hedgerows, grassland and woodland, and..." |
| p43 | Amendment to text | <p>Para 5.59: "...forward in the Comprehensive Bracknell Forest Local Plan..."</p> <p>Para 5.60: "Alongside Policy WNP9 it is..."</p> |
| Policy WNP13 | Amendment to text Clarification | <ul style="list-style-type: none"> "Development proposals beyond the built-up area boundary of Bracknell should be designed in a way that minimises light pollution" – it is unclear how this requirement relates to defined areas on the policies map. As this is a plan for Warfield Parish it cannot influence land use outside its area. Suggest replace with "Development proposals outside settlement boundaries" |
| Policy WNP13 | Amendment to text Clarification | The policy does not explain why light pollution should be minimised – i.e. what is the reason for the policy is it designed to protect human health and safety; residential amenity; the quality of the natural environment or landscape? The lighting standards quoted will need to be assessed against what is required by Highways for street lighting and safety audits. |
| Policy WNP14 | Amendment to text | Surface Water Drainage/Foul water capacity/solutions will be a pre-requisite for any development, including at Hayley Green in any event. Upgrades and timing of delivery for foul infrastructure needs to be agreed between the developer and the sewage undertaker. This policy is not considered to be necessary. Delete. |
| p44 | Amendment to text | Para 5.69: "...the Bracknell Forest BFC Comprehensive Local plan..." |
| Policy WNP15 | Amendment to text | <ul style="list-style-type: none"> Title: "Parking, Garaging Garages and Ancillary Buildings. 1st para: Suggest the wording "Parking provision ... should replicate parking solutions in the immediate vicinity to maintain the character of the area" is reworded as existing parking solutions may be unsatisfactory and therefore best not to replicate. 2nd para: The phrase "buildings should ... be subservient to the main dwelling" is confusing. Suggest clarify by adding "garages and ancillary" before "buildings". 3rd para: This is already adequately covered by the first sentence of the policy, although it is suggested this shouldn't be restricted to off-road parking as some parking will need to be on street, e.g. visitor parking. |
| p47 | Amendment to text | Para 6.3: "...will be responsible reasonable for the development management, the Parish will use the WNP to frame its representations on submitted applications, it and will also..." |
| p47 | Amendment | Para 6.4: "Warfield Parish Neighbourhood Plan proposes to fund some or all of the following projects using ef |

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| | to text Clarification | future Warfield Parish community infrastructure levy <u>revenue</u> funding allocated by the local planning authority and to the Neighbourhood Plan.” Comments on projects proposed: a) Build outs on Forest Road, Warfield Street and Newell Green. This is the A3095 which is a principal route and carries a significant amount of traffic to and from the borough. Build-outs are designed for neighbourhood roads and require priority working which would have a detrimental impact on strategic movement in the borough. b) Speed reduction measures – only consider such measures on an evidence based approach and if on a bus route will need to consider design carefully d) Pedestrian Crossing Points at Moss End, Three Legged Cross, Newell Green – Each site will need to be assessed to ensure it meets the requirements for such a crossing. e) Cycle lanes throughout the plan area – Agreed but at present there are considerable challenges to implementing cycleways in much of this area due to availability of land, lack of existing footways, presence of mature trees and lack of lighting. g) Increasing bus frequency – bus routes in Warfield are all council-supported and budget pressures do not permit us to increase frequency without an additional, external funding source. Whilst increasing the use of public transport is an understandable aim to have, this is unlikely to be successful without further supported funding, and there appears to be little else in the Plan that encourages use of public transport. |
| p48 | Amendment to text | Para 6.5: “ These is Transport and Green Infrastructure... A minimum of 25% of the levy...” |
| Policies Map | Amendment to map | <ul style="list-style-type: none"> • The policy maps on pp49 and 52 should be merged clearly onto one policies map in the interests of clarity for users. • Flood zones should be included. • Inset 2 of the policies map leads to the Hayley Green Concept Plan (p51), which is a standalone plan and not part of the policies map. Reference to ‘Inset Map 2’ should therefore be deleted, and if necessary add spatial context to Inset Map 2. • Suggest the Green Belt is shown. |
| Inset Map 1 | Amendment to map | <ul style="list-style-type: none"> • Unclear why the proposed settlement boundary doesn’t include existing properties on Hayley Green and Bracknell Road to make a more rational boundary. • The key for WNP2 and WNP5 are incorrect and need to be swapped. |
| Inset Map 2 – Hayley | Comment | <ul style="list-style-type: none"> • Key is incomplete: 1. What is the white land in SE corner? |

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| Green Concept Plan | | <p>2. Key point C shows an access off Forest Road as well as Cricketers Lane.</p> <p>3. What is the brown land?</p> <ul style="list-style-type: none"> • Concept development plan does not reflect principles of sequentially siting development away from areas of higher flood risk. Corridor to the west is reduced in width when compared to surface water flood risk maps. Parcel J and access are likely to be affected by flooding from the River Cut corridor as well. |
| Green Infrastructure policies map | Amendment to policy maps | <ul style="list-style-type: none"> • The Green Infrastructure Policies Map is largely based around rights of way (which are not in themselves the main defining element of green infrastructure) and omits many areas of existing green infrastructure, such as SANG, The Cut and Bull Brook river corridors (mentioned in the supporting text), designated sites and ancient woodlands (BFC are able to provide the GIS layers). Hedgerows also form an essential element of the network (these are not digitally mapped in the borough). GI does not have to be accessible to the public, so there will be private woodland, tree lines and hedgerows that provide a network. • The colours used within the map, and the scale of the map, make it hard to read and differentiate the relevant features. • It would be beneficial to show elements of green infrastructure as they extend outside of the Parish boundary, given the 'network' nature of green infrastructure. |
| Appendix A | Clarification | This appendix should be referenced in the main body of the plan. |
| Appendix C | Map out of date | The map of TPOs is out-of-date, and is not referenced in the main body of the plan. It does not contain recently made TPOs and new TPOs are being made all the time. It is therefore considered unnecessary and potentially misleading, and therefore should be deleted. |
| Appendix C | Clarification | The relevance of this appendix is unclear. This appendix should be referenced in the main body of the plan or deleted. |
| Appendix E | Update map | This appendix should be referenced in the main body of the plan or deleted. Otherwise, the plan published is out-of-date and should be replaced with: [A higher resolution plan can be provided] |

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| Appendix F | Update map | <p>The plan published is out-of-date and should be replaced with: [A higher resolution plan can be provided]</p>  |
| p66 | Amendment to text | Title: “Sustainable Drainage Systems (Su U DS)” |
| Comments on the Sustainability Appraisal | | |
| Para 8.11 | Amendment | Proposed change to “....greenfield land in proximity to a heritage assets s ...” |
| Plan C | Clarification | Plan is illegible. |

Appendix 3 – List of BFC Strategic Planning Policies

Strategic Policies of the Bracknell Forest Development Plan for Neighbourhood Planning purposes

Background context

Paragraph 184 of the National Planning Policy Framework (NPPF) states that: “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area...”

Paragraph 156 of the NPPF sets out certain strategic policies should be included in *Local Plans* to deliver development. These therefore form the basis for considering what the ‘strategic policies’ are, which includes policies, which among others, deal with development such as the homes and jobs needed in the area, commercial development, waste management, infrastructure for transport.

Basic conditions

Only a draft Neighbourhood Plan that meets each of the set of basic conditions can be put to a referendum and be made. The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions for *Neighbourhood Development Plans* are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
- the making of the plan contributes to sustainable development;
- the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the plan does not breach, and is otherwise compatible with, EU obligations;
- prescribed conditions are met in relation to the Order (or neighbourhood plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

National planning policies are contained in the National Planning Policy Framework (NPPF) which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

National planning policies for traveller sites are contained in the Planning Policy for Traveller Sites (PPTS) which should be read in conjunction with the NPPF, and can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6078/2113371.pdf

National planning guidance is contained in the Planning Practice Guidance (PPG) which can be found here: <http://planningguidance.planningportal.gov.uk/blog/guidance/>

The Planning Practice Guidance (PPG) (Reference ID: 41-074-20140306) advises that the basic condition relating to ‘general conformity’ with strategic policies contained in the Development Plan should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;

- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.

The Development Plan in Bracknell Forest

In Bracknell Forest a number of policy documents are used to guide the location and other aspects of future development. The policies in these documents are important in deciding planning applications. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that decisions are made in accordance with the Development Plan unless material considerations indicate otherwise.

Regional Policy

The South East Plan was partially revoked on 25th March 2013. Policy NRM6 that deals with the Thames Basin Heaths Special Protection Area remains in place.

Local Policy

This comprises the following plans:

- **Core Strategy (adopted February 2008)** - A high level document containing the Council's long-term aspirations for the Borough, and policies to guide and manage development in Bracknell Forest until 2026.
- **Site Allocations Local Plan (adopted July 2013)** - Helps implement the adopted Core Strategy. It identifies sites for future housing development, ensures that appropriate infrastructure is identified and delivered alongside new development and also revises some designations on the Policies Map.
- **Bracknell Forest Borough Local Plan (adopted January 2002)** - Although some of these policies have been dropped, many were 'saved' by the Secretary of State beyond 27 September 2007 and remain in effect. Some have been subsequently replaced by new policies in the adopted Core Strategy and adopted Site Allocations Local Plan.
- **Bracknell Forest Borough Policies Map (adopted July 2013)** - Shows designations relating to 'saved' policies in the Bracknell Forest Borough Local Plan, Core Strategy designations, and sites proposed for development in the Site Allocations Local Plan.
- **Replacement Minerals Local Plan (adopted May 2001)** - The Plan was intended to ensure that minerals were extracted at the right pace throughout the period to the end of 2006, and that there are enough planning permissions for mineral extraction at the end of that period for a further seven years of extraction (to the end of 2013). The Plan also contains a number of Development Management policies.
- **Waste Local Plan for Berkshire (adopted December 1998)** - This covered the period to 2006. Its policies control different types of waste management development and ensure that waste development is in the least environmentally sensitive locations. They also secure waste minimisation and recycling in new development.

Further information on the Development Plan is available at: <http://www.bracknell-forest.gov.uk/developmentplan>

The Strategic Policies of the Development Plan for Bracknell Forest (for Neighbourhood Planning purposes)

South East Plan

Policy

| | |
|--------------|---|
| 'Saved' NRM6 | Thames Basin Heaths Special Protection Area |
|--------------|---|

Core Strategy

Policy

| | |
|------|--|
| CS1 | Sustainable Development Principles |
| CS2 | Locational Principles |
| CS3 | Bracknell Town Centre |
| CS4 | Land at Amen Corner (Parish of Binfield) |
| CS5 | Land north of Whitegrove and Quelm Park (Parish of Warfield) |
| CS6 | Limiting the Impacts of Development |
| CS8 | Recreation and Leisure |
| CS9 | Development on land Outside Settlements |
| CS13 | Sustainable Waste Management |
| CS14 | Thames Basin Heaths Special Protection Area |
| CS15 | Overall Housing Provision |
| CS16 | Housing Needs of the Community |
| CS17 | Affordable Housing |
| CS19 | Location of Employment Development |
| CS21 | Retail Development in Town Centres |
| CS23 | Transport |

Site Allocations Local Plan

Policy

| | |
|------|---|
| CP1 | Presumption in Favour of Sustainable Development |
| SA1 | Previously Developed Land in Defined Settlements |
| SA2 | Other Land within Defined Settlements |
| SA3 | Edge of Settlement Sites |
| 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 |
| SA11 | Bracknell Town Centre |
| SA12 | The Peel Centre |
| SA13 | Policies Map Changes |

Bracknell Forest Borough Local Plan

'Saved' Policy

| | |
|----------------|--|
| EN3 | Nature conservation |
| EN4 | Local Nature Reserves, Wildlife Heritage Sites and Regionally Important Geological Sites |
| EN6 | Ancient monuments and archaeological remains of national importance |
| EN10 | Areas of landscape importance |
| EN12 | Historic parks and gardens |
| E5 | Hierarchy of shopping centres |
| H11 | Retention of housing stock |
| M2 | Safeguard road line – Extension of the northern distributor road |
| M3 | Protected road lines – Sandhurst – Crowthorne by pass |
| R4 | Provision of open space of public value |
| SC3 | No reduction in existing community facilities |
| Proposal PE1i | Land in the northern sector of Bracknell Town Centre |
| Proposal PE1ii | Land at the south of Bracknell Town Centre |
| Proposal PH1.1 | The Staff College, Bracknell |
| Proposal PH1.2 | New housing development proposal at Peacock Farm, west of Bracknell Town |
| Proposal PM1.1 | Road junction and highway works |
| Proposal PM1.3 | Land protected for dualling |
| Proposal PM5 | Service road schemes |
| Proposal PR10 | Blackwater Valley |

Replacement Minerals Local Plan (adopted May 2001) and Waste Local Plan for Berkshire (adopted December 1998). By law Neighbourhood Development Plans cannot deal with minerals or waste issues.

It should also be noted that Green Belt boundaries are a strategic issue; Green Belt boundaries cannot be amended by a Neighbourhood Plan. Regard must be had to national planning policy - see chapter 9 'Protecting Green Belt land' of the National Planning Policy Framework for further policy information:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf#page=25

Other matters

A Neighbourhood Plan cannot require a Local Authority to make designations or exercise particular powers. Such examples include: serving a compulsory purchase order (CPO), listing an asset of community value, designating or extending a conservation area, putting a building on the local list, serving a tree preservation order (TPO).

Neighbourhood planning has its own set of Regulations which set out the legal matters relating to the neighbourhood planning process. These are 'The Neighbourhood Planning (General) Regulations 2012) and The Neighbourhood Planning (General) (Amendment) Regulations 2015' and can be viewed here: http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf and http://offlinehbpl.hbpl.co.uk/NewsAttachments/RLP/ukxi_20150020_en1.pdf

There are separate Neighbourhood Planning Regulations regarding the referendum.