

**TO: THE EXECUTIVE MEMBER FOR ECONOMIC DEVELOPMENT &  
REGENERATION ON BEHALF OF THE EXECUTIVE MEMBER FOR PLANNING &  
TRANSPORT  
DECISION BY 21<sup>ST</sup> JANUARY 2013**

---

**EXAMINATION INTO THE BRACKNELL FOREST BOROUGH SITE ALLOCATIONS  
DEVELOPMENT PLAN DOCUMENT – PROPOSED MODIFICATIONS  
(Director of Environment, Culture & Communities)**

**1 PURPOSE OF DECISION**

- 1.1 The purpose of this report is to secure the Executive Member's approval to submit a schedule of proposed modifications to the Inspector examining the Bracknell Forest Site Allocations Development Plan Document (SADPD).

**2 RECOMMENDATION(S)**

**2.1 That the Executive Member for Economic Development & Regeneration:**

- a) approves the Schedule of Modifications at Annex 1 for submission to the Inspector Examining the Bracknell Forest Site Allocations Development Plan Document;**
- b) confirms that the decision is one of urgency and should not be subject to call in by the Overview and Scrutiny Panel; and,**
- c) authorises the Chief Officer, Planning and Transport, in consultation with the Executive Member for Economic Development and Regeneration, to respond to recommendations made by the Inspector on the Schedule of Modifications including agreeing alterations to the Schedule.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 Following the first two sets of hearings into the SADPD the Inspector has invited the Council to propose a set of changes to the SADPD in order to make it sound. The most significant of these are known as main modifications. The Inspector has indicated four main areas requiring changes as follows:

- The inclusion of a policy on the presumption in favour of sustainable development to reflect the National Planning Policy Framework (NPPF);
- The addition of settlement boundaries for the major urban extensions to give greater certainty on the location of development and better demonstrate compliance with Core Strategy Policy CS9 (to include the insertion of illustrative concept plans for Amen Corner South and Warfield based on those in their respective adopted Supplementary Planning Documents [SPDs]);
- Changes to the wording of the plan to achieve general conformity with the South East Plan (SEP), particularly its housing requirements; and,
- The inclusion of a number of additional sites to provide a more robust housing land supply.

- 3.2 The next stage will be for the Council to provide a full schedule of all proposed modifications to the Inspector. This list includes modifications to address the four

main issues listed at paragraph 3.1 above and a number of what officers consider to be minor changes which do not affect the document's overall soundness but would improve its clarity and consistency and provide more up to date references.

- 3.3 From this schedule the Inspector will determine which are main modifications required to make the document sound. He may make changes to these main modifications and may add further main modifications of his own. It is only the main modifications which will be subject to further consultation and potentially further hearing sessions before the Inspector produces his final report.

#### **4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 The Council could seek to continue the process but not provide proposed modifications to the plan. The Council has already made a request under the new Section 20 (7C) of the Planning and Compulsory Purchase Act 2004 for the Inspector to recommend main modifications needed to make the document sound. The Inspector could therefore produce his own set of changes from scratch and consult on those. However he has expressed a strong preference for the Council to put forward its own proposed modifications including those in the areas he has identified. This provides the opportunity for the Council to set out the proposed changes in the manner it considers most appropriate rather than reacting to changes initially drafted by the Inspector. This is considered preferable in terms of being most likely to result in changes that best support the Council's position and in order to minimise further delay before we move to the next stages of the process.
- 4.2 Another alternative would be for the Council to withdraw the Plan. This would halt the process and would result in the Council having a significant shortfall in housing land supply for a protracted period until a new Local Plan could be adopted. Withdrawal of the Plan does not remove the obligation to provide suitable land to meet our further needs. This would leave the Council without a plan-led approach and make it very difficult to resist potentially inappropriate planning applications, including weakening its position at appeals. In light of the Inspector's indication that the plan can be made sound with main modifications and the need to have an up to date planning policy framework in place to guide development and support the introduction of the Community Infrastructure Levy it is recommended that the process is continued.

#### **5 SUPPORTING INFORMATION**

- 5.1 The following sections of this report describe in more detail the main modifications outlined in the bullet points at paragraph 3.1 above. The full schedule of modifications is attached at Annex 1 to this report. The Inspector has indicated that the Council should provide him with a comprehensive list of all the modifications from which he will select those he considers to be main modifications. It is only the main modifications that will be subject to further consultation and consideration of representations (which is likely to include further hearing sessions). The Council can introduce the other 'minor' modifications without the need for consultation or consideration by the Inspector as they do not affect the policies in the plan (being mainly matters of updating or clarification).

#### **5.2 Model Policy on Presumption in Favour of Sustainable Development**

- 5.2.1 The Planning Inspectorate has, at the Government's instigation, produced a model policy to implement the presumption in favour of sustainable development enshrined in the NPPF. Officers' initial response was that the policy is not required as the principles of supporting sustainable development are already enshrined within the development plan through Core Strategy policies. However, the SADPD Inspector has indicated that inclusion of the model policy is necessary to ensure soundness.
- 5.2.2 Officers consider that the clarity of the policy would be improved by making certain changes to its wording as set out below. The original model policy is reproduced below with proposed changes to it marked as **bold** (for additional text) and ~~strikethrough~~ (for deleted text). Similar (and in some cases more extensive) changes to the policy have been accepted as sound in examination of other councils' development plan documents (e.g. Reading).

**A positive approach to** ~~When~~ considering development proposals **will be taken** ~~the Council will take a positive approach~~ that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. **Where appropriate, the Council** ~~It will always~~ work proactively with applicants jointly to **seek** ~~find~~ solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions **within** the area.

**The development plan is the statutory starting point for decision making.** Planning applications that accord with the policies in the **development plan for Bracknell Forest** ~~this Local Plan~~ **(including and,** where relevant, with policies in ~~any adopted~~ neighbourhood **development plans)** will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then **permission** ~~the Council will be granted permission~~ unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

- 5.2.2 The reasons for the proposed changes to the original model policy are set out below in the order that they appear in the policy:

- First paragraph

The word '*always*' has been replaced with '*where appropriate*' and the word '*find*' has been replaced with '*seek*' in respect of working proactively with applicants, since this relies on the co-operation of all parties involved. It better reflects the fact that acceptable solutions cannot be found in all cases. Where there is no likelihood of an acceptable solution being achieved, it is not considered appropriate to commit significant public resources to seeking one.

- Second paragraph

Whilst it is understood that the presumption in favour of sustainable development is at the heart of the NPPF, paragraph 12 of the Framework makes it clear that the development plan is the statutory basis for decision making. It is therefore considered that the inclusion of a reference to the development plan results in the policy more accurately reflecting the legal position.

The reference to 'this Local Plan' is considered misleading as it could be interpreted as implying the exclusion of other documents that form part of the development plan. The suggested wording is aimed at being more inclusive.

The reference to neighbourhood plans has been changed to neighbourhood '*development*' plans for clarification and so that it matches references in the legislation.

- Third paragraph

Reference to '*the Council*' has been deleted as the Council may not always be the decision-maker as some applications may be determined on appeal.

### **5.3 Settlement Boundary Changes for the Major Urban Extensions and Inclusion of Illustrative Concept Plans for Amen Corner South and Warfield**

5.3.1 The Inspector has indicated that it would improve the soundness of the document to include settlement boundary changes for the proposed major urban extension sites. This point was re-iterated several times by the Inspector over the course of the hearings. The relevant sites are:

- Policy SA4 – land at Broadmoor, Crowthorne
- Policy SA5 – land at Transport Research Laboratory, Crowthorne
- Policy SA6 – land at Amen Corner North, Binfield
- Policy SA7 – land at Blue Mountain, Binfield
- Policy SA8 – land at Amen Corner South, Binfield
- Policy SA9 – land at Warfield

5.3.2 The Council had previously indicated its intention to define the settlement boundaries within these sites at a later date when development proposals are more fixed. This was considered to allow some flexibility in how the sites could come forward as encouraged by the NPPF. The Council's intentions for the sites were shown on illustrative concept plans either within the SADPD or, in the cases of Amen Corner South and Warfield, in adopted SPDs.

5.3.3 However, it is recognised that including proposed settlement boundaries would provide the following benefits:

- greater certainty for local residents and others as to where built development would be located and, equally importantly, which areas would remain in the countryside;
- greater certainty on the retention of buffers between settlements; and,
- greater clarity on the consistency of the Council's approach with Core Strategy Policy CS9 (relating to development on land outside settlements).

The list of proposed modifications therefore includes proposed settlement boundaries within the six major urban extension sites. These have been shown on an OS base

as changes to the Policies Map (previously termed Proposals Map) and are also indicated in amended Illustrative Concept Plans (in Annex 1).

- 5.3.4 The settlement boundaries are based on the Council agreed Illustrative Concept Plans for Broadmoor, TRL, Amen Corner North and Blue Mountain in the Draft Submission SADPD. The proposed modifications include illustrative concept plans for Amen Corner South and Warfield. The settlement boundaries for these two sites are based on the new concept plans which are in turn based on those in the sites' respective adopted Supplementary Planning Documents. This ensures that they are consistent with the documentation that has already been consulted on and with the Sustainability Appraisal and Strategic Environmental Assessment work done to date.
- 5.3.5 In some instances the settlement boundaries are not tightly drawn against the indicated development areas in order to allow some flexibility in the form of development and on the basis that some areas of open space will fall within the settlement boundaries. Following development of the sites, if it appears appropriate to relate the new boundaries more closely to the final form of built development, this would be implemented through the preparation of further development plan documents and consequent changes to the Policies Map. Any such changes would need to be subject to consultation as part of the preparation of a development plan document.

#### **5.4 Conformity with the South East Plan**

- 5.4.1 The Government has made it clear that all regional spatial strategies will be revoked as soon as possible. However, because the SEP has not yet been abolished, it remains a legal requirement for the SADPD to be in general conformity with it. A key strategic objective of the SEP is to deliver housing development in the order of 12,780 new homes for Bracknell Forest between 2006 and 2026.
- 5.4.2 While the modifications will bring the SADPD into general conformity with the SEP it is also likely that the SEP will be revoked well within the plan period. The Localism Act put in place the necessary legislation for the Secretary of State to abolish regional strategies. On December 11th 2012 an Order was laid before Parliament revoking the East of England Plan with effect from 3<sup>rd</sup> January 2013. The necessary environmental assessment of the impacts of abolition of the SEP has already been consulted on and it therefore appears likely that an announcement of the date for its revocation will be made within the next few months. However, until such time that the SEP is revoked the legal requirement for general conformity remains.
- 5.4.3 The issue of general conformity must be addressed having regard to the purpose of the SEP requirement and the role of the SADPD. The SADPD itself does not need to deliver the full number of houses identified in the SEP in order to be in general conformity with it. The approach to demonstrating conformity was set out in the Council's response to the Inspector's Matters, Issues and Questions (Examination Document reference BFBC4 – 'Response to Matter 1 – Overall Approach to the Plan'). In this approach the SADPD provides a first step in delivering the level of housing set out in the SEP. On this basis the Council considers the SADPD to be in general conformity with the SEP.
- 5.4.4 The SEP and the Core Strategy (CS) both cover the period from 2006 to 2026. The SADPD has also been focused on covering this period (2006 to 2026). Although the SADPD does not allocate enough sites to meet the SEP housing requirement in full, the Council's approach would provide sufficient sites to do this within the plan period

through the new Local Plan (if the SEP remained part of the Development Plan at that stage). The Council agreed a new Local Development Scheme (LDS) in October 2012 which contains a timetable for producing a new Local Plan. Although the period to be covered by the new Local Plan has not yet been agreed, it is likely to be at least to 2031 and should be adopted in 2017. There will therefore be sufficient overlap of plan periods to accommodate any outstanding housing need from the current period.

- 5.4.5 At the same time, the Council can demonstrate that for the period up to 2021 the existing commitments and SADPD sites can deliver in theory at rates similar to those required by the SEP. Tables have been provided at Annex 2 that shows projected completions from sites against (i) the annual average SEP requirement, (ii) the annual average SEP requirement taking account of delivery to date and, (iii) the position without sites proposed through the SADPD. The SADPD is therefore consistent with the purposes of the SEP and helps in delivering that purpose.
- 5.4.6 As Step 1 of an ongoing plan preparation process, the SADPD would provide the means of delivering housing over the period from 2014 to 2021 at a rate commensurate with the annual delivery required by the SEP (639 dwellings per annum). If the anticipated cumulative backlog is then taken into account, the data shows that whilst the total requirement for the period up to 1<sup>st</sup> April 2021 amounts to 9,585 dwellings, the anticipated level of completions by this date is 10,034 indicating an over-delivery of 449 units over this period. SADPD therefore enables the delivery of a similar level of housing to that required by the SEP taking account of the years when there has been, and those when there may be, under-delivery compared with the annual average requirement. The figures above include the new homes anticipated to be provided from the proposed additional allocations identified in section 5.5 below.
- 5.4.7 Any alternative approach would result in a delay of several years in achieving the allocation of sites to deliver at anywhere near the rates proposed in the SEP or the adopted Core Strategy. In addition, the SADPD provides the best and most efficient way of delivering the SEP purpose and the approximate number of houses referred to therein. The concept of general conformity contains a degree of flexibility to meet local circumstances including the timing and the delivery of individual sites.
- 5.4.8 By 2021 the Council should have adopted a new Local Plan (anticipated by 2017). This will include additional allocations to accommodate any remaining shortfall against the SEP requirement (should it still not have been revoked) and/or the outcome of a new assessment of housing needs. This also has the advantage of representing a flexible approach that is more responsive to local circumstances and accords with the NPPF. It is therefore considered that, with the proposed modifications, the Plan will be in general conformity with the SEP and its adoption is the most effective means for delivering the overall housing objective of the SEP.
- 5.4.9 The proposed modifications include provision for housing figures (including the five year supply of housing land) to revert to being based on the Core Strategy target once the SEP has been revoked.

## **5.5 Sites with Potential**

- 5.5.1 To support the approach on conformity with the SEP by providing a more robust and flexible housing land supply, particularly in the early part of the plan period, it is considered appropriate to include certain sites identified as having development potential in accordance with the established site selection criteria.

- 5.5.2 Four sites were identified in the SADPD Draft Submission Background Paper (Section 2.10) as having potential. These sites were not included for allocation at the time because, having been submitted late in the process, they had not been subject to the same level of consultation as other sites in the SADPD.
- 5.5.3 Inclusion of these sites at this stage will mean that their allocation for development will be part of the consultation carried out on the main modifications, referred to in Section 7 below.
- 5.5.4 The following paragraphs summarise the proposed additional sites and the proposed modifications at Annex 1 include changes to the Policies Map indicating the extent of the sites and how the settlement boundary would be changed as a result of their allocation.
- 5.5.5 Binfield Nursery, Binfield  
This is a site within the defined settlement, therefore redevelopment is acceptable in principle. As set out on pages 258-260 of the Background Paper, it is considered that the site has potential for 33 units (net), as part of Policy SA1 (previously developed land in defined settlements).
- 5.5.6 Downside, Wildridings Way, Bracknell  
This is a site within the defined settlement, therefore redevelopment is acceptable in principle. As set out on pages 261-262 of the Background Paper, it is considered that the site has potential for 18 units (net), as part of Policy SA1 (previously developed land in defined settlements).
- 5.5.7 Land south of Dukes Ride, Crowthorne  
This site is located outside of a defined settlement, therefore would require a change to the settlement boundary if allocated. As set out on pages 263-267 of the Background Paper, it is considered that the site has potential for 23 units (net), as part of Policy SA3 (edge of settlement sites).
- 5.5.8 Land west of Alford Close, Sandhurst  
This site is located outside of a defined settlement, therefore would require a change to the settlement boundary if allocated. As set out on pages 268-275 of the Background Paper, it is considered that the site has potential for 120 units (net), as part of Policy SA3 (edge of settlement sites).

## **5.6 Other New sites**

- 5.6.1 As a result of the Draft Submission consultation process and as a result of the examination hearing sessions, it has become apparent that additional sites are available which, if allocated, would give additional flexibility to the SADPD. As with the sites with potential, these proposed sites would be subject to further consultation. These sites are described below.
- 5.6.2 Greenwood House, London Road, Bracknell  
This site adjoins 'land north of Eastern Road' (which is already included as a proposed allocation within SADPD as part of Policy SA1 – previously developed land in defined settlements). This is a site within the defined settlement, therefore redevelopment is acceptable in principle. The site is located adjacent to an existing defined employment area, but not within it, and therefore no further changes will be needed to the employment designation. Using the same assumptions as for the 'land

north of Eastern Road' proposed allocation, the new total number of units on the site would be 432 (previously 325 units) an increase of 107. This is based on a new total site area of 3.86 (additional 0.96ha), developable area of 2.7ha (a reduction of 70% has been applied as the site is between 2-5ha), and a density of 160dph.

#### 5.6.3 Jennetts Park Business Area

This site adjoins 'land north of Peacock Lane' (which is already included as an allocation within SADPD as part of Policy SA2 – other land within defined settlements). As part of the allocation, 0.5ha of land (which is safeguarded for small business uses) was excluded from the developable area for the site. This land is available for development (subject to variations to the original legal agreement and conditions relation to the original planning permission for the site). Using the same assumptions as the rest of the site (70dph) this would result in an additional 35 units, providing a total of 182 units for this site (instead of 147 units as previous).

#### 5.6.4 Wood Lane, Binfield

This site was included as part of the allocation land at the Preferred Option Stage as part of Policy SA7 (land at Blue Mountain, Binfield). During the consultation process, the owners of the site advised that the site was not available for development, and therefore the site was omitted from the allocation at the Draft Submission stage. Subsequently, the site has been confirmed as being available and is therefore being promoted for development, separate from Blue Mountain for c.20 units, as part of Policy SA3 (edge of settlement sites). The site is currently located outside of the settlement boundary, therefore, allocation of the site would require a settlement boundary change. It is considered that this site would be suitable for development on the basis that the Blue Mountain site is also allocated.

5.6.5 All the sites set out in sections 5.5 and 5.6 above are included in the schedule of changes to be submitted to the Inspector. This includes changes to the Policies Map to include the allocation of the sites, together with any associated settlement boundary changes. Policies SA1-SA3 will be amended to include reference to the sites, with associated changes to Section 5 (Policies Map), and additions to the SADPD Appendices (relating to the profiles of the sites).

### **5.7 Conclusions**

5.7.1 The Inspector has made it clear that, with main modifications, the plan is likely to be found sound. The changes he has indicated as being necessary for soundness do not change the thrust of the plan. The new Local Plan programmed in the latest Local Development Scheme will provide an opportunity to re-evaluate the future role of the Borough and the appropriate planning policy approach. However, in order to maintain a plan-led approach to development in the Borough it is important to continue the SADPD to adoption. Providing a schedule of proposed modifications to the Inspector is the next stage in this process. It is important that this process is carried out expeditiously as significant delay will leave the Borough vulnerable to inappropriate development and jeopardise the Council's ability to introduce the Community Infrastructure Levy.

5.7.2 The Council will have a further decision to take on the formal adoption of the SADPD following receipt of the Inspector's final report (which will follow consultation on the modifications and his consideration of the consultation response, which may involve further hearings).

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

### Borough Solicitor

- 6.1 Nothing to add to the report.

### Borough Treasurer

- 6.2 The further stages in the examination and adoption of the SADPD will be funded from within the existing Local Development Framework budget.

### Equalities Impact Assessment

- 6.3 An Equalities Impact Assessment of the SADPD was carried out at the time of its approval by Council for submission to the Secretary of State in November 2011. This assessment remains valid for this stage of the SADPD process and can be found on the Council website on the link below:

<http://democratic.bracknell-forest.gov.uk/Published/C00000102/M00003754/AI00023177/AppendixXEqualitiesImpactAssessment.pdf>

### Strategic Risk Management Issues

- 6.4 The Strategic Risk includes Risk 8 Infrastructure and Maintenance of Assets. This identifies that where “highways/buildings, etc are not properly maintained or where adequate infrastructure is not put in place, there is a risk that they are not fit for purpose, this impacting on the Council reputation and having a negative impact on service delivery and productivity”. One of the identified actions is progress on the Site Allocations Development Plan Document (SADPD). The production of, and consultation on, main modifications to the SADPD are the next stages in taking forward the SADPD to final adoption.

## **7 CONSULTATION**

- 7.1 The proposed main modifications, including any changes or additional modifications produced by the Inspector, will be subject to a six-week period of public consultation.

### Method of Consultation

- 7.2 The consultation will be carried out by the Council on behalf of the Inspector and will follow a similar procedure to that for the submission draft of the SADPD. Interested parties would need to make representations within a period of six weeks from commencement of the consultation. Statutory consultees and any persons or bodies who had made representations at the submission stage would be informed of the consultation. Where new sites are being proposed for allocation, the occupants of neighbouring properties will also be notified and invited to submit representations. It will be a public consultation so any individual or organisation will be able to make representations if they so wish.
- 7.3 Copies of the main modifications and any supporting information would be made available at the Borough Council’s offices, at Parish and Town Council offices and at public libraries. All the documentation would also be made available on the Council web site. The consultation will only be on the main modifications and will not be an

opportunity to repeat previous objections to other parts of the plan or to introduce new objections unless they relate specifically to the modifications.

- 7.4 Representations will be sent to the Council for forwarding to the Inspector. Interested parties will be able to submit representations electronically or by post.

#### Background Papers

Draft Submission Site Allocations Development Plan Document (November 2011)

#### Contact for further information

Max Baker; Environment, Culture and Communities – 01344 351902

[max.baker@bracknell-forest.gov.uk](mailto:max.baker@bracknell-forest.gov.uk)