

**TO: EXECUTIVE  
15 DECEMBER 2015**

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**Suitable Alternative Natural Green Spaces ("SANGs") Capital Spending (External Funding)**

**Director of Environment, Culture and Communities**

**1. PURPOSE OF REPORT**

- 1.1. To seek approval to increase annual spending limit for SANGs projects during 2015/16.
- 1.2. There is currently £150,000 previously approved for spending in this financial year. This report seeks approval to spend an additional £95,000 of developer contributions this financial year.

**2. RECOMMENDATION**

- 2.1 **That the Executive recommend to Full Council that they approve the spending of a further £95,000 of developer contribution on SANGs for this financial year.**

**3. REASONS FOR RECOMMENDATION**

- 3.1. The current approved allowance of £150,000 will not be sufficient to accommodate the number of SANGs improvement projects already committed and planned for this financial year.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1. Not increasing expenditure on SANGS provision and enhancement in this financial year would risk developments being stalled and delay to the occupation of those that have been completed. As developers pay commuted sums to the Council for enhancements, facilitation, and maintenance, the Council has a legal obligation to provide these facilities. Developers pay a commuted sum (s) on commencement of development works on the understanding that SANGs enhancements will have been carried out in time for residents to move in.

**5. SUPPORTING INFORMATION**

- 5.1 The current approved annual capital budget for SANGs expenditure is £150,000 (external funding).

- 5.2 Previous decisions were based on the following:-

The provision of alternative recreational land to attract new residents of residential development away from the Special Protection Area ("SPA") is a key part of avoiding the effects of new development on the Thames Basin Heaths SPA ("TBH SPA"). Within Bracknell Forest there are two ways for developers to provide new SANGs:

- a. Make a payment contribution towards strategic SANGs (subject to available SANGs capacity)
- b. Make an in-kind bespoke provision (based upon defined principles)

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With regard to strategic SANGs (ref. a) above the Thames Basin Heaths Supplementary Planning Document ("TBH SPD") identifies that £1,128,000 is required to fund improvement works to identified sites managed by Bracknell Forest Council (based on 2010/11 cost estimates). The money for this is provided by pooling together developer contributions from different developments to facilitate and implement enhancements and make these sites available for SPA mitigation purposes. Should BFC fail to deliver SANGs, then the Council would no longer legally be able to release occupation restrictions on existing permissions or grant new planning permissions without falling foul of the respective statutory provisions.

- 5.3 There are a number of pressures on SANGs capacity that are increasing the requirement for new and enhanced SANGs to enable new residential developments to be occupied. The pressures include conversion of offices to residential use in the town centre, the commitments to Surrey Heath District Council at Shepherd Meadows, and an increase in developments of up to 108 dwellings that do not have to provide their own in-kind SANGs.
- 5.4 The proposed additional spending planned during the current financial year (2015/16) on SANGs enhancements is summarised in the table below:

### **Proposed SANGS spending 2015/16**

Site	Project	Cost
Cut Countryside Corridor	Refurbish Anneforde Place bridge - panels	£10,000.00
Cut Countryside Corridor	Refurbish Anneforde Place bridge – resurfacing	£7,400.00
CCC	Repaint steel bridge (Ringway)	£5,800.00
Englemere Pond	London Road pedestrian entrance works	£3,000.00
Englemere Pond	Heathland scrapes, ponds and scrub works	£5,000.00
Englemere Pond	Reed bed scrub works	£10,000.00
Ambarrow Court	Path works	£18,900.00
Ambarrow Court	Interpretation panel	£2,000.00
Ambarrow Court	Supply and install cycle racks (Ringway)	£4,000.00
Shepherd Meadows	Woodland boardwalk	£3,000.00
Shepherd Meadows	Pond restoration project	£3,000.00
Larks Hill	Height barrier foundation works (Ringway)	£500.00
Longhill Park	Works to entrance (Ringway)	£2,800.00
Horseshoe Lake	Car park improvements	£20,000.00
<b>Total</b>		<b>£95,400.00</b>

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

### Borough Solicitor

- 6.1 The report requests the Executive to recommend to full Council the approval of the increased spending of a further £95,000.00 of paid developer contributions on SANGs for the 2015/16 financial year in order to facilitate the provision, enhancement, facilitation and maintenance of the respective SANGs within the borough.
- 6.2 The TBH SPA was designated under Article 4 of the Birds Directive on 9 March 2005 and is therefore afforded special legal protection. Therefore, in order to avoid the

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integrity of the TBH SPA being adversely effected any net increase in residential dwellings within 5km of the TBH SPA requires the provision of SANG mitigation.

- 6.3 As set out at paragraph 5.2 of the report SANG is either provided by way of financial contribution or the provision of SANG land in lieu of a financial contribution. This is secured by way of the S106 agreement which restricts the occupation of residential development of the SANG until the Council has issued written confirmation that it has spent and fully applied the sum required for the enhancement of the SANG as set out in the Planning Obligations Supplementary Planning Document Appendix 1 , Section 5 .
- 6.4 The failure to provide the SANG enhancements set out in the table at paragraph 5.4 of the report will therefore restrict the occupation of new development and potentially delay future developments within the current financial year, which could also impact upon the Council's 5 year housing land supply targets specified by national planning policy (National Planning Policy Framework).
- 6.5 In accordance with Section 3 (Functions of the Council) - Bracknell Forest Council Constitution (May 2015), the Council is responsible for approving or adopting the policy framework and the budget. Further, in accordance with Section 5 (Executive Terms of Reference) , paragraph 5.6 "*the authorisation of capital expenditure above estimate not exceeding £50,000*" is reserved to full Council. Therefore, the recommendation from the Executive to full Council to approve the increase in the annual spending limit for SANG projects for 2015/16 is within the decision making remit of the Executive.

### Borough Treasurer

- 6.6 Developer contributions are received by the Council at the commencement of the relevant scheme to pay for the cost of improvements to the identified SANG sites, there are currently sufficient contributions available to fund the cost of the improvements identified in this report..

### Equalities Impact Assessment

- 6.7 A full EIA for the Parks and Countryside service was published in 2013.

### Strategic Risk Management Issues

- 6.8 It is imperative that these projects are implemented in a timely fashion to ensure that ongoing planning approvals can be delivered.

## **7. CONSULTATION**

### 7.1. Principal Groups Consulted

The decision relates to the consultations contained within the Thames Basin Heath SPA Avoidance and Mitigation Supplementary Planning Document Consultation Statement.

7.2. Method of Consultation

The decision relates to the consultations contained within the Thames Basin Heath SPA Avoidance and Mitigation Supplementary Planning Document Consultation Statement.

7.3. Representations Received

The decision relates to the consultations contained within the Thames Basin Heath SPA Avoidance and Mitigation Supplementary Planning Document Consultation Statement.

Background Papers

Contact for further information

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