

## 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.

Policy/ Para. Number	Suggestion	Comment
<b>Comments on the Submission Crowthorne Neighbourhood Plan</b>		
Policies Map	Basic Condition A	The Policies Map clearly indicates the areas covered by each policy as a whole. However, it does not indicate the locations of some of the specific features mentioned within some of the policies. For example, policies CR3, CR4 and CR5 refer to a ‘historic core’, and policy CR8 refers to a ‘500m strategic gap between the TRL development edge and the built up boundary of Bracknell’, but neither of these features are indicated within the Policies Map. As a result, the Plan is contrary to basic condition A in regard to national policy and guidance, as the plan in these circumstances is ambiguous and it is not clear how a decision maker should react to development proposals.
Policy CR1	Basic Condition A + D + E	As drafted, concern is expressed that this overarching design policy will be difficult for a decision maker to use due to ambiguity and will not necessarily achieve new development that is appropriate to its immediate surroundings. These issues relate to a basic condition matter. Reasons for these concerns and suggestions are listed below: <ul style="list-style-type: none"> <li>- As this is an overarching design policy, any new development anywhere within the parish would be expected to comply with every bullet point in the policy. Considering this, whilst the information within each of the bullet points is informative for some areas within the Parish, some are too specific and prescriptive to cover the whole Parish, and thus in many scenarios are inappropriate (for example, it is not appropriate for all developments to include mature trees, vegetation and hedges as boundary treatments). It is therefore not clear how a decision maker would react to development proposals in accordance to this policy, as the issue raised causes it</li> </ul>

Policy/ Para. Number	Suggestion	Comment
		<p>to be ambiguous. As a result, it is considered that the policy is contrary to paragraph 16(d) of the revised NPPF (Feb 19) and therefore does not meet the requirement set by basic condition A.</p> <ul style="list-style-type: none"> <li>- Due to the previous point, it is recommended that the policy is amended, so that it dictates what general considerations should be taken into account when designing new development. For example, the Crowthorne Design Guide, section 6.1 paragraph B, states that when considering design proposals it should be considered whether the proposal pays careful attention ‘to plot widths, building line, height, form, massing and scale, with reference to the existing pattern of development.’ This could be rephrased and included within the policy as ‘Plot widths, building line, height, form, massing and scale of new development must reference the existing surrounding pattern of development’.</li> <li>- It is also not clear what weight the additional guidance referenced ‘Conservation Area Appraisal of April 2009, the Crowthorne Village Design Statement (VDS) prepared by Crowthorne Village Action Group (CVAG) in 2002 based on 1600 responses received from residents of Crowthorne, and the Crowthorne Design Guide 2018 by AECOM’ should be given when considered alongside existing guidance (including SPDs).</li> <li>- In order to prevent the policy from being ambiguous it is also recommended that this policy makes it clearer what it is trying to achieve, as currently it does not define <i>how</i> development should have full regard to the mentioned attributes. It is also not clear how proposals could make provision for like for like replacements of mature trees.</li> <li>- In order to prevent the policy from being ambiguous it also needs to be clearer what is meant by ‘historic houses’, as it is not clear whether this is referring to listed/locally listed buildings, or buildings of certain periods. Therefore, in order to improve clarity, it is recommended that this term is either defined in a glossary, or the houses are indicated on the policies map, or a more specific term is used (i.e. listed buildings, locally listed buildings, Victorian buildings etc).</li> </ul> <p>As drafted, concern is also expressed that this overarching design policy will constrain development in a manner not supported by national policy and will not contribute to the achievement of sustainable development. These issues relate to basic condition matters. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- Point iii refers to the area being typically low density and point iv refers to buildings typically being one or two storeys in height and of a domestic scale. It is not clear how a decision maker should address these points, as although higher densities and taller buildings would be</li> </ul>

Policy/ Para. Number	Suggestion	Comment
		<p>acceptable within some areas of the parish, these points will be used when making decisions relating to proposals throughout the parish, and could thus limit development anywhere within the parish to 1-2 storeys and lower densities. Preventing higher densities in areas where they are appropriate would not be making effective use of land (see revised NPPF para 8(c)) and may prevent a sufficient number and range of homes being provided for future generations (see revised NPPF para 8(b)). As a result, it is considered this policy does not meet the requirement of basic condition D, that the plan contributes to the achievement of sustainable development.</p> <ul style="list-style-type: none"> <li>- In addition, the revised NPPF states that policies should 'ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)' (para. 127(c)). As a result of this and the issues raised above, it is considered that this policy is contrary to the revised NPPF and therefore does not meet the requirement set by basic condition A. The policy is also contrary with the Core Strategy strategic policy CS1: Sustainable Development Principles, which states 'Development will be permitted which makes efficient use of land, buildings and infrastructure'. The policy therefore does not meet the requirement of basic condition E.</li> <li>- As an alternative, the policy could state that 'the density of any new development must be appropriate to its surroundings'.</li> </ul>
Policy CR2	Basic Condition A	<p>As drafted, concern is expressed that this design policy will be difficult for a decision maker to use due to ambiguity and will not necessarily achieve new development that is appropriate to its immediate surroundings. These issues relate to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- Whilst the information within each of the bullet points is informative for some areas within the character area, some contradict each other as they too specific and prescriptive to cover the whole character area, and thus in many scenarios are inappropriate (for example, it is not appropriate for all developments to include properties set on large plots with large gardens and gated boundaries (point v); this conflicts with point ii). It is therefore not clear how a decision maker would react to development proposals in accordance with this policy, as the issue raised causes it to be ambiguous. As a result, it is considered that the policy is contrary to paragraph 16(d) of the revised NPPF (Feb 19) and therefore does not meet the requirement set by basic condition A.</li> </ul>

Policy/ Para. Number	Suggestion	Comment
		<ul style="list-style-type: none"> <li>- Due to the previous point, it is recommended that the policy is amended, so that it dictates what general considerations should be taken into account when designing new development. For example, the Crowthorne Design Guide, section 6.1 paragraph B, states that when considering design proposals it should be considered whether the proposal pays careful attention 'to plot widths, building line, height, form, massing and scale, with reference to the existing pattern of development.' This could be rephrased and included within the policy as 'Plot widths, building line, height, form, massing and scale of new development must reference the existing surrounding pattern of development'.</li> <li>- In order to prevent the policy from being ambiguous it is also recommended that this policy makes it clearer what it is trying to achieve, as currently it does not define <i>how</i> development should have full regard to the mentioned attributes.</li> </ul>
Policy CR3	Basic Condition A	<p>As drafted, concern is expressed that this design policy will be difficult for a decision maker to use due to ambiguity and will not necessarily achieve new development that is appropriate to its immediate surroundings. These issues relate to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- Whilst the information within each of the bullet points is informative for some areas within the character area, some are too specific and prescriptive to cover the whole character area, and thus in many scenarios are inappropriate (for example, it is not appropriate for all new development to 'borrow traditional scale and massing with contemporary materials and style). It is therefore not clear how a decision maker would react to development proposals in accordance with this policy, as the issue raised causes it to be ambiguous. As a result, it is considered that the policy is contrary to paragraph 16(d) of the revised NPPF (Feb 19) and therefore does not meet the requirement set by basic condition A.</li> <li>- Due to the previous point, it is recommended that the policy is amended, so that it dictates what general considerations should be taken into account when designing new development. For example, the Crowthorne Design Guide, section 6.1 paragraph B, states that when considering design proposals it should be considered whether the proposal pays careful attention 'to plot widths, building line, height, form, massing and scale, with reference to the existing pattern of development.' This could be rephrased and included within the policy as 'Plot widths, building line, height, form, massing and scale of new development must reference the existing surrounding pattern of development'.</li> </ul>

Policy/ Para. Number	Suggestion	Comment
		<ul style="list-style-type: none"> <li>- In order to prevent the policy from being ambiguous and not meeting the requirement set by basic condition A it is also recommended that this policy makes it clearer what it is trying to achieve, as currently it does not define <i>how</i> development should have full regard to the mentioned attributes.</li> <li>- It should be noted that the Highway Authority will not allow unmade roads that are adopted on new developments (see this page for further details: <a href="https://www.bracknell-forest.gov.uk/roads-parking-and-transport/roads/road-adoption">https://www.bracknell-forest.gov.uk/roads-parking-and-transport/roads/road-adoption</a>).</li> <li>- It is not clear where the 'historic core' is or which buildings are considered to be of 'historic quality and significance'; this ambiguity could be removed by indicating these features on a policies map.</li> </ul>
Policy CR4	Basic Condition A	<p>As drafted, concern is expressed that this design policy will be difficult for a decision maker to use due to ambiguity. These issues relate to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- In order to prevent the policy from being ambiguous and not meeting the requirement set by basic condition A it is recommended that this policy makes it clearer what it is trying to achieve, as currently it does not define <i>how</i> development should have full regard to the mentioned attributes.</li> <li>- It is not clear where the 'historic core' is or which buildings are considered to be of 'historic quality and significance'; this ambiguity could be removed by indicating these features on a policies map.</li> </ul>
Policy CR5	Basic Condition A	<p>As drafted, concern is expressed that this design policy will be difficult for a decision maker to use due to ambiguity and will not necessarily achieve new development that is appropriate to its immediate surroundings. These issues relate to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- Whilst the information within each of the bullet points is informative for some areas within the character area, some are too specific and prescriptive to cover the whole character area, and thus in many scenarios are inappropriate (for example, it is not appropriate for all new development to have 'large plots with large plots and gated boundaries' and not all areas within the character area have a 'general uniformity of architectural style'). It is therefore not clear how a decision maker would react to development proposals in accordance to this policy, as the issue raised causes it to be ambiguous. As a result, it is considered that the policy is contrary to</li> </ul>

Policy/ Para. Number	Suggestion	Comment
		<p>paragraph 16(d) of the revised NPPF (Feb 19) and therefore does not meet the requirement set by basic condition A.</p> <ul style="list-style-type: none"> <li>- Due to the previous point, it is recommended that the policy is amended, so that it dictates what general considerations should be taken into account when designing new development. For example, the Crowthorne Design Guide, section 6.1 paragraph B, states that when considering design proposals it should be considered whether the proposal pays careful attention ‘to plot widths, building line, height, form, massing and scale, with reference to the existing pattern of development.’ This could be rephrased and included within the policy as ‘Plot widths, building line, height, form, massing and scale of new development must reference the existing surrounding pattern of development’.</li> <li>- In order to prevent the policy from being ambiguous and not meeting the requirement set by basic condition A it is also recommended that this policy makes it clearer what it is trying to achieve, as currently it does not define <i>how</i> development should have full regard to the mentioned attributes.</li> <li>- It should be noted that the Highway Authority will not allow unmade roads that are adopted on new developments (see this page for further details: <a href="https://www.bracknell-forest.gov.uk/roads-parking-and-transport/roads/road-adoption">https://www.bracknell-forest.gov.uk/roads-parking-and-transport/roads/road-adoption</a>).</li> <li>- It is not clear where the ‘historic core’ is or which buildings are considered to be of ‘historic quality and significance’; this ambiguity could be removed by indicating these features on a policies map. This also applies to the ‘views out of the Character Area’; the policy highlights the importance of views from areas of raised topography, but where are these views and the other views that need to be protected located?</li> </ul>
Policy CR6	Basic Condition A	<p>As drafted, concern is expressed that this design policy will be difficult for a decision maker to use due to ambiguity and will not necessarily achieve new development that is appropriate to its immediate surroundings. These issues relate to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- Whilst the information within each of the bullet points is informative for some areas within the character area, some contradict each other as they too specific and prescriptive to cover the whole character area, and thus in many scenarios are inappropriate (for example, it is not appropriate for all developments include properties set on large plots with large gardens and gated boundaries (point ii); this conflicts with point i). It is therefore not clear how a decision maker would react to development proposals in accordance to this policy, as the issue raised</li> </ul>

Policy/ Para. Number	Suggestion	Comment
		<p>causes it to be ambiguous. As a result, it is considered that the policy is contrary to paragraph 16(d) of the revised NPPF (Feb 19) and therefore does not meet the requirement set by basic condition A.</p> <ul style="list-style-type: none"> <li>- Due to the previous point, it is recommended that the policy is amended, so that it dictates what general considerations should be taken into account when designing new development. For example, the Crowthorne Design Guide, section 6.1 paragraph B, states that when considering design proposals it should be considered whether the proposal pays careful attention 'to plot widths, building line, height, form, massing and scale, with reference to the existing pattern of development.' This could be rephrased and included within the policy as 'Plot widths, building line, height, form, massing and scale of new development must reference the existing surrounding pattern of development'.</li> </ul>
Policy CR7	Basic Condition A	<p>As drafted, concern is expressed that this design policy will be difficult for a decision maker to use due to ambiguity. These issues relate to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- It is not clear where the 'views out of the character area' are; the policy highlights the importance of views from areas of raised topography, but where are these views and the other views that need to be protected located? This ambiguity could be removed by indicating these features on a policies map. Without this amendment, it is not clear how a decision maker would react to development proposals in accordance to this policy due to ambiguity. As a result, it is considered that the policy is contrary to paragraph 16(d) of the revised NPPF (Feb 19) and therefore does not meet the requirement set by basic condition A.</li> </ul>
Policy CR8	Basic Condition A + E	<p>As drafted, concern is expressed that this design policy will be difficult for a decision maker to use due to ambiguity. This issue relates to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- The policy refers to a requirement to retain a strategic gap, but it is not clear what exact area this covers as it is not indicted on the Policies Map. This results in the policy being ambiguous, and could, as a result, be considered contrary to paragraph 16(d) of the revised NPPF (Feb 19) and to not meet the requirement set by basic condition A. In addition, it appears likely that the proposed strategic gap would extend outside of the Parish's boundaries and thus beyond the scope of this plan.</li> </ul>

Policy/ Para. Number	Suggestion	Comment
		<p>Concern is also expressed that the policy in its current form would be in conflict with Local Strategic Policy. This issue relates to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- The policy could hinder the implementation of the Policy SA5 (Land at Transport Research Laboratory, Crowthorne) and therefore may fail to meet the requirement set by basic condition E. This is because the policy states proposals should have regard to 'building materials such as pine cladding and fencing which reference the pine woodland/plantation landscapes surrounding the Character Area' when a design code for the site has been agreed. Whilst the supporting text acknowledges the design code and states 'policy identifies a positive attribute of the Character Area at [the time of writing the plan]', and 'the policy does not require full adherence to the attribute', this is not clearly reflected in the policy text. In addition, the policy will be used until the end of the plan period (2036), so would affect reserved matters applications on the site until this date.</li> </ul>
Policy CR9	Basic Condition A	Concern is expressed that the policy is in conflict with national planning guidance, as specifying who should design the lettering and signage goes beyond land-use planning matters and is therefore outside the scope of neighbourhood plan policy.
Policy CR10	Basic Condition A	Concern is expressed that the policy is in conflict with national planning guidance, as specifying who should design the lettering and signage goes beyond land-use planning matters and is therefore outside the scope of neighbourhood plan policy.
Policy CR11	Basic Condition A + E	<p>Concern is expressed that the policy in its current form would be in conflict with Local Strategic Policy. This issue relates to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- The eastern boundary of the Broadmoor employment area indicated on the policy map does not quite follow that of the current designation on the Bracknell Forest Policies Map. This results in the policy not being in general conformity with strategic policies CS19 and CS20. As a result, the policy in its current form does not meet the requirements of basic condition E.</li> </ul>
Policy CR12	Basic condition A + E + F	<p>Concern is expressed that the policy in its current form would be difficult for a decision maker to use due to ambiguity, and would be in conflict with Local Strategic Policy and would breach EU obligations. This issue relates to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- Whilst the general intention of green infrastructure connectivity is welcomed, the policy is potentially at odds with the key objective to ensure there are no significant effects on the Thames Basin Heaths SPA. One of the key issues is the effect of human activity on the</li> </ul>



Policy/ Para. Number	Suggestion	Comment
		<p>protected birds of the SPA. Visitor disturbance is therefore a problem for the protected species and their habitats. As drafted, it would not be clear to a decision maker whether or not the policy intends to encourage connectivity by walking/cycling across the SPA (it appears to through the requirement for certain development to 'contribute to the maintenance and improvement of the Network' indicated within the GI map which includes the SPA and cycleways/footpaths through the SPA). The plan is therefore contrary to basic condition A in regard to national policy and guidance, as the plan in these circumstances is ambiguous and it is not clear how a decision maker should react to development proposals. If the policy's intention is to encourage connectivity by walking/cycling across the SPA, then this will be fundamentally against the SPA policies in the Development Plan and accompanying guidance which is to divert visitor activity away from the SPA, and the policy will not be considered to meet the requirements of basic condition E. If the intention of the policy is to increase visitor access to the SPA then there will need to be an Appropriate Assessment to demonstrate this principle is acceptable and in compliance with the Habitats Regulations.</p> <ul style="list-style-type: none"> <li>- Taking the issue raised above into account the policy may also not meet the requirements of basic condition F in its current form, as the basic conditions require that 'the making of a neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)'.</li> <li>- The last sentence of the policy provides a major loophole to allow development that could compromise green infrastructure. Further explanation should be given in the policy context to avoid uncertainty of how 'unavoidable' will be judged and how much evidence should be provided. Without further explanation the policy is ambiguous, and could, as a result, be considered contrary to paragraph 16(d) of the revised NPPF (Feb 19) and to not meet the requirement set by basic condition A. For all unavoidable impacts there should be a compensation mechanism (such as a s106 contribution) to provide enhancements for GI.</li> <li>- Further clarity is also required on which elements of the network are to be 'enhanced' and which are to benefit from 'maintenance and improvement'. Further, there is potential conflict with para 5.38 where development proposals 'do not harm' and 'where possible' improve the network.</li> </ul>
Policy CR13	Basic condition A + E + F	Concern is expressed that the policy in its current form would be in conflict with Local Strategic Policy and would breach EU obligations. This issue relates to a basic condition matter. Reasons for these concerns and suggestions are listed below:

Policy/ Para. Number	Suggestion	Comment
		<ul style="list-style-type: none"> <li>- As currently worded, it is not appropriate to include the Thames Basin Heaths SPA in this policy as there is already a higher level of protection in the Development Plan (South East Plan Policy NRM6 and Core Strategy Policy CS14). NRM6 sets a 400m 'exclusion zone' for residential development around the SPA. Policy CS14 states that '<i>The Council will not permit development which, either alone or in combination with other development, has an adverse effect upon the integrity of the SPA</i>'. These policies ensure compliance with the Habitats Regulations. This relates to a basic condition matter as the policy uses the term '<i>detrimental effects... on the Thames Basin Heaths SPA...</i>'; this is not in compliance with the Habitats Regulations or Development Plan which refer to the implications of a plan or project on the <i>conservation objectives</i> of (i.e. the integrity of) a Habitats Site (such as the SPA).</li> <li>- In addition, the policy uses the term '<i>will be strongly resisted</i>'. This is also not in compliance with the Habitats Regulations or Development Plan since any plan or project which cannot demonstrate, with or without avoidance and mitigation measures, that it does not have an adverse effect on the integrity of the SPA will not be permitted.</li> <li>- The reference to the Thames Basin Heaths SPA must therefore be removed from this policy, otherwise it is not in compliance with basic conditions E and F.</li> </ul> <p>Concern is also expressed that this policy will be difficult for a decision maker to use due to ambiguity. This issue relates to a basic condition matter. Reasons for these concerns and suggestions are listed below:</p> <ul style="list-style-type: none"> <li>- In order to prevent the policy from being ambiguous and not meeting the requirement set by basic condition A it needs to be clearer what is meant by 'local biodiversity assets', as this term is subjective and it is not clear whether it refers to those habitats indicated within Plan H.</li> <li>- Need to define what development will be required to demonstrate biodiversity net gain as it is currently ambiguous, as this will not always be appropriate (for example, it will not be required when there are changes to signage).</li> <li>- The policy refers to UK Biodiversity Action Plan Priority Habitats"; it is recommended that this is updated to "Habitats of Principle Importance". In the policy context, Habitats of Principle Importance (HPI) are listed under section 41 of the NERC Act.</li> </ul>