

TO: THE EXECUTIVE
16th MARCH 2021

**BRACKNELL FOREST LOCAL PLAN
PRE-SUBMISSION CONSULTATION AND SUBMISSION
REGULATIONS 19 AND 22 OF THE TOWN AND COUNTRY PLANNING (LOCAL
PLANNING) (ENGLAND) REGULATIONS 2012**

Director of Place, Planning and Regeneration

1. Purpose of Report

- 1.1 The Bracknell Forest Local Plan (BFLP) is now at an advanced stage, various consultations and 'calls for sites' having been undertaken, including consultation on a Draft Local Plan between February and March 2018 and a Revised Growth Strategy between October and December 2019. Many comments have been received and analysed from those living and working in the Borough together with others with an interest in the plan. A range of technical reports have been completed and amended legislation and updated national planning policy and guidance have been published during the process. As a result, a number of significant changes have been made during the plan making process, including revisions to the approach to accommodating the Borough's future growth needs.
- 1.2 The purpose of this decision is to seek the Executive's approval to publish the Pre-Submission version of the BFLP and related changes to the Policies Map for statutory consultation starting on 23rd March and running to 11th May 2021. Pursuant to this recommendation the Executive's recommendation to Council is also sought to submit the BFLP and related changes to the Policies Map together with supporting documents to the Secretary of State for examination by an independent Inspector. Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended) (PCPA) allows an appointed Inspector to make any main modifications necessary to make a plan sound and/or legally compliant, provided that a local planning authority (LPA) has formally requested that such modifications be recommended by the Inspector. It is considered appropriate to make such a request in this case.

2 Recommendation(s)

That Executive:

- 2.1 **Approves the Pre-Submission Bracknell Forest Local Plan and Policies Map at Appendix A (along with the supporting documents) for publication for a statutory period of consultation commencing on Tuesday 23rd March and closing on Tuesday 11th May 2021.**
- 2.2 **Under the provisions of Section 22 of the Planning and Compulsory Purchase Act 2004 (as amended), recommends to Council that the Pre-Submission Bracknell Forest Local Plan, the Policies Map and all supporting documents be formally submitted to the Secretary of State for independent examination.**

- 2.3 Under the provisions of Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended), recommends to Council that the appointed Inspector be requested to recommend main modifications to the submitted Plan, in the event that the Inspector considers that such modifications are necessary to make the Plan sound.**
- 2.4 Agrees that any minor changes to the Pre-Submission Bracknell Forest Local Plan and supporting documents (including the final versions of the Air Quality Report, Sustainability Appraisal, Habitats Regulations Assessment and Viability Assessment), following Council, are agreed by the Director of Place Planning and Regeneration in consultation with the Executive Member for Planning and Transport.**

3 Reasons for Recommendation(s)

- 3.1** It is important that the Council has an up to date and robust planning framework to guide development which reflects current national policy and guidance. The preparation of a new BFLP will help achieve this aim.

4 Alternative Options Considered

- 4.1** The options of delaying or abandoning the BFLP in order to await greater certainty over the Government's intentions to reform the planning system, as set out in the White Paper 'Planning for the Future' have been considered and rejected for the following reasons:
- Uncertainty over the timescales involved in implementing any changes to the planning system suggested in the White Paper as they require primary legislation to be passed.
 - Transitional arrangements are likely to be put in place that would cover the BFLP.
 - The strong encouragement set out in the latest letter from the Chief Planner dated 18th December 2020, to continue to prepare and adopt local plans. The letter also refers to the need for a period of policy development after the receipt of the responses to the White Paper. This will in turn be followed by the preparation and progress of any legislation required to implement the planning reforms. This will take some time and it's therefore important that local areas have a plan in place.

5 Supporting Information

The emerging plan

Background

- 5.1** During the process of preparing the plan, the Council has carried out consultation on
- Issues and Options (2016)
 - A Draft BFLP (February - March 2018)
 - New Sites (September 2019)
 - Revised Growth Strategy (October - December 2019)
- The above stages have attracted many responses from residents, amenity groups, agencies, utility providers and other stakeholders which have been analysed. A range

of technical reports have also been completed to support the plan. A wide range of evidence has therefore influenced the form of the BFLP. In addition, the Government has amended legislation and updated the National Planning Policy Framework (NPPF) and accompanying guidance. There has been a need to revise policies to ensure that they are consistent with national planning policy.

Structure of document

- 5.2 The first part of the document deals with strategic matters and contains policies that set out the overall strategy for the pattern, scale and quality of development and provision to meet specified needs such as housing, employment and infrastructure. The second part of the document covers non-strategic matters which are essentially development management policies. These set out the criteria against which all planning applications will be considered and help ensure consistency of approach. The application of these policies will also assist in the delivery of the objectives and vision set out in Part 1. They should also be read together with the strategic policies.
- 5.3 A revised Policies Map has also been prepared that shows the geographical extent of allocations and designations arising from policies in the BFLP (Appendix A).

Changes made since previous consultation

- 5.4 The key changes made to the BFLP since the consultation on the Revised Growth Strategy are outlined below.
- Calculating housing provision and supply*
- 5.5 The BFLP is now based at 1st April 2020. It has therefore been necessary to update the Local Housing Need (LHN) and commitments data. For the purposes of this document, the formula to be used to calculate the LHN (as set out in Planning Practice Guidance) draws upon the 2014 household projections. The use of this data for the relevant period, together with an affordability adjustment, results in a LHN for Bracknell Forest of 614 dwellings per year. As the BFLP must look ahead a minimum of 15 years from adoption, the resulting housing need for the period 2030-2037 is 10,438 (net) rather than 10,455 (net) new dwellings used previously. As before, in order to incorporate some flexibility for non-delivery or under-delivery of sites in the event of changing circumstances, a flexibility allowance of 10% has been added. However, the way in which this is applied has been changed in response to comments received during the previous consultation. 10% of the total LHN has now been added rather than 10% of the remaining need to be allocated. This gives a total requirement of 11,482 or 675 dwellings per year over plan period. The flexibility allowance also now forms part of the housing provision policy.
 - 5.6 Planning commitments at 31st March 2020, including outstanding allocations in the Site Allocations Local Plan (SALP) have been taken into account in calculating the future need for land. Whilst some SALP sites are under construction, others have yet to be started. The availability of these sites has been checked. The windfall allowance for medium sites has also been revised. Whilst the base date of the plan is now 2020, the plan period has been extended by a year to 2037 to comply with the requirement that strategic policies should look ahead a minimum of 15 years from the date of adoption.
 - 5.7 Sites have already been identified for 8,248 net dwellings, leaving a deficit of 3,234 whereas previously it was 1,877. The plan identifies sites for a further 4,676 new dwellings. However, this figure includes homes at Jealott's Hill and the Peel Centre/The Point, which will be delivered beyond this plan period. If these are

discounted, the total is 3,726 new homes (previously 2,028). This means that the overall supply will exceed the requirement by 492 new homes.

- 5.8 A Housing Trajectory has been produced which draws upon information from Developers/Consultants together with experience of delivery on similar sites and published information to estimate when dwellings may be completed. The data has been used to test the ability to achieve a 5-year housing land supply.

Mix of sites

- 5.9 The BFLP is proposing to allocate 20 sites, the majority being in Bracknell Town. Adjustments have been made to the capacity of some sites to reflect recent evidence and consultation responses. Site requirements have also been updated and made more consistent. Of the dwellings allocated in this plan period, sites in and around Bracknell Town Centre account for 44% and land at Jealott's Hill, which is proposed for a Garden Village, accounts for 36%. National planning policy aims to maximise the use of previously developed land and densities in urban locations that are well served by public transport. The allocations in and around Bracknell Town Centre are therefore aligned with this approach. Whilst the densities assumed on these sites will have an impact on the skyline, recent schemes that have been built/granted planning permission indicate that the market is already favouring such a trend. The proposed capacities of sites in and around Bracknell Town Centre include floorspace for other commercial uses in order to improve the area's vitality and its relationship with the surrounding areas and encourage the area to become an activity-based community gathering place.
- 5.10 Site specific policies (with Illustrative Concept Plans) are included for the larger more complex sites, namely
- Land at Jealott's Hill, Warfield
 - Land east of Wokingham Road and south of Dukes Ride (Derby Field), Sandhurst
 - Land at Beaufort Park, Nine Mile Ride, Bracknell
 - The Peel Centre and The Point, Skimped Hill Lane, Bracknell
- 5.11 Two new sites are included in the list of sites to be allocated. The submission of these sites was prompted by consultation on the Revised Growth Strategy. The Peel Centre and The Point, Skimped Hill Lane, Bracknell is discussed further below. The other site adjoins another site that had already been proposed for allocation in earlier versions of the BFLP, namely, Lower Church Road, Sandhurst. Both sites together represent a small extension to the edge of the built-up area of Sandhurst. The new site has an estimated capacity of 15 dwellings.
- 5.12 Land at Hayley Green, Warfield is proposed for allocation in the Submission version of the Warfield Neighbourhood Plan. Whilst the site was not included in the list of sites to be allocated in the Revised Growth Strategy, its capacity was counted in the LHN calculations. No reliance is now placed on this site in helping to meet the housing provision, as deliverability cannot be guaranteed at this stage in the neighbourhood plan process. However, this does not preclude the site coming forward through the neighbourhood plan process.

- 5.13 The mix of sites included in terms of location and type will complement the outstanding allocations in the SALP. Although no allocations are proposed in Crowthorne parish, significant allocations were made through the SALP which are not yet completed. Furthermore, whilst Land east of Wokingham Road and south of Dukes Ride is in the Parish of Sandhurst Town, it adjoins the built-up area of Crowthorne. A full list of the sites is set out in Policy LP4 in the BFLP (Appendix A).

Land at Jealott's Hill

- 5.14 Many of the changes made revolve around the inclusion of this site that is currently in the Green Belt and the need to respond to comments received during the last consultation. The main issues raised were as follows:
- Release of Green Belt and creation of precedent
 - Lack of exceptional circumstances
 - Economic case e.g. questioned why improvements could not be self-funded and why other funding sources had not been investigated. Also queried need and concerned that there was no means of committing Syngenta to staying on the site
 - Lack of justification for new housing even if it is accepted that there is a need to develop/redevelop the business facilities
 - Site is not required to meet housing needs
 - Unsustainable location
 - Pressure on infrastructure
 - Impact on climate change
 - Impact on road network and inability to improve sustainable transport links/roads within and beyond the Borough boundary, especially around Holyport
 - Overdevelopment of the northern part of the Borough
 - Loss of rural and open character
 - Merging of settlements
 - Lack of consideration of alternatives e.g. redevelopment of existing brownfield land on the site, relocation to an existing business or science park, consideration of sites outside the Green Belt
 - Loss of jobs would not be significant and unemployment is low
 - Loss of biodiversity
- 5.15 Further work has been carried out on landscape sensitivity, transport modelling and mitigation, economic and financial matters, exceptional circumstances and viability.
- 5.16 In summary, although the extent of the site remains at 240ha the scale of development proposed has been reduced from 4,000 dwellings to 2,000 (reflecting the results of further analysis and evidence). Eight traveller pitches are also to be provided to meet the changed approach from aiming to meet the Planning Policy for Traveller Sites narrower definition of need, to the cultural definition of need, in order to comply with the Equality Act 2010. Education facilities have been adjusted to one 3FE primary school (first two forms of entry to be delivered within the plan period with land being safeguarded for future expansion to a 3FE, if required) and provision of early years education. The agricultural technology Science and Innovation Park would involve 86,500sq.m. of new floorspace, 72,200 sq.m. being available for new occupiers and 14,300 sq.m. for Syngenta (this would be replacement floorspace for existing buildings demolished elsewhere on the site). It is proposed to deliver 38,750 sq.m. of new floorspace in the plan period. The complex would ultimately include 132,800 sq.m. of floorspace, including the existing floorspace that is to be retained. It is still proposed to include a neighbourhood centre including 1,528 sq. m. of retail

floorspace. At least 836 sq.m. (including a convenience store) is to be provided in the plan period.

- 5.17 The policy dealing with Land at Jealott's Hill (Policy LP7) is supported by an Illustrative Concept Plan that shows the broad distribution of uses across the site together with other key points such as the potential location of Suitable Alternative Natural Greenspace (SANG), retained and new woodland, greenways and viewpoints. It is estimated that housing could start to be delivered in 2027/28. The projected completion date for the housing is 2042 and 2044 for the employment floorspace.
- 5.18 In recognition of the key role that this proposal will play in the future of Bracknell Forest, the development of a new sustainable community, including a hub of economic activity based upon agricultural technology in the northern part of the Borough is now integral to the 'Vision' and spatial strategy.
- 5.19 The NPPF (para 136) makes it clear that Green Belt boundaries should only be altered in exceptional circumstances which need to be fully evidenced and justified. Further evidence has been gathered on this issue, including the consideration of alternatives. It is now clear that the nature of the agricultural technology industry is changing and adopting increasingly collaborative approaches to research and development. This means that companies (including those involved in adjacent sectors such as data science, smart technologies, environmental science, sustainability, food technology, clean energy) need to bring their talent and facilities together in order deliver discoveries more efficiently and effectively to the market. Colocation is required to enable this model to function. Without the development of a Science and Innovation Park at Jealott's Hill, the site will lose its top-tier status as a global research and development location and a process of staged decline will be instigated. Existing research operations are likely to be moved overseas to other facilities.
- 5.20 The proposal represents an unrivalled opportunity to build on the site's legacy and create a world-leading destination at the forefront of next generation agricultural technology discovery and innovation. With Syngenta as the anchor tenant for the development, the vision is to create a balanced ecosystem of national and international companies at all stages of maturity forming a suitably scaled cluster of premises that will respond to an identified market opportunity in the United Kingdom agricultural technology market.
- 5.21 The Science and Innovation Park is not viable as a stand-alone commercial development – there is a c.£68m funding gap. An overview of potential sources of public sector funding, has demonstrated that it is difficult to provide any certainty that public sector funding will be available to bridge the identified viability gap. The current vision will not be delivered without cross-subsidy from the land value created through the residential development. Enabling the proposed Science and Innovation Park through an appropriate high-value use remains the only identified viable option. This highly unusual situation is the essence of the exceptional circumstances case for the release of Green Belt land at Jealotts Hill. The fact that the site is owned by one landowner together with the location of the scheme, means that the appropriate high-value use has been identified as residential development as part of a Garden Village. Beyond acting as a cross-subsidy, the residential component of the development will also contribute to placemaking and creating an attractive live-work-play environment aligned to the evolving needs of the occupiers and their employees. Case studies supplied suggest that this trend is observed in other similar Science and Innovation

Park developments, for example ongoing and/or future proposals at Harwell Campus and Colworth Park.

- 5.22 Although the residential development would act as enabling development, its contribution towards helping to meet local housing needs is now accounted for in the figures. Similarly, the proposed employment floorspace at the Science and Innovation Park has been counted in terms of its contribution to helping to meet the need for employment floorspace.
- 5.23 The boundaries of the Green Belt in Bracknell Forest were originally defined in the Green Belt Local Plan for Berkshire (1985) and have been retained through subsequent Local Plans. In order to accommodate the proposal on land at Jealott's Hill, there is a need to alter the boundaries of the Green Belt. Para 139 of the NPPF refers to defining Green Belt boundaries clearly, using physical features that are recognisable and likely to be permanent. However, the Council's guiding principle has been to minimise the amount of land removed from the Green Belt to that required for the built-up area of the development. Whilst use has been made of existing fence lines and wooded features, this cannot be done for all boundaries. The intention is therefore to require substantial amounts of planting along certain boundaries to define the limits of the built development and excluded land. The scale of the proposal now requires the exclusion of 115.7ha (including 0.4ha for Gypsy and Traveller pitches) whereas the larger scheme required 170.3ha.
- 5.24 The NPPF refers to the need to set out ways in which removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land. The expansive areas of country park proposed will introduce public access for formal and informal recreation to large areas of the countryside where none previously existed. This will assist the connectivity of publicly accessible routes within the Green Belt, including to routes beyond the site boundary. Biodiversity benefits will also come with the change in the management of the land. The site will deliver more than double the required policy provision of green infrastructure (PPG ID 64-002-20190722). The proposals will also involve woodland and tree planting, including structural planting which will help provide visual containment when viewed from within and beyond the site boundaries.
- The Peel Centre and The Point, Skimped Hill Lane, Bracknell*
- 5.25 This previously developed site on the edge of Bracknell Town Centre and close to transport hubs has not been included in previous versions of the plan as its availability did not arise until the last consultation. The site was finally submitted for consideration in March 2020. It currently comprises a retail warehouse park with a convenience store and leisure uses at The Point. The promoters of the site state that the format of the premises do not meet current needs. The establishment of the Lexicon has also resulted in some duplication of occupiers, leading to a number of closures at the Peel Centre and these factors together with the challenges faced by the retail industry due to an increase in online shopping, BREXIT and COVID-19 have resulted in the site being put forward.
- 5.26 The Government gives substantial weight to the value of making as much use as possible of previously developed land. Planning policies should also reflect changes in the demand for land and make sure that developments make optimal use of the potential of sites. Sites in town centres or those that are well served by public transport should seek to significantly uplift the average density of residential development. Bracknell Town Centre and the railway station are both close by and it

is considered that the site represents the type of location that the Government wishes to be redeveloped.

- 5.27 The site is proposed for a mixed-use development, retaining an element of retail, including a supermarket and 900 dwellings. Due to the scale of the development and need to relocate certain existing uses, it is assumed that 600 of the dwellings would be constructed during the current plan period. Policy LP8 deals specifically with the site and is supported with an Illustrative Concept Plan showing the proposed disposition of uses across the site. All are based on a Development Brief that has been compiled for the site.

Other housing needs

- 5.28 The Bracknell Forest Housing Needs Assessment (HNA) was published in July 2020. This looked at matters such as affordable housing. As a result of the report and further analysis of local data, the affordable housing policy has been extended to include further clauses. The few circumstances when a relaxation in the affordable housing requirement will be considered are now set out in policy. In terms of size and type, affordable housing is now required to be indistinguishable in appearance from the market housing on a site. Possible circumvention of the site size threshold is also addressed and the scope of the affordable housing requirement is extended to include self-contained units of specialist housing for older people (C3 and C2 uses). The growth in the need for specialist accommodation (especially extra care accommodation) highlighted in the evidence base, is dealt with by requiring an element of specialist accommodation on certain strategic sites and a development management policy including criteria dealing with locational requirements that would be used to assess any other applications that come forward.

Economic needs

- 5.29 Studies concerned with the economy have been prepared during difficult times due to uncertainties surrounding BREXIT, the impact of COVID 19 and challenges that were already being faced particularly by the retail industry. The Government has also recently introduced changes to the Use Classes which bring together A1(shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of Classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single new E Use Class. This means that changes of use between the different types of uses listed in Class E will not constitute development and so will not require planning permission. This emphasises the need to take a flexible approach.
- 5.30 The Employment Land Study was published in April 2020 and suggests a need for 68,000sq.m. of offices, industrial and storage and distribution floorspace during the plan period. The Bracknell Town Centre Retail Review (November 2020) has also been undertaken. Although it is not a comprehensive study of retail need across the Borough, it suggests that circumstances have changed since the original study (Western Berkshire Retail and Commercial Leisure Assessment 2016) was undertaken and that there is no longer a need for further retail floorspace. Whilst a cautionary note is added about the impact of COVID19, it is not fully addressed in the review as it would be premature to come to any conclusions at this stage. It comments that a combination of the growth of online shopping, the overstatement of the comparison goods market and increased retailer efficiency mean that together with outstanding commitments and vacancy rates, there is likely to be a sufficient supply of floorspace. It is likely that COVID19 will have exacerbated the position in terms of a decrease in footfall, and closure of stores.

- 5.31 At various stages in the plan making process, the Council has invited the submission of sites to be considered for economic development. However, few have been submitted. Available sites in and around Bracknell Town Centre are allocated for mixed use development including economic development. It is hoped that the flexible terminology will mean that there are more opportunities to attract a range of businesses and add to employment growth. This will complement opportunities arising from the Government's changes to the Use Classes Order and extension of permitted development rights. In addition to these, substantial employment growth is planned on Land at Jealott's Hill. The Science and Innovation Park would comprise 86,500 sq. m. of new floorspace, 72,200sq.m. being made available for other occupiers. In addition to the replacement floorspace (14,300sq.m.), 38,750 sq. m. is planned to be delivered in the plan period, leaving a further 33,450 sq. m. to be built post 2037. The existing anchor occupier would retain 46,300 sq. m. of its existing floorspace.
- 5.32 As has been made clear above, the vision for the site will not be delivered without cross-subsidy from the land value created through the residential development. As this is fundamental to the Exceptional Circumstances argument there is a need to tie the employment development to the housing. It is estimated that 1,350 dwellings can be delivered in the plan period. A phasing strategy will therefore be secured within a legal agreement to ensure that a minimum of 38,750 sq. m. of employment floorspace is delivered in parallel with 1,350 dwellings by 2037. In addition, 836 sq. m. of retail floorspace is planned at the neighbourhood centre in the plan period. The amount of floorspace possible at Jealott's Hill together with that planned on sites in and around Bracknell Town Centre falls slightly short of the theoretical need.
- 5.33 In view of the scale and nature of the theoretical need set out in the Employment Land Study, the BFLP also seeks to protect existing designated employment areas and designate a further employment area at Wellington Business Park, Crowthorne and a small extension to the Western Employment Area, Bracknell, recognising the presence of existing businesses at Phoenix Park. All are defined in a new strategic policy (Policy LP10). An Article 4 Direction is in place covering the Western, Southern and Eastern employment areas as currently defined. This removes the permitted development right to convert offices to residential dwellings in these areas. Redevelopment opportunities may arise for intensification of the designated employment areas to accommodate further growth in employment in other sectors.
- 5.34 Whilst the main focus of economic growth will be on land at Jealott's Hill, the provision of additional economic floorspace (17,796 sq. m. net) in and around Bracknell Town Centre may also encourage some office occupiers to re-locate, thus vacating sites that may have potential for redevelopment for industrial and warehousing uses.
- 5.35 Whilst the nature of the planned floorspace is not totally aligned with theoretical need, it is considered that it would contribute to ambitions for growth and may be more in line with sectors with growth potential in the future. It will be important to monitor interest in economic floorspace e.g. through planning permissions granted and completed together with vacancy rates to establish the long term impact of recent events and revise provision, as necessary. In the short to medium term, there should be sufficient capacity - the situation will be reviewed as part of the plan review process.
- Green Belt villages*
- 5.36 A new strategic policy has been added to the plan defining the Green Belt Villages. The geographical extent of these areas is shown on the Policies Map. Specific policy

considerations apply, for example, the definition of Green Belt villages is required in order to implement the development management policy referring to infilling.

Design

- 5.37 The increased emphasis on design in national policy and guidance and the need to provide greater clarity regarding expectations, has resulted in the expansion of the policy on 'Design principles'.

Non strategic policies (development management policies)

- 5.38 A number of the policies in this section have also been revised in response to comments made during the previous consultation, changes in legislation and guidance and to incorporate points arising from new evidence. The way certain policies have been structured has also been adjusted in response to issues that have arisen. For example, landscape character (outside of defined settlements) and separation of settlements are now dealt with as two separate policies for the sake of clarity.
- 5.39 The threshold for sites needing to meet wheelchair user dwelling requirements in the Accessible and Adaptable Dwellings policy has been lowered from 20 gross or more dwellings to 10 gross or more. The housing mix policy has been amended to strengthen the need for developments to have regard to the most appropriate size and type for the locality, at the time, based on local monitoring data tracking progress in achieving the size and type needed over the entire plan period. It also acknowledges that sites allocated in and around Bracknell Town Centre are likely to provide a significant number of smaller dwellings and that there will therefore be a need for more family orientated housing outside this area. The policy also clarifies the exclusion of specialist housing for older people from the mix requirements. Locational criteria are also given for specialist housing for older people as a separate policy.
- 5.40 As is the case with the strategic policies, development management policies concerned with employment/town and other centres have been updated to take account of retail uses now falling within the new Use Class E with reference to changes of use from Class E to other uses within defined primary shopping areas.
- 5.41 The policy on development in the Green Belt refers more clearly to national policy and limited infilling in Green Belt villages is as defined on the Policies Map. The policy on protection and enhancement of the historic environment has been shortened to refer more directly back to case law, legislation and national policy to avoid duplication and misinterpretation
- 5.42 The policy on design has been revised so that it more clearly sets out expectations of proposals in terms of interpretation of principles.
- 5.43 The wording of the sustainable construction policy has been amended to make it clearer what is expected of major and minor new build residential development. Where it is not viable for non-residential development to meet BREEAM 'excellent' or equivalent standard – very good will be expected.

Other factors requiring consideration

Sustainability Appraisal

- 5.44 The Sustainability Appraisal (SA) process has continued to be carried out in-house to ensure that it remains iterative and influential in the final stages of developing the plan. It examines each of the proposals in the BFLP and reasonable alternatives in order to consider ways in which the plan can contribute to improvements in environmental, social and economic conditions. It also looks at means of identifying and mitigating any potential significant adverse effects that the plan might otherwise have. In doing so, it helps make sure that the proposals in the plan are the most appropriate. The appraisal has been undertaken using the agreed SA Objectives. In relation to site selection, it forms part of the evidence base within the Site Selection Methodology. It has also tested the evidence underpinning the plan and helps contribute to demonstrating how the tests of soundness have been met.
- 5.45 The latest version of the SA (Incorporating Strategic Environmental Assessment) of the Pre-Submission Bracknell Forest Local Plan has been developed further to address consultee comments including those on alternative scenarios for Land at Jealott's Hill, examine the new sites submitted and appraise changes in the wording of policies.
- 5.46 For the reasons outlined below, it has not been possible for the SA to take into account the results of the Air Quality Assessment and any necessary air quality mitigation at this stage. Whilst a Draft SA is available, it is proposed that delegated authority be given to the Director of People, Place and Regeneration in consultation with the Executive Member for Planning and Transport to agree the final version of the SA so that it can be published for the consultation.

Habitats Regulations Assessment and Air Quality Assessment

- 5.47 An Air Quality Assessment is being undertaken to respond partly to the Habitat Regulations in light of the 'Wealden Case'^[1] in terms of impact of air pollution on habitats sites. These include the Thames Basin Heaths SPA and Windsor Forest and Great Park SAC. The Assessment also considers the impact of air quality from traffic on human health. The potential effects are predominantly associated with the forecast growth in traffic on the local road network and the assessment has therefore involved complex modelling and taken into consideration the cumulative impacts of the Pre-Submission BFLP and forecast growth within neighbouring authorities.
- 5.48 A draft version of the Air Quality Report has been received and the results are being analysed. The Report needs to be agreed with Natural England, Environmental Health, Public Health, and shared with adjoining Authorities. If Air Quality is required, work will need to be done to establish the location and nature of this.
- 5.49 There is a legal requirement for all local plans to be subject to a Habitats Regulations Assessment (HRA). The need for HRA is set out within the Conservation of Habitats & Species Regulations 2017 (as amended). However, only draft versions of the Air Quality Report and HRA are available at this stage. As with the SA, it is proposed that authority to agree the final versions of these documents is delegated to the Director Place Planning and Regeneration, in consultation with the Executive Member for Planning and Transport so that the final versions can be published for the consultation. If required, any work on an air quality mitigation strategy will continue

^[1] **Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority [2017]:** The principal issue was whether the Authority had acted unlawfully in concluding a proposal was unlikely to have a significant effect on a Special Area of Conservation (SAC), in combination with their Core Strategy, pursuant to the Habitats Regulations. The environmental effect in question was the impact from vehicle emissions upon heathland within the SAC.

thereafter, particularly in terms of the development of Statements of Common Ground with 3rd parties.

Infrastructure Delivery Plan

- 5.50 The Infrastructure Delivery Plan (IDP) specifies, in as much detail as possible based on available information, the physical, social and green infrastructure needed to enable the planned growth up to 2037. It sets out infrastructure requirements for specific site allocations as well as strategic infrastructure required to support growth generated by new development. Where possible it specifies who will deliver the infrastructure and details of the timing. The IDP is a 'live' document and will continue to be developed in consultation with infrastructure providers. The document will be available as part of the suite of consultation documents.

Viability Assessment

- 5.51 Planning Practice Guidance emphasises that the role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. The BFLP Viability Assessment has assessed the development viability of the potential sites for allocation, including testing the relevant policies (such as the affordable housing policy) for impact on the delivery of the sites. It is a high-level assessment and tests the impact of all infrastructure requirements/costs on site delivery and developer assumptions used in viability assessments as to the minimum profit required to secure finance for developments. The case for enabling development put forward by the promoters of Jealott's Hill has been assessed by the council's commissioned consultants and officers as part of this work. As well as reviewing the viability of the proposal, the council's consultants and officers have also analysed and challenged the evidence put forward on the demand for floorspace and the appropriate scale of the Science and Innovation Park.
- 5.52 As the BFLP has developed, consultants have been working on the BFLP Viability Assessment. They are now in the process of completing an addendum to an earlier report. This will provide updated information on market movements, the possible impact of Covid 19, adjustments to site numbers (including the reduction in scale of land at Jealotts Hill) and any relevant changes to policies. The detail of certain policies may require adjustment to take account of the outcomes of this work. It is therefore proposed that authority to agree any necessary minor adjustments is delegated to the Director Place Planning and Regeneration, in consultation with the Executive Member for Planning and Transport prior to consultation

Local Development Scheme

- 5.53 The Local Development Scheme (LDS) has been recently revised (agreed in February 2021). The remaining timescale for the BFLP as set out in the LDS is as follows. It should be noted that once a plan has been submitted to Government, the local authority has little influence over the timetable.

Bracknell Forest Local Plan	
Stage	Timescale
Pre Submission Consultation	March/April/May 2021

(Regulation 19)	
Submission (Regulation 22)	June 2021
Examination (Regulation 24)	Summer/Autumn/Winter 2021/22
Inspector's Report	Winter 2022
Adoption (Regulation 26)	Spring 2022

NB. Regulation references relate to Town and Country Planning (Local Planning) (England) Regulations 2012

Proposed Consultation Strategy

- 5.54 The need to undertake consultation on the Local Plan at this stage is required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The legislation refers to the need to engage with certain groups and organisations that have been involved in the preparation of the local plan. The Council's adopted Statement of Community Involvement¹ also states that the Council will prepare a consultation strategy for each stage of a local plan.
- 5.55 The Regulations (Regulation 35) also refer to how consultation documents should be made available. However, due to the continuing uncertainty about the spread of Covid-19, the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020 roll forward the temporary removal of the requirement to make documents available for public inspection at the Council's main offices and at such other places as considered appropriate until 31 December 2021. They also roll forward the temporary changes to Regulation 36 of the 2012 Regulations to remove the requirement on a local planning authority to provide hard copies of documents made available under Regulation 35. This measure will therefore cover the planned consultation. In accordance with Planning Practice Guidance², a temporary addendum to the Bracknell Forest SCI has also been published to reflect the legislation and ensure compliance with public health guidance in order to ensure that plan-making can progress in line with the Government's recognition that local plans have a vital role to play in supporting economic recovery.
- 5.56 The Council would normally make documents available for inspection at Time Square, local libraries and parish council offices. In this instance documents will be placed on the Council's web site and made available for inspection (possibly by appointment) at any libraries or parish council offices that are open to the public at the time of consultation. The position will be reviewed during the consultation. Links will be sent to stakeholders. In certain cases, it may be possible to send a short paper extract from a document, if a substantive request is received.
- 5.57 The consultation will involve the following:
- Notification to all those on the existing Planning Policy database which includes relevant Duty to Co-operate bodies such as adjoining local authorities, Highways England and Natural England;
 - Making documents available on the Council's website and consultation portal;

¹ https://files.bracknell-forest.gov.uk/sites/bracknell/documents/statement-of-community-involvement-2014.pdf?KDumQuiimCYmBU7Q0bpr_.DLCVdJGI0

² Paragraph: 078 Reference ID: 61-078-201200513

- Making the BFLP document available at the Council Offices at Time Square, parish council offices and any local libraries that are open to public access, **but**, only by prior arrangement and if it is agreed that it is safe to do so;
- Sending links to the BFLP and the core documents to Town and Parish Councils;
- Distributing information by way of press releases, alerts on social media, Town and Country;
- Sending out consultation information via 'Involve' (which is a central support agency for local voluntary and community action groups within the Borough). This also includes the Council's Access Group.

5.58 Consultation must run for a statutory period of six weeks and is open to everybody (including those who have not made representations to date). The consultation will run from 23rd March to 11th May which will allow additional time due to the Easter and Early May Bank Holiday periods. A consultation strategy and mandate are attached as Appendix B.

5.59 At this stage of plan making, to be effective, any objections must be based on legal compliance (whether the correct procedures have been followed during the preparation of the plan) and the 'tests of soundness' as set out in legislation and national policy which are concerned with whether the plan is:

- a) Positively prepared
- b) Justified
- c) Effective
- d) Consistent with national policy

It is not therefore a completely open-ended consultation process, but rather an objector must state why the plan is 'unsound' and what needs to be done to address the matter. This will be made explicit in the consultation material.

Duty to Cooperate

5.60 The duty to cooperate is a legal test that requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in local plans. It is separate from but related to the local plan test of soundness³.

5.61 The Council has already undertaken duty to cooperate on the emerging BFLP, through:

- a start date letter (regulation 18) that was issued and consulted upon. This notified stakeholders of the Council's intention to prepare a plan and invited comments on what the Plan should contain;
- bespoke consultations on the Bracknell Forest evidence base;
- Duty to Cooperate Framework which was consulted on in February 2016; and
- the Issues and Options consultation and consultations on the Draft BFLP in February/March 2018, September 2018 and November/December 2019 which included invitations to comment on the sites proposed at the time.

³ Duty to cooperate was created in the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004.

These have subsequently informed the preparation of the Pre Submission version of the BFLP.

- 5.62 In addition to the above, there has been joint working on the evidence base and bespoke meetings concerning Land at Jealott's Hill particularly with Wokingham Borough Council, the Royal Borough of Windsor and Maidenhead, Natural England and Highways England.

Next stages

- 5.63 Once the consultation has closed, officers will summarise the key issues raised and 'submit' the plan, policies map, representations and all supporting documents to the Secretary of State/Planning Inspectorate for examination. Once submitted, the future timetable will be set by the Planning Inspectorate. Under the provisions of Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended), the Council is entitled to request that the appointed Inspector recommends main modifications to the submitted Plan, in the event that the Inspector considers that such modifications are necessary to make the Plan sound. It is considered important to do so, in order to provide clarity on any changes necessary in the event that issues arise which impact on the tests of soundness.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 Consultation on the Local Plan is required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and temporarily adjusted by the Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020. The provisions relating to this stage of the plan process are covered by Regulation 19. Undertaking the consultation as proposed should ensure that the Council complies with its obligations under this legislation. Following the consultation, it will be necessary to summarise the issues raised and submit the BFLP, Policies Map, sustainability appraisal, consultation statement and other supporting documents to the Secretary of State under Regulation 22. The independent Examination process is covered by Regulation 24.

Borough Treasurer

- 6.2 The costs of developing the BFLP, including the consultation and Examination, will be met through existing Planning Policy budget.

Equalities Impact Assessment

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

Strategic Risk Management Issues

- 6.4 The BFLP seeks to help address and contribute to the achievement of the Councils' six key strategic themes. The main risk is that the BFLP could be found legally non-compliant or unsound by an independent Inspector, through the Examination process. This could result in a delay in the ability of the Council to determine planning applications on the basis of an updated Vision, Spatial Strategy and local policies. This could potentially result in the failure of development proposals to meet identified needs in line with the Council's priorities. The development of allocated sites to provide housing and economic uses is also dependent upon when

landowners choose to bring forward their sites, and, other factors may influence this. Planning policies in the BFLP seek to ensure that development proposals align with the Council's priorities, such as protecting and enhancing our environment, reducing our impact on climate change, and providing affordable homes.

Climate Change

- 6.5 Policies in the BFLP address both mitigation (reducing emissions) and adaption (being prepared for climate change). Measures aimed at mitigation include reducing the need to travel by locating development in the most sustainable locations, encouraging sustainable forms of transport such as cycling and walking, supporting renewable and low carbon technologies and sustainable construction through net zero carbon for regulated emissions from major new build residential developments.
- 6.6 In terms of adapting to climate change, the degree of flood risk has been considered when putting sites forward for development. Consideration is also given to the availability of water and reduction of water use through efficiency standards. Policies promote green and blue infrastructure to allow habitat connectivity, provide urban cooling and shading, surface water management and absorb and store carbon. This is further supported by open space standards, the provision of Suitable Alternative Natural Greenspace (SANG) and the protection of river corridors.

Health

- 6.7 The Spatial Strategy supports the development of sustainably located sites including those in and around Bracknell Town Centre. Such an approach will encourage the use of more sustainable forms of transport such as cycling and walking which have health benefits. An increased supply of housing, including affordable housing, is also likely to improve health and wellbeing. Sites will be required to provide passive and active open space together with SANG which will assist psychological wellbeing and physical activity. This is particularly the case for land at Jealott's Hill where compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land are required following the removal of other parts of the site from the Green Belt. The development of a Garden Village at Jealott's Hill will also be supported with a new community building that will have the capacity to accommodate a variety of activities and a health care facility if required. Policies regarding contamination will also seek to protect public health. Taken together the policies in the plan seek to create a healthy environment for the benefit of all.

7 CONSULTATION

- 7.1 The preparation of the BFLP has involved commissioning evidence base studies, several of which have been subject to consultation prior to finalisation. It has also been informed by the results of duty to cooperate responses, the Issues and Options and consultations in 2018 and 2019. No other groups have been consulted on the preparation of this report. However, the report seeks agreement to a consultation strategy (see Appendix B) to carry out a statutory consultation on the Pre-Submission BFLP. Details of the proposed Pre-Submission BFLP consultation are set out at Section 5 above (paragraphs 5.54 – 5.59) and in Appendix B.

Appendices

- Appendix A Pre-Submission Bracknell Forest Local Plan and Policies Map
- Appendix B Consultation Strategy and Consultation Mandate

Appendix C Equalities Impact Screening Record Form

Background Papers

Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

National Planning Policy Framework (2019) and associated Planning Practice Guidance, MHCLG

Statement of Community Involvement (February 2014) and Temporary Changes Addendum (August 2020), Bracknell Forest Council

Local Development Scheme 2021 – 2024 (February 2021), Bracknell Forest Council

<https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/about-planning-policy>

Draft Sustainability Appraisal/Strategic Environmental Assessment (March 2021) (SA/SEA), Bracknell Forest Council

Draft Habitats Regulations Assessment Pre-Submission Bracknell Forest Local Plan (March 2021), Bracknell Forest Council

Interim Pre-Submission Consultation Statement, (March 2021), Bracknell Forest Council

Transport Impact Report, (March 2021), Bracknell Forest Council

Pre-Submission Housing Background Paper, (March 2021), Bracknell Forest Council

Pre-Submission Jealotts Hill Background Paper, (March 2021), Bracknell Forest Council

Pre-Submission Economic Background Paper, (March 2021), Bracknell Forest Council

These documents are available via the following link

<https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/about-planning-policy>

<https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/about-planning-policy/statement-community-involvement-temporary-changes-addendum>

Other documents forming part of the evidence base to the Bracknell Forest Local Plan can be viewed on the Council's web site:

<https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/development-plan/draft-bracknell-forest-local-plan/evidence-base>

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