

**ITEM NO: 7**

Application No.  
**21/00347/FUL**  
Site Address:

Ward:  
Ascot

Date Registered:  
1 April 2021

Target Decision Date:  
1 July 2021

**Land At Whitmoor Bog North Of The Railway Line  
Swinley Road Ascot Berkshire**

Proposal:

Application to change the description of the permitted use of part of the managed woodland Crown Estate, known as Whitmoor Bog, Swinley Road, Ascot and extending the period of use that already allows the continued permanent, seasonal occupation of the site by Lapland UK in order for them to create their Winter Wonderland experience including the erection of temporary structures and to seek minor amendments to some of the conditions already applied for under planning permission 15/01006/FUL and amended by 19/00712/FUL.

Applicant:

Mr Mike Battle

Agent:

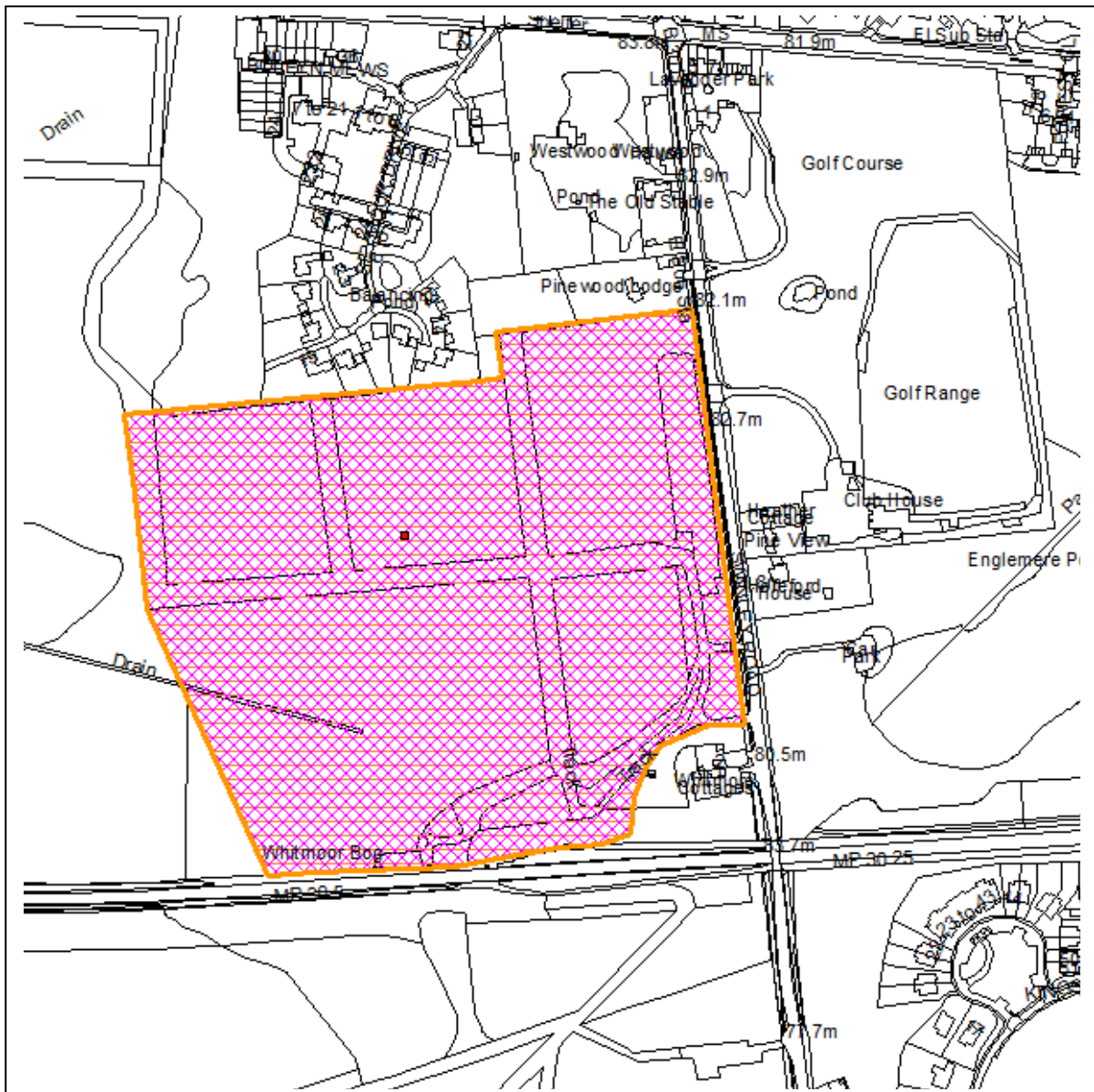
(There is no agent for this application)

Case Officer:

Paul Corbett, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto:development.control@bracknell-forest.gov.uk)

**Site Location Plan** (for identification purposes only, not to scale)



## **OFFICER REPORT**

### **1. SUMMARY**

- 1.1 This application seeks minor amendments to the conditions applied in respect of the already permitted use of the site under planning permissions 15/01006/FUL and 19/00712/FUL.
- 1.2 The current consent allows a change from forestry land owned by the Crown Estate to the seasonal use for the purposes of the erection of temporary buildings and structures and provide associated on-site parking by Lapland UK Ltd (LUK) in order to create its winter wonderland experience which is an online pre-booked public event held annually over 3 months.
- 1.3 It is important to note that this application does not seek to change this use or expand the site, but does seek an amendment that extends the period of use, but with a consent based largely on the current conditions. Some changes are also being sought that better reflect the nature of use, based on the applicant's experience gained over the past 8 years requiring a new application that seeks to amend the description and varies a number of the conditions that balance the need to meet the operational requirements of the applicant while ensuring the principal conditions continue to ensure the use is regulated.
- 1.4 The proposed wording of the conditions has been amended to ensure no adverse impact on highway network capacity, particularly at peak times, protected species, residential amenities etc.
- 1.5 The proposals if approved, would meet business needs without detriment to either the residential or environmental amenity. The consent would remain personal to LUK Events Ltd (LUK).
- 1.6 The business provides seasonal employment and contributes to the local economy. The LUK event also adds to the reputation of Bracknell Forest as a destination of choice when it comes to its offering of recreational attractions.

<b>RECOMMENDATION</b>
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Planning permission be granted subject to conditions in Section 11 of this report
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### **2. REASONS FOR REPORTING THE APPLICATION TO ADVISORY PLANNING COMMITTEE**

- 2.1 The application has been reported to the Advisory Planning Committee due to the number of objections received.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
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Land Outside Settlement
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- 3.1 The application relates to the already established use of the Crown Estate managed woodland known as Whitmoor Bog, Swinley Road, Ascot. The site used is part of a woodland area north of the railway line which totals circa 13 ha (excluding the reptile mitigation area). The site forms part of a much larger managed (mainly Scots Pine) woodland. LUK uses approximately 50% of the permitted area on an annual and temporary basis for its winter wonderland event.

3.2 The land remains in the ownership of the Crown Estate. Out of season they manage the woodland as part of their overall estate. Public access to the site is permitted and managed by the Crown Estates save for the period when it is part occupied by LUK. The Crown Estate support this use and the revised application.

#### Site Location Plan



## 4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history is summarised as follows:

13/00428/T Temporary Permission Approved [Expired]

Three-year temporary permission for the holding of a children's Christmas theatrical experience to be open to members of the public between 30th November and 24th December, 2013 and 21st November and 24th December 2014 and 2015, with set up and dismantling periods between 1st October and the opening of the event and 27th December and 31st January each year respectively, together with ancillary works to reposition the access arrangement onto Swinley Road (B3017) and in the formative year to strengthen existing forest access routes and pathways, with the removal of all structures from the site and the reinstatement of the land in the intervening periods. (EXPIRED)

13/00161/COND: Approved

Details pursuant to conditions 05 (means of enclosure), 10 (Contamination Avoidance Plan), 11 (noise mitigation), 12 (waste management), and 16 (site organisation) of planning permission 13/00428/T.

13/00164/COND: Approval

Details pursuant to conditions 06, (Reptile Mitigation), 09 (great crested newts), 13 (site access), 17 (shuttle bus scheme), 18 (car park management), 19 (highway signage) and 22 (employee cycle store) of planning permission 13/00428/T.

13/00168/COND Approval

Details pursuant to conditions 08 (External site lighting), 14 (Internal access routes & surface treatment) and 20 (Replacement tree planting) of planning permission 13/00428/T.

14/00528/T Temporary Permission Approved [Expired]

Three-year temporary permission for the holding of a children's Christmas theatrical experience to be open to members of the public between 30th November and 24th December, 2013 and 21st November and 24th December 2014 and 2015, with set up in the periods between 1st October and the opening of the event and dismantling between the 27th December and 31st January in the respective following year, together with ancillary works to reposition the access arrangement onto Swinley Road (B3017) and in the formative year to strengthen existing forest access routes and pathways, with the removal of all structures from the site and the reinstatement of the land in the intervening periods. Note for Clarification: This is a Section 73 application for the variation of condition 2 (time operation) of planning permission 13/00428/T. It only seeks to remove the restriction of Tour Times: Monday - Friday between 13:00hrs and 15:30hrs imposed as part of condition 02. The proposal remains a temporary permission for 3 years (expiring 31 January 2016) as approved under planning permission 13/00428/T.

15/01006/FUL Permanent Approval

Permanent permission to annually stage the temporary children's Christmas theatrical event, Lapland UK, (for the sole use of the applicants LUK Events Ltd) from 21st November to 24th December each year, encompassing the last two weekends in November (whichever is the longer), with set up and dismantling periods between 1st October and the opening event and 27th December and 31st January respectively, with the removal of all structures from the site and the reinstatement of the land in the intervening periods.

16/00189/COND: Approval

Details pursuant to conditions 07 (reptile survey), 08 (reptile mitigation strategy), 09 (landscape and ecological mitigation plan) and 19 (directional signage) of planning permission 15/01006/FUL.

16/00205/COND: Approval

Details pursuant to conditions 13 (refuse storage), 16 (site organisation) and 17 (car park management) of planning permission 15/01006/FUL.

18/00022/COND: Approval

Details pursuant to conditions 7 (reptile survey), 8 (reptile mitigation scheme) and 9 (landscape and ecological management) of planning permission 15/01006/FUL.

18/00198/COND: Approval

Details pursuant to conditions 7 (reptile survey), 8 (reptile mitigation scheme) and 9 (LEMP) of planning permission 15/01006/FUL.

19/00130/COND: Approval

Details pursuant to condition 2 (Dates and times of Opening) of planning permissions 15/01006/FUL and 19/00712/FUL.

19/00712/FUL Approved

Section 73 application to vary condition 2 (Restrictions on Access) and condition 03 (Restrictions on hours) for Planning Permission 15/01006/FUL to allow use of the permitted development from 15th November to 15th January, extending the dismantling periods, removing the associated one hour access restrictions during the weekends and extending the tour times Monday to Fridays.

## 5. THE PROPOSAL

5.1 The application seeks to extend the period of use that already allows the continued permanent, seasonal occupation of the site by Lapland UK in order for them to create their Winter Wonderland experience including the erection of temporary structures and to seek minor amendments to some of the conditions already applied for under planning permission 15/01006/FUL and amended by 19/00712/FUL.

## 6. REPRESENTATIONS RECEIVED

### Winkfield Parish Council

6.1 WPC would ask for careful monitoring of adherence to conditions, and the impacts on the grounds and wildlife.

### Other Representations

6.2 17 letters of representation have been received raising the following concerns.

- Adverse impact on woodland and wildlife in the long term.

[Officer Comment: Ecological mitigation was agreed under the original application]

- Excessive noise and disturbance when erecting and dismantling the structures.

[Officer Comment: Environmental Health have no record of any associated complaints]

- Highway safety concerns: traffic and large vehicle access to the site causes unwanted disruption and, on the road, leading to the site with the rail bridge (which is a blind spot) and is a traffic / safety concern.

[Officer Comment: All associated highway safety concerns in respect of the surrounding highway network including large vehicles having to access the site were considered at the time of the original application]

- Public access to the woodland is restricted during event.

[Officer Comment: This is Crown Estate Land and therefore access can be restricted at any time]

## 7. SUMMARY OF CONSULTATION RESPONSES

### Highway Authority

7.1 Objection raised and suggests alternative condition wording.

### Biodiversity Officer

7.2 The Biodiversity Officer has reviewed the applicant's supporting ecological submission (Landscape and Ecological Management Plan dated July 2021) and the suggested reworded condition and concludes that the delivery of previous commitments has not been achieved and still requires two separate conditions; one to monitor reptiles and one to deliver the reptile mitigation and LEMP.

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The key policies and associated guidance applying to the site are:

	Development Plan	NPPF
General policies	CS1 & CS2 of CSDPD	Consistent
Land Outside Settlement	CS9 of CSDPD Saved policy EN8 of BFBLP	Part Consistent

Residential Amenity	Saved policies EN1, EN2, EN20 and EN25 of BFBLP	Consistent
Highways	CS23 of CSDPD, Saved policy M9 of BFBLP	Consistent
Biodiversity	'Saved' Policy EN15 of BFBLP	Consistent
<b>Supplementary Planning Documents (SPDs)</b>		
Parking Standards (2016)		
<b>Other publications</b>		
National Planning Policy Framework 2021 (NPPF)		

## 9. PLANNING CONSIDERATIONS

### i. Principle of Development

9.1 The principle of the change of use of a woodland area north of the railway line was established under a number of temporary planning permissions dating back to 2013 eventually establishing a permanent annual use for the winter wonderland event.

9.2 The principal planning permission is 15/01006/FUL later amended by 19/00712/FUL.

### ii Consideration of the proposed changes to existing conditions:

9.3 The subsequent sections of this report sets out the existing condition wording and proposed justification for revisions requested with the condition re-worded accordingly. This is followed in each case by officer commentary confirming whether the new wording of the condition is considered acceptable or whether alternative wording is deemed necessary.

#### **CONDITION 02 (Site operating dates)**

9.4 The applicant seeks to part amend existing Condition 02 which currently reads;

02. The development hereby permitted is granted for a limited period and restricted as follows:

(a) Open to the public annually between the 15 November to the 24 December and the 2 January and the 15 January (inclusive)

(b) Open for site setup/dismantling annually between 1 October and the opening event and 27 December and 31 January respectively

(c) Construction/Dismantling Traffic shall not enter/exit the site Monday - Friday between 08:00 hrs - 09:00 hrs 17:00 hrs - 18:00 hrs

Outside of these dates, the development and all temporary structures/buildings brought onto the land in pursuance of this permission and use shall be removed from the site and land restored to its former Condition in accordance with a scheme which shall have been previously submitted to and have been approved in writing by the Local Planning Authority.

9.5 The applicant (LUK) seeks to vary this condition as below (bold text):

*02. The development hereby permitted is granted for a limited period and restricted as follows:*

*(a) Open to the public annually **from 1<sup>st</sup> November to the 15<sup>th</sup> January (inclusive)***

*(b) Open for site setup/dismantling annually from **no sooner than 23<sup>rd</sup> September** and the opening event and from **the closing of the event until no later than 8<sup>th</sup>***

**February**

(c) Construction/Dismantling Traffic shall not enter/exit the site Monday - Friday between 08:00 hrs - 09:00 hrs, 17:00 hrs - 18:00 hrs

Outside of these dates, the development and all temporary structures/buildings brought onto the land in pursuance of this permission and use shall be removed from the site and land restored to its former Condition in accordance **with the approved scheme (Doc ref A13)**.

Proposed changes summary:

<b>CONDITION 02 (Site operating dates)</b>	
Open to the public	<b>1 November to the 15th January</b> (currently 15 Nov -24 Dec & 2 -15 Jan)
Site setup/dismantling	<b>23rd September/ 8<sup>th</sup> February</b> (currently 1 Oct /31 Jan)

**Applicant’s reason:**

Open to the public:

9.6 LUK’s prime need is to be able to regularise the opening day taking account of the four-yearly calendar change due to the effect of the leap year and provide some administrative simplicity. Also, previous COVID experience evidenced the need for some flexibility in which to work and accommodate changes in public demand. There are challenges in setting up, including being able to recruit and train the team of actors and essential support staff, before the site would be ready.

Site setup/dismantling:

9.7 LUK is seeking access rights one week earlier and one week later than currently permitted. There is no certainty that either option would be exercised. If LUK was to enter the site a week earlier it would be for the purposes of setting the site up ready for the construction crews to arrive a week later to start building the village. Setting up the site involves installing the basic infrastructure works. This includes erecting the perimeter fence, siting the office, security and welfare units, signage erection and defining the permitted work areas. Setting up requires compliance with the condition in respect of ecology and LUK employ an ecology consultant for the purposes of ensuring compliance and the provision of general advice. Any necessary, major works e.g. non-urgent tree felling is carried out at other times of the year and in compliance with national legislation.

9.8 The earlier site access would provide more flexibility than at present, particularly during the dismantling period when ground conditions can vary considerably especially during adverse weather conditions which can result in more heavy machinery having to be used and help reduce the need for late night working.

**CONDITION 03 (Site operating times)**

9.9 Condition 3 currently reads:

03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall operate within the following time frames.

(a) The site shall be open to the public no earlier than 30 minutes prior to the following tour operating times;

(i) Tour Times: Monday - Friday 09:30 hrs - 18:00 hrs

(ii) Tour Times: Saturday- Sunday 09:00 hrs - 18:00 hrs

(iii) No tours shall commence after 18:00 hrs and the site shall close at by 23:00 hrs.

(b) No activity shall be permitted on the site between 22:00 hrs and 08:00 hrs

REASON: - To ensure the impact of this development does not adversely affect the local highway network and neighbours amenities. [Relevant Plans and Policies: BFBLP Saved Policies EN20, M4, Core Strategy DPD Policy CS23]

9.10 The applicant (LUK) seeks to vary this condition as below (bold text):

*03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall only operate as specified within the following time frames.*

**(a) The site shall be open to the public no earlier than 30 minutes prior to the first tour operating time**

**(b) Tour Times: to commence no sooner than 08:00 hrs with the last tour starting no later than 19:00hrs**

**(c) The site shall be closed by no later than 23:00 hrs.**

**(d) No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.**

Proposed Changes summary:

<b>CONDITION 03 (Site operating times) (19/00712/FUL)</b>	
Public tour times	<p>The site shall be <u>open to the public no earlier than 30 minutes</u> prior to <b>the first tour operating time</b></p> <p><b>First tour 08:00hrs &amp; last tour 19:00hrs</b>  <i>(previously Mon-Fri 09:30 hrs - 18:00 hrs  Sat-Sun 09:00 hrs - 18:00 hrs)</i></p> <p><b>The site shall be closed by no later than 23:00 hrs</b></p>
Other activities	<p><b>No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.</b></p> <p><i>(previously - No activity shall be permitted on the site between 22:00 hrs and 08:00 hrs)</i></p>

**Applicant's Reason:**

9.11 The application seeks changes to the permitted hours of public opening and a relaxation to certain permitted after-hours activities. Experience during the pandemic has shown that the proposed hours can enable the operation of the site without any adverse local impact.

**Officer comment:**

9.12 The Highway Officer has commented that the applicant has submitted a Transport Technical Note (issue A 22 July 2021) to support this change providing an indication of the likely level of trips expected from the available bookings slots (experiences) that would be available at each half hourly interval. This is based on what the applicant has stated but no data, such as traffic counts of those entering the site at the time of the current operating hours, has been presented to support the assertion. Furthermore, the applicant has made an assessment on the likely patterns of traffic accessing the site from information they hold but again no detail of such information has been presented. Clearly the destinations that people can arrive from will vary



each year, as well as the routes they use, meaning that more traffic could be expected to use the various routes to get to the site.

- 9.13 If the applicant had data from the various years of operation to average out the profile of routes used this would help provide a more robust assessment of the routes that could be used. All this information is key to ensuring that the local road network is not compromised by the change being sought. The main concern relates to the impact such a change could have on the traffic signalled controlled junction to the north of the site on the A329 London Road/Swinley Road/Priory Road. The London Road experiences high levels of traffic and right turning vehicles have to turn in gaps impacting on the capacity of the junction. Increasing this movement (coupled with more left turning traffic as well) could lead to more traffic trying to turn through smaller gaps created by the delay in waiting at the junction which could lead to increased chance of conflict resulting in highway safety issues.
- 9.14 The current conditions restrict tours to the public till 9:30am which was reduced from 10 am and this reduces the potential arrivals on the site to the back end of the peak period on the network in this location so as to reduce the harm indicated. It should be noted that looking at the traffic counter data held by the Council from the A329 near to this junction from 2019 (pre COVID and including some Lapland traffic) it is clear that peak demand on the network is spread from 7am through to 9am in November and December with similar levels of traffic being witnessed. This is not uncommon for such major routes as the A329 and is a factor in why the restriction was suggested in the first place.
- 9.15 From the assessment the applicant has made and coupled with the fact that peak activity does not just occur from 8am-9am, the impact on the local junctions will occur from 3 additional tours (8am, 8:30am and 9am, with customers arriving 30 mins before the booking) that could occur prior to the peak period tailing off (9am). The applicant has stated that the change would be slightly offset by the change to arrival times for staff. This would be true for a typical peak hour scenario but as stated the period prior to 8am is also similar in traffic levels from the data held by the Council and thus any displacement of staff would be to a time when levels are also similar so the reduction in the impact may not arise.
- 9.16 The applicant has chosen to utilise data out of the local plan model but it is referred to as 2024 Local Plan and this is incorrect. The current forthcoming local plan work covers 2037 and previous traffic models covered the current plan period to 2026. Some clarity on this is required as it appears that the data being used is out of date as a revised traffic model has more recently been commissioned and is now in use. What is clear is that traffic levels are expected to increase but the latest models indicate that the increase is not as high as the applicant is indicating. This means that the percentage impact on the junction from additional traffic will be higher and the applicant has not supplied any operational assessments of the junction to support the proposal.
- 9.17 Observations indicate that the junction becomes congested at peak times especially with right turning vehicles into Priory Lane or Swinley Road. In the intervening time (between now and 2026 or 2037) making some assessment of the likely current levels of traffic should also be considered. Looking at the more recent data for the intervening period means that the impact from additional traffic is likely to be higher than suggested.
- 9.18 Previous guidance that has been referred to by the applicant is no longer applicable as a rule as junctions which witness higher levels of congestion could be made worse by smaller impacts than those stated.
- 9.19 The Highways Officer has looked closely at the 2019 counter data held for the period of November 2019 - January 2020 and it is clear that traffic levels along London Road are high with the period of 7am - 9am being similar throughout the weekdays. What is noticeable is that

there is a slight reduction in the traffic levels around the mid-late December until early January and this is most likely to coincide with the school holiday period. The fall in traffic levels around this time would seem sizeable enough to cater for the additional demand the applicant has indicated could occur with some additional headroom should traffic levels fluctuate year on year. In that regard and considering the lack of clear impartial evidence from the applicant and operational analysis of the junction.

9.20 The Highways Officer therefore recommends condition 3 is amended as follows which would allow the applicant to operate as they wish to during the weekdays for the upcoming year. This would also provide the opportunity collate the necessary evidence in the form of customer and traffic surveys that could then be submitted to provide a robust evidence base upon which a further application could then be submitted for consideration to vary the condition wording to allow for the earlier tour times (Mon- Fri) as requested.

9.21 The Highway Authority recommend the condition is re-worded as follows as alternative:

03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall only operate as specified within the following time frames.

(a) The site shall be open to the public no earlier than 30 minutes prior to the first tour operating time

(b)i) Tour Times: Monday - Friday to commence no sooner than 09:30 hrs with the last tour starting no later than 19:00 hrs, with the exception of the school holiday period as set out yearly by Bracknell Forest Council between December and January when tour times shall commence no sooner than 08:00 hrs with the last tour starting no later than 19:00 hrs

ii) Tour Times: Saturday - Sunday 08:00 hrs - 19:00 hrs

(c) The site shall be closed by no later than 23:00 hrs.

(d) No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.

#### **CONDITION 04 (approved documentation)**

9.22 Condition 04. requires the development permitted to be carried out only in accordance with the approved plans and information as listed.

9.23 The applicant seeks to amend the list of approved documents to make reference specifically to a typical site plan to allow for a degree of flexibility in terms of the nature and location of the structures that can be erected within the confines of the application site as follows:

*04. The development hereby permitted shall be carried out only in accordance with*

*(a) proposed typical site plan ref LL08.2021.SP01*

*(b) the following previously approved plans and information under reference 15/01006/FUL:*

*Dwg No. DW02 - C - Site location plan - LPA restamp date 26.11.15*

*Dwg No. DW03 - C - Site section AA - LPA restamp date 26.11.15;*

*Dwg No. DW04 - B - Site sections BB & CC- LPA restamp date 26.11.15*

*Dwg No. DW05 - B - Site Section DD - LPA restamp date 26.11.15*

*Dwg No. DW06 - B - Site Section EE - LPA restamp date 26.11.15*

*Security Fencing Details - LPA received 22.01.16*

*Planning Statement & Appendices - LPA restamp date 26.11.15*

*(Appendix 6) Ecological Appraisal 2013 and Ecological Monitoring/Update*

*Report dated August 2015 - prepared by Applied Ecology  
(Appendix 7) Lighting Report, prepared by Capita Symonds - May 2013 &  
update statement email dated September 2015  
(Appendix 8) Trackway Specification 19/00712/FUL  
Cycle Facilities - LPA received 04.02.16  
Contamination Prevention - LPA received 04.02.16  
Noise Prevention - LPA received 04.02.16*

**Applicant's Reason:**

- 9.24 The applicant states that the current approved site drawing defines the location of every unit and this makes strict compliance needlessly challenging. It also limits the businesses ability to respond quickly to changing needs. For example, various parts of the Village Area site suffer from the effects of surface water run-off and poor natural drainage. Each year climatic conditions change how the site can be used and adjustments have to be made to the layout as the site is assembled. The need for such changes cannot be foreseen and only usually become evident upon arrival or as the buildings are constructed.
- 9.25 The majority of the temporary buildings are handcrafted and have to be adjusted every time they are set up also creating a problem of complying with specific approved plans for each building.
- 9.26 The proposed indicative plan sets out 'Zones' of permitted temporary land uses across the site. In line with the advice from the LPA the proposed plan shows the "typical site Arrangements". The proposed Zones are all based on their current use. The main area of used is the Village Area. This area is to remain unaltered in either size or location and would continue to be fenced off in accordance with the approved fencing details (**refer to doc ref A15, A16**). All apparatus such as generators are selected, located and screened when required according to the approved noise strategy. The main area of power generation is to the South of the Village Area and within a fenced area.

**Officer Comment:**

- 9.27 It is agreed that a typical site layout plan which continues to zone most of the operations and shows the extent of the village enclosure would sufficiently cover the main temporary operation.

**CONDITIONS 07, 08 AND 09**

- 9.28 The applicant seeks to amend existing ecological conditions 07, 08, and 09 which currently read as follows;

07. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved the following shall be undertaken:

- (i) the site shall be surveyed for the presence of reptiles
- (ii) the completed survey shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

08. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved, a Reptile Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (i) measures to avoid harm to biodiversity
- (ii) features provided to mitigate the loss of habitat
- (iii) habitat enhancements (not mitigation)
- (iv) on-going management of new features/habitat

The mitigation scheme shall be implemented in accordance with the approved details. An ecological site inspection report shall be submitted for approval within three weeks of the first occupation of the site hereby approved.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

09. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed
- b) Ecological trends and constraints on site that might influence management
- c) Aims and objectives of management
- d) Appropriate management options for achieving aims and objectives
- e) Prescriptions for management actions
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- g) Details of the body or organization responsible for implementation of the plan
- h) On-going monitoring and remedial measures

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

**Applicant's Reason:**

9.29 The applicant states that the ecological conditions are no longer applicable to the current circumstances and could be replaced with a single condition that seeks to ensure the continuation of the now established mitigation measures across the site, are maintained.

9.30 The applicant (LUK) seeks to vary conditions 07, 08 and 09 into a single condition as below (bold text):

***The continued management of the site in accordance with the details identified in the revised Landscape and Ecological Management Plan (LEMP) and Annual Workplan dated September 2020 and the ongoing implementation of the mitigation measures identified in the approved Reptile Mitigation Scheme included under reference 15/01006/FUL in respect of.***

***(i) measures to avoid harm to biodiversity***

***(ii) features provided to mitigate the loss of habitat***

***(iii) habitat enhancements (not mitigation)***

***(iv) on-going management of new features/habitat***

REASON: In the interests of nature conservation

[Relevant Plans and Policies: CSDPD CS1]

9.31 LUK's ecology consultant advises that the periods of opening of the site fall outside the peak bird nesting season so cannot foresee any additional impacts on birds from the revised timescales. In addition, the current Reptile Mitigation Strategy (refer to doc A21) and Landscape and Ecological Management Plan (LEMP) (refer to doc A22) includes measures

to avoid harm to reptiles during the set up period. In his opinion, the already established measures would not be materially affected by the additional weeks being requested.

- 9.32 Mindful of this potential conflict in views and in order for LUK to be sure that the ecological needs would continue to be addressed over coming years, LUK commissioned an update to the current LEMP and it is submitted as part of this application (refer to doc A22.1). The revised LEMP seeks to ensure that all reasonable ecology concerns are addressed, and the revised plan includes measures to avoid any harm to breeding birds by timing site maintenance operations to avoid the main nesting season i.e. March to August inclusive.
- 9.33 Examples of this include timing any vegetation cutting so that it takes place outside of the bird nesting season, or where work during the nesting/active season is unavoidable that it is done under ecological watching brief. This matches the approach that had also been set out in paragraphs 2.8.7-2.8.9 of the current LEMP. It also reflects common Arboricultural practice.

**Officer Comments:**

- 9.34 The Biodiversity Officer has reviewed the applicant's supporting ecological submission (Landscape and Ecological Management Plan dated July 2021) and the suggested reworded condition including taking account of the extended opening of the site (condition 02) from the 23rd September until 8th February (previously 1st October until 31st January ) and concludes that the delivery of previous commitments has not been achieved and still requires two separate conditions. One to monitor reptiles and one to deliver the reptile mitigation and LEMP.
- 9.35 The following wording of conditions 7 and 8 is recommended:

*7. Prior to the site set-up (including any vegetation/tree clearance) of the development hereby approved the following shall be undertaken:*

*(i) the site shall be surveyed for the presence of reptiles,*

***(ii) survey results will be compared with long term trends, and***

*(iii) the completed survey shall be submitted to and approved in writing by the Local Planning Authority.*

***REASON: In the interests of protecting a Species of Principal Importance.***

***[Relevant Plans and Policies: CSDPD CS1]***

***8. The development hereby permitted shall be carried out in accordance with the approved John Wenman Landscape and Ecological Management Plan July 2021 and the Thompson Ecology Reptile Mitigation Strategy September 2016 and thereafter retained in accordance with the approved details.***

***REASON: In the interests of nature conservation***

***[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]***

## **10. CONCLUSIONS**

- 10.1 It is considered that the proposed extended opening of the site is acceptable in principle subject to the re-wording of a number of the planning conditions and does not undermine the previous planning permission.
- 10.2 It is not considered that it would result in an adverse impact on the character and appearance of the surrounding area, highway safety, trees, biodiversity or the residential amenities of the occupiers of the neighbouring properties. It is therefore considered that the development complies with 'Saved' policies of the BFBLP, Policies of the CSDPD, BFBC SPDs, and the NPPF.

## 11. RECOMMENDATION

11.1 That the Assistant Director: Planning be recommended to **APPROVE** application subject to the following conditions amended, added to, or deleted as the Assistant Director: Planning considers necessary:

01. The use hereby permitted shall be carried on only by LUK Events Ltd and when the land ceases to be occupied by LUK Events Ltd the use shall cease.

REASON: - The site is located outside of a defined settlement where it is the policy of the Local Planning Authority to restrict such use of the land and planning permission is only granted because the use is temporary in nature for three months of every year with all structures been cleared from the land in the intervening period of this seasonal event.  
[Relevant Policies: BFBLP EN8, Core Strategy DPD CS9]

02. The development hereby permitted is granted for a limited period and restricted as follows:

- (a) Open to the public annually from 1 November to the 15 January (inclusive)
- (b) Open for site setup/dismantling annually from no sooner than 23 September and the opening event and from the closing of the event until no later than 8 February
- (c) Construction/Dismantling Traffic shall not enter/exit the site Monday - Friday between 08:00 hrs - 09:00 hrs, 17:00 hrs - 18:00 hrs

Outside of these dates, the development and all temporary structures/buildings brought onto the land in pursuance of this permission and use shall be removed from the site and land restored to its former Condition in accordance with the approved scheme.

REASON: To accord with the terms of the application and to enable the Local Planning Authority to regulate and control the development of the land.

03. The development hereby approved shall take place only between the dates approved in Condition 02 above and the site shall only operate as specified within the following time frames.

- (a) The site shall be open to the public no earlier than 30 minutes prior to the first tour operating time
- (b) i) Tour Times: Monday - Friday to commence no sooner than 09:30 hrs with the last tour starting no later than 19:00 hrs, with the exception of the school holiday period as set out yearly by Bracknell Forest Council between December and January when tour times shall commence no sooner than 08:00 hrs with the last tour starting no later than 19:00 hrs  
ii) Tour Times: Saturday - Sunday 08:00 hrs - 19:00 hrs
- (c) The site shall be closed by no later than 23:00 hrs.
- (d) No activity shall be permitted on the site between 23:00 hrs and 06:00 hrs other than for the purposes of security, restocking or routine basic maintenance but excluding construction work.

[Relevant Plans and Policies: BFBLP Saved Policies EN20, M4, Core Strategy DPD Policy CS23]

04. The development hereby permitted shall be carried out only in accordance with

(a) proposed typical site plan ref LL08.2021.SP01

(b) the following previously approved plans and information under reference 15/01006/FUL:

Dwg No. DW02 - C - Site location plan - LPA restamp date 26.11.15

Dwg No. DW03 - C - Site section AA - LPA restamp date 26.11.15;

Dwg No. DW04 - B - Site sections BB & CC- LPA restamp date 26.11.15

Dwg No. DW05 - B - Site Section DD - LPA restamp date 26.11.15

Dwg No. DW06 - B - Site Section EE - LPA restamp date 26.11.15  
Security Fencing Details - LPA received 22.01.16  
Planning Statement & Appendices - LPA restamp date 26.11.15  
(Appendix 6) Ecological Appraisal 2013 and Ecological Monitoring/Update  
Report dated August 2015 - prepared by Applied Ecology  
(Appendix 7) Lighting Report, prepared by Capita Symonds - May 2013 &  
update statement email dated September 2015  
(Appendix 8) Trackway Specification 19/00712/FUL  
Cycle Facilities - LPA received 04.02.16  
Contamination Prevention - LPA received 04.02.16  
Noise Prevention - LPA received 04.02.16

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

05. No sales of tickets shall take place on the site.

REASON: - To ensure the impact of this development does not adversely affect the local highway network.

[Relevant Plans and Policies: BFBLP M4, Core Strategy DPD CS23]

06. The security fencing and the screening shall be erected as approved before the site is opened to the public.

REASON: - In the interests of the visual amenities and character of the area and site security.

[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

07. Prior to the first use (including any vegetation/tree clearance) of the development hereby approved the following shall be undertaken:

(i) the site shall be surveyed for the presence of reptiles

(ii) survey results will be compared with long term trends, and

(iii) the completed survey shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of protecting a Species of Principal Importance.

[Relevant Plans and Policies: CSDPD CS1]

08. The development hereby permitted shall be carried out in accordance with the approved John Wenman Landscape and Ecological Management Plan July 2021 and the Thompson Ecology Reptile Mitigation Strategy September 2016 and thereafter retained in accordance with the approved details.

REASON: In the interests of nature conservation

[Relevant Plans and Policies: Core Strategy DPD CS1, CS7]

09. No lighting shall be provided at the site other than in accordance with the approved scheme. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of the amenity of neighbouring residential properties nature conservation.

[Relevant Policies: BFBLP EN20, EN25 and CSDPD CS1, CS7]

10. The approved scheme detailing what preventative and remedial measures that will be implemented to prevent any spillages contaminating the land or water courses of the site shall be implemented prior to the site opening to the public.

REASON: To ensure that any potential for contamination can be contained without impacting upon the natural habitat and species that it supports.

[Relevant Policies: BFBLP EN25]

11. The approved scheme detailing what preventative and remedial measures will be implemented to prevent noise nuisance from plant and equipment brought onto the site shall be implemented prior to the first use of such equipment.

REASON: To ensure that any potential for noise nuisance can be contained without impacting upon the amenities of residential properties bordering the site.

[Relevant Policies: BFBLP EN25]

12. The on-site refuse storage facilities as approved under reference 16/00205/COND shall be provided in accordance with the approved details prior to the site opening to the public and thereafter shall be retained for the duration of the event.

REASON: To ensure the provision of satisfactory waste collection facilities in the interests of amenity.

[Relevant Policies: BWLP WLP6 and WLP9]

13. The car parking and turning and circulation shall be provided in accordance with the approved drawing DW02.2-H and remain available whilst the event is operational.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

14. The development hereby permitted shall not open to the public until the covered bike park as shown on drawing DW02.2-H is provided for employees. The scheme shall be implemented as approved and remain thereafter whilst the event is operational.

REASON: In the interests of accessibility of the development to cyclists.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

15. The site organisational scheme approved under reference 16/00205/COND detailing the site setup and removal phases shall be implemented each season that the event opens to accommodate the following:

(a) Parking of vehicles of site personnel, operatives and visitors

(b) Loading and unloading of plant and vehicles

(c) Storage of plant and materials used in both the setup and removal phases of the development

(d) Wheel cleaning facilities

(e) Temporary portacabins and welfare for site operatives and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No

other areas on the site, other than those in the approved scheme shall be used for the purposes listed

(a) to (e).

(f) No construction work shall take place on the site between 22:00 hrs and 08:00 hrs

REASON: In the interests of visual amenity, road safety and nature conservation of the site.

[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]

16. The Car Park Management Scheme shall operate for the full duration of the opening of the event as approved under reference 16/00205/COND.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to encourage sustainable alternative transport options to reduce the reliance on private car travel and make good use of the public transport options.

[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]

17. The Car Park Management Plan approved under reference 16/00205/COND detailing the operation and layout of the on site parking and access arrangements including the use of



marshalling within the site to control traffic shall be implemented as approved throughout the duration of the event.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to encourage sustainable alternative transport options to reduce the reliance on private car travel and make good use of the public transport options.

[Relevant Policies: BFBLP M4, M9, Core Strategy DPD CS23]

18. The site shall not be open to the public until the approved directional signage under reference 16/00189/COND has been fully implemented. The signs shall be maintained for the duration of the event and removed once the event has closed.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

19. No overnight sleeping accommodation shall be permitted on the site.

REASON: - For the avoidance of doubt no overnight staff/security accommodation shall be allowed on

the site in the interest protecting the amenities of the neighbours and conservation interests of the area

after the site has closed after each day of its operation.

[Relevant Plans and Policies: BFBLP M4, Core Strategy DPD CS23]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. An early season reptile survey in April/May could discharge the condition 7. while avoiding issues with the timing of site-set-up.