

APPENDIX A

Comments in relation to Basic Conditions

Where comments relate to the 'basic conditions' these are referred to as:

- A) having regard to national policy and guidance;
- D) contributing to the achievement of sustainable development;
- E) general conformity with strategic policies contained in the Development Plan;
- F) not breaching retained EU obligations; and
- G) meeting prescribed conditions e.g., whether or not it has a significant effect on habitats sites.

Note, B) & C) are not referred to, as they only apply to Neighbourhood Development Orders.

Bold underlined text for additions; ~~**bold strikethrough**~~ for deletion.

Policy/ Para. No.	Suggestion / Basic Condition	Comment
Comments on the Submission Winkfield Neighbourhood Plan		
Policy W1 criterion C 2nd bullet	Basic Condition A	<p>The criterion requires development on greenfield land to demonstrate how it is addressing otherwise unmet needs and objectives identified in the Local Plan or Neighbourhood Plan. However national policy in the National Planning Policy Framework (NPPF) doesn't preclude development on greenfield sites nor does it place an extra burden in terms of assessment on any development proposals on greenfield sites.</p> <p>Therefore, it is considered this would be contrary to Basic Condition A as it not consistent with national policy in the NPPF.</p>

Policy/ Para. No.	Suggestion / Basic Condition	Comment
Policy W1 criterion C 3 rd bullet	Basic Condition A	The criterion refers to infill development not having an adverse impact on the openness of the Green Belt. However, there is no 'openness' provisions in the NPPF para 149e, therefore this does not reflect national policy and is contrary to Basic Condition A.
Policy W1 criterion C 4	Basic Condition A	The criterion states " <i>within the countryside (land outside the defined settlements, village boundaries and the Green Belt), development proposals will be permitted...</i> " For clarity the wording should be amended to make is clear that the countryside is land <u>outside</u> the defined settlements, <u>outside</u> village boundaries and <u>outside</u> the Green Belt. Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clearly written and unambiguous (NPPF para. 16(d)).
Policy W4 criterion A	Basic Condition A	The criterion states that on sites of fewer than 10 dwellings, at least 80% of the dwellings should be a mix of 1, 2 and 3-bedroom homes and an alternative mix may be delivered only where there is clear evidence. Measuring 80% in the case of very small developments (1,2 or 3 dwellings) would make it difficult to apply. Therefore, it is not clear how a mix of 3 sizes of dwellings can be achieved where only a small number of units are proposed. It would be preferable to have a threshold of between 5 and 9 dwellings as the policy would be easier to apply to such schemes. Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clear how a decision maker would react to development proposals (NPPF para. 16(d)).
Policy W4 criterion B	Basic Condition A	The criterion states that all rooms provided on the first floor or above which meet nationally described space standards and can provide a bedroom (i.e., excluding bathrooms and toilets) are to be counted as such. However, it is not clear how criterion B could be applied if a development was proposed where all rooms of a dwelling may be on the ground floor, such as flats or bungalows. This type of development would appear to be exempt from the requirement.

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		<p>The Council has not adopted the national minimum space standards and emerging policy also doesn't require developments to meet the standard. Therefore, if bedrooms are below this size the Council wouldn't be able to refuse on this basis. In addition, developers could make bedrooms smaller to get around this criterion.</p> <p>Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clear how a decision maker would react to development proposals (NPPF para. 16(d)).</p>
Policy W4 criterion C 1st bullet	Basic Condition A	<p>The criterion encourages affordable homes, including starter homes. Despite setting out the legislative framework for Starter Homes in 2016, and its continuing inclusion in the annex to the NPPF, the Government has never put in place the necessary secondary legislation and regulations to make Starter Homes a reality. In 2020 the Government formally announced the end of its Starter Homes policy. Reference to starter homes is deleted or replaced with a more generic term to capture the intended need.</p> <p>Therefore, it is considered this would be contrary to Basic Condition A as it is not consistent with national policy.</p>
Policy W4 criterion C 2nd bullet	Basic Condition A	<p>Criterion refers to homes specifically developed for private rent. It is not clear how this would be implemented as no control can be exercised over this matter unless it is a Build to Rent scheme which would only be encouraged in highly sustainable locations such as Bracknell Town Centre. Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clear how a decision maker would react to development proposals (NPPF para. 16(d)).</p>
Policy W5 criterion D iii	Basic Condition A	<p>The criterion states: <i>"the relationship of open-market housing to meeting local needs in terms of location, design, visual character, and type of accommodation."</i> It is not clear how this relates to the final sentence of parent criterion D which is concerned with the evidence required when market housing is used to support rural exception site. It is also not clear how meeting local needs relates to design and</p>

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		<p>visual character. For clarity the use of the term 'local needs' should be replaced with wording such as 'local character'. It is also considered that this criterion is already covered by Policy W2 Promoting High Quality Design in the Character Areas.</p> <p>Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clearly written and unambiguous (NPPF para. 16(d)).</p>
Policy W7 criterion A	Basic Condition A	<p>The policy is supportive of proposals for small-scale employment and retail uses within settlements. However, paragraphs 87 and 88 of the NPPF require the Local Planning Authority to apply the sequential test for retail proposals outside of town centres, so even if a proposal was small-scale and within the settlement, it does not necessarily mean it is appropriate. Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy (NPPF paras 87 and 88).</p>
Policy W7 criterion A	Basic Condition A	<p>The supporting text does not define 'small-scale'. Similarly, employment and retail uses are not defined. For example, employment uses could be defined as business, industrial and distribution rather than wider economic uses. Retail could be defined as Use Class Ea, or could include wider retail uses.</p> <p>Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clearly written and unambiguous (NPPF para. 16(d)).</p>
Policy W7 criterion A i	Basic Condition E	<p>The policy supports new small-scale employment and retail uses provided they: "<i>i. do not lead to a net loss of retail or existing employment floorspace,</i>". Adopted strategic Policy CS19 Location of Employment Development of the Core Strategy protects small business units, but it does allow for their loss if it does not conflict with other elements of the Core Strategy. Therefore, it is considered this would be contrary to Basic Condition E as it is not in general conformity with strategic policies in the development plan (Policy CS19 of the Core Strategy).</p>

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Policy W8 criterion A	Basic Condition A	<p>Policy refers to <u>all</u> development proposals requiring Biodiversity Net Gain. This is impractical as development proposals include small scale proposals such as change of use or advertisement contents. Wording should be changed so only relevant development will be required to provide Biodiversity Net Gain.</p> <p>Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clearly written and unambiguous (NPPF para. 16(d)).</p>
Policy W9	Basic Condition A	<p>With regards to the Winkfield Row North/South local gap, it appears that there is some duplication of policy between this and W11 (Local Green Spaces) as the local gap includes King George V Recreation Ground, which is proposed as a local green space. Local green spaces have a higher protection in relation to 'very special circumstances' so question if there is a need for both policies as it could lead to conflict when assessing planning applications. For example, a proposal may be acceptable in terms of impact on the gap but no on the local green space. To avoid this the playing field should be removed from the proposed local gap designation which would have consequential changes for the policies map.</p> <p>Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clearly written and unambiguous (NPPF para. 16(d)).</p>
W10 criterion A	Basic Condition A	<p>The use of the word "unnecessarily high" may be difficult to defend as it is subjective and an applicant could argue that a particular lighting level is necessary. Similarly unclear what is meant by "minimum impact". It would be preferable to refer to avoiding any adverse impact on visual amenity of the character of the area.</p> <p>Policy should be clear if it relates to both external outdoor lighting and internal lighting from buildings. Light spill from the internal lights can also be a source of light pollution and buildings could be designed to reduce or mitigate the impact of light spill.</p>

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		Therefore, it is considered this would be contrary to Basic Condition A with regards to national policy as it is not clearly written and unambiguous (NPPF para. 16(d)).
W10 criterion B	Basic Condition A	Criterion B refers to guidance and recommendations issued by the Institution of Lighting Professionals (ILP). It is not clear what the (ILP) guidance and recommendations are. It would be helpful to know what documents they refer to and ensure this is accessible for the LPA to use in any future assessments. Therefore, in its current form it would be contrary to Basic Condition A with regards to national policy as it is not clear how a decision maker would react to development proposals (NPPF para. 16(d)).

Comments not relating to Basic Conditions

Policy/ Para. No.	Suggestion	Comment
Comments on the Submission Winkfield Neighbourhood Plan		
General – settlement terms	Consistency (within WNP)	Table 2.1 (page 15) sets out the names of the settlements in the WNP and the Council's Development Plan as some settlements have different names. Para 2.3 states: " <i>where appropriate, the 'local' name has been used and the settlement name conferred by Bracknell Forest used only when quoting from the BFC Local Plan</i> ". However, this is confusing as they are used interchangeably in the WNP, for example figure 2.1 and para 2.2 (page 14) refers to both.
Para 1.10	Information/ Amendment	Para refers to the Bracknell Forest Council's Strategic Environmental Assessment (SEA) Screening Opinion dated August 2016, which concluded that there was a requirement for an SEA given the content of the plan. At the time, the plan intended to allocate sites for development. The plan has since evolved, whilst the Neighbourhood Plan was not able to identify suitable sites to allocate, it supports development outside of the settlement boundary, including in the Green Belt, in certain circumstances, going beyond the support provided for such development by other applicable policies. As such the outcome of the Screening Opinion is considered to remain valid, therefore an SEA is still required. Para should be amended to reflect this.
Para. 2.4	Amendment	Para refers to Parishes bordering Winkfield, but it does not mention Bracknell Town. Amend to include.
Para. 2.34	Amendment	Since leaving the European Union, Special Protection Areas and Special Areas of Conservation in the UK are no longer part of the Natura 2000 network of sites. These now form part of the national site network. Amend as follows: "... <i>these areas are called Nature 2000 sites part of the national site network and are internationally important for threatened habitats and species.</i> "
Para 2.35	Amendment	Amend as follows: " <i>Nearly the entire Parish is considered a 'Nitrate Vulnerable Zone' for surface water flooding.</i> "

Policy/ Para. No.	Suggestion	Comment
		Nitrate Vulnerable Zones are areas designated as being at risk from agricultural nitrate pollution and whilst surface water flooding of farmland may cause increased nitrate run-off, surface water flood risk is a separate issue and one that is important in the parish. This is repeated within the glossary and abbreviations section.
Para 2.41	Clarification/ amendment	Second sentence states: “ <i>Defined settlements within the Green Belt are: North Ascot...</i> ” The defined settlement of North Ascot is not in the Green Belt, it is classed as an excluded settlement. Sentence should be amended to reflect this.
Para 2.41	Information/ consistency (within WNP)	The list of Green Belt villages listed in supporting text paragraph 2.41 reflects that in the saved policies of the Bracknell Forest Borough Local Plan. The list of Green Belt villages in criterion C 3 of Policy W1 is the same as LP2 of the Pre-Submission BFLP. However, there are differences between the two lists for example Prince Consort Drive is a Green Belt village in Bracknell Forest Borough Local Plan, but it is not identified as such in the Pre-Submission BFLP.
Table 3.1, page 25	Consistency	Site WINK34 is now a commitment and is therefore no longer proposed for allocation. There is a proposed Main Modification to delete the site from Policy LP4 of the Pre-Submission Bracknell Forest Local Plan (BFLP) – see document EXAM 33 Action Point 12.1-12.3 Housing Land Supply .
Policy W1 criterion A/ para 6.1	Consistency (within WNP)	Inconsistency in terms - Policy W1 A refers to “ <i>high quality infrastructure</i> ” yet supporting para 6.1 refers to “ <i>good quality infrastructure</i> ”.
Policy W1 criterion C 5	Consistency	Changes to the Bracknell-North Ascot Strategic Gap were discussed at the Pre-Submission BFLP examination hearings. There are proposed Main Modifications to change the name to Bracknell-Hayley Green/Chavey Down/Winkfield Row Strategic Gap and to remove the gap area where it also overlays Green Belt – see document EXAM 3 Action Points 6.1-6.3 (strategic gaps) . If these proposed

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		modifications are taken forward in the adopted version of the BFLP there will be consequential implications for the WNP, for example paras 2.43, 6.7, 11.8 and policy maps on page 84, 85 and 86.
Policy W2	Information/ suggestion	Boundary treatments need to be mindful of visibility splay requirements. Supporting text could be amending to refer to this.
Policy W2 1. Brock Hill and 3. North Ascot South	Information	The implementation of traffic calming is a matter for determination by the Highway Authority on adopted roads. Any contribution towards additional traffic calming would need to be set against the tests for planning obligations and conditions and there would need to be a defined scheme towards which contributions were made.
Policies W2, W3 supporting text and Para 3.2	Amendment	Should include reference to the Nation Design Guidance: Planning practice guidance for beautiful, enduring and successful places (HCLG, 2019): https://www.gov.uk/government/publications/national-design-guide
Para 5.12	Amendment	Amend last sentence as follows: <i>"Other relevant policies include those set out in the Bracknell Forest Borough Local Plan and emerging Local Plan..."</i>
Policy W3	Suggestion	Makes reference to good materials and landscaping which is not descriptive enough. Would be helpful if this could be elaborated in the supporting text.
Policy W3/ para 7.8	Information	Electric vehicle charging provision must now adhere to Part S of the Building Regulations (which came into force in June 2022).
Para 7.7	Amendment	Reference should be made to the Council's parking standards requirements for space sizes and number of spaces to be provided for developments of different types.

Policy/ Para. No.	Suggestion	Comment
Para 7.7	Amendment	Reference is made to guidance by the “Institute of Highways and Transportation” should be the ‘Institution of Highways and Transportation’. The specific guidance should be referred to, the current wording is too generalised.
Policy W5	Information	The Government has set out its intention to amend the NPPF to replace entry-level exception sites with first homes exception sites. This will entail some changes to the definition and criteria for these sites. But at the time of writing, this has not happened and the NPPF continues to refer to entry-level exception sites. It should be noted that entry-level exception sites are not permitted on land designated as Green Belt.
Policy W5 criterion A	Amendment	Amend to clarify that the developer needs to undertake the local needs survey.
Policy W5 criterion D i	Amendment	Amend to add a requirement that the financial appraisal demonstrating the viability of the scheme is independently assessed and that the assessment will be paid for by the developer.
Policy W5 E ii	Amendment	The requirement regarding site size should be amended as follows “... <i>sites should not cumulatively be larger than one hectare in size or exceed 5% of the area of the existing settlement within its boundaries,</i> ”.
Policy W6	Suggestion	Policy does not mention exploring the provision of electric vehicle charge points at community centre and other attractions in the Parish. This could be included.
Policy W7	Suggestion	This policy may not necessarily prevent the loss of economic floorspace, since i, ii, iii are in the context of A which is for employment/ retail proposals, so it does not address loss of economic uses to residential, for example.
Policy W7 Criterion B	Clarification	The criterion states that proposals to enable working from home which require planning permission will be supported, provided the business use remains ancillary to the main residential use and meet a

Policy/ Para. No.	Suggestion	Comment
		number of criteria. However, if planning permission is required for a change of use to run a business from a dwelling, it is likely that the operation has become more than ancillary.
Policy W7 Criterion C	Clarification	The criterion states that proposals that intensify HGV movements on narrow, unsuitable rural roads and their junctions and, which damage verges and risk the safety of pedestrians and cyclists will also be resisted. However, it is not clear what are classed as narrow, unsuitable rural roads or how damage of verges can be measured.
Policy W7 supporting text	Clarification/ Amendment	Reference should be made to parking requirements in the Council's parking standards for employment and retail land uses (use classes B and E).
Policy W8	Information	The NPPF paragraph 179 states " <i>To protect and enhance biodiversity and geodiversity, plans should: b) ... pursue opportunities for securing measurable net gains for Biodiversity</i> ". No percentage is specified. The policy requires at least 10% biodiversity net gain and Policy LP46 Biodiversity of the Submission BFLP also requires a minimum 10% biodiversity net gain (currently going through Examination). The 10% is not specified in the NPPF, however, it is in accordance with the Environment Act (secondary legislation has yet to be published).
Policy W8 criterion B	Amendment	Amend policy to delete "in particular" at the start of the sentence as the wording is not considered necessary.
Policy W8 criterion C	Amendment	First sentence should be amended to refer to ecological rather than habitat. The second sentence should refer to native species, rather than trees, shrubs and grasses so covers all plant forms as follows: " <i>As part of its requirements to demonstrate biodiversity net gain, development should be designed to retain trees, shrubs and hedgerows of arboricultural, habitat ecological and amenity value on-site and to conserve and enhance connectivity to the wider green and blue infrastructure networks.</i> "

Policy/ Para. No.	Suggestion	Comment
		<i>Where this is accompanied by new planting, this should consist of native species of trees, shrubs and grasses acting as stepping stones for wildlife.”</i>
Policy W10 criterion B	Amendment	There is other guidance available which could be referred to in the supporting text. Regarding impact of lighting on wildlife there is guidance available on Defra and Natural England, and regarding the lighting of road and public spaces there is the British Standard BS5489-1:2020 - Design of Road Lighting Part 1: Lighting of Roads and Public Amenity Areas.
Para 12.3, 3rd sentence	Clarification	With regards to: “ <i>The A329 has the worst accident record within the Parish, with its junctions with New Forest Ride, Priory Road and Fernbank Road being where most accidents occur</i> ” it is unclear how this has been defined and what evidence it is based on.
Para 12.6	Amendment	In relation to continuity and standard of cycleways, reference could be made to requiring new provision to meet the Department for Transport Local Transport Note (LTN) 1/20: Cycle Infrastructure Design.
Para 12.8	Consistency / information	<p>Reference is made to ‘pavements’ where ‘footways’ should be used, consistent with W12 A.</p> <p><i>“Pathways trodden into the grass”</i> are commonly referred to as desire lines in transport planning. Improvements in these locations will depend on land ownership, whether or not the land is highway, and meeting the tests for planning obligations and conditions.</p> <p><i>“Cars are often parked with two wheels on the pavement reducing the available width for pedestrians, pushchairs, and wheelchairs, sometimes blocking it altogether”</i>. At present, despite a Government review, there is no legislation which prevents pavement parking in England. The only way to enforce this would be through yellow-line provision in such areas, which is the jurisdiction of the Highway Authority and cannot be unilaterally implemented by developers. Any contributions will need to be compliant with the tests for planning obligations and conditions.</p>

Policy/ Para. No.	Suggestion	Comment
Policy W13	Information	The existing car park at Martins Heron Station is owned by Tesco and is constrained on all sides in terms of available space. Bus routes have been explored in the past but unfortunately are not viable either commercially or as supported routes.
Paras 13.2/13.4	Clarity/ information	Paragraph 13.2 states “ <i>Most of the policies contained in the WNDP will be delivered by landowners and developers</i> ” yet most of the highways and transport infrastructure identified in paragraph 13.4 would be within the adopted highway and not within land in the control of landowners and developers.
Para 13.4	Clarity/ information	Under title ‘ <i>Traffic, junction, and bus improvements</i> ’ there is no mention of how or what could be implemented and no account of overcoming the land constraints involved. Point 8, states “ <i>bus improvements</i> ” and clarification would be helpful on what is meant i.e. increased or new services and associated infrastructure. The Council encourages early discussion on allocating CIL funds towards any highway improvements as better value for money could be achieved through joint working and inclusion in the Borough’s capital programme.
Glossary – SPD and SHMA	Amendment	Supplementary Planning Documents (SPD) definition is incorrect. Appears to be the definition of a Strategic Housing Market Assessment (SHMA). SHMA definition is also incorrect and needs amending.
Glossary – Evidence Base	Amendment	The definition for ‘Evidence Base’ needs amending to state that the evidence base is comprised of reports and technical analysis which have helped to shape the plan.
Appendix B – Schedule of evidence	Amendment	Does not list the latest Strategic Environmental Assessment (SEA) of the Winkfield Neighbourhood Plan Environmental Report (2022). Amend to include.

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Evidence – Green Infrastructur e Cycle Route Proposals (supplemen t B)	Information	<p>The proposed routes do not provide any detail as to how the suggested infrastructure could be implemented and do not take into account the width constraints of available land, the nature and speed limits of some of the roads, and therefore the ability to deliver any suitable cycling infrastructure.</p> <p>A link between Ascot and Windsor has long been an ambition of the Council, and a detailed feasibility study of such a link was undertaken in 2015 by WSP on behalf of Council and RBWM. The alignment used Kennel Ride, Hatchet Lane, and Mounts Hill ending at Legoland. The latter part of the route along Mounts Hill (B3022) required significant engineering measures to construct a segregated cycleway on highway verges within Crown Estate land. The scheme was estimated at £2.3 million (in 2015 prices). The Crown Estate raised concerns around surfacing, lighting and general urbanisation of the route, and would in effect have refused the scheme had it progressed beyond feasibility stage to a standard which would have encouraged inter-urban cycling, i.e. a well-lit, well surfaced and safe cycle route.</p> <p>A route to Windsor using the A332 Sheet Street Road (either widening to provide cycle lanes or building a segregated cycleway in the verges) linking to National Cycleway Network was discussed and would likely be refused by the Crown Estate on similar grounds.</p>