

To: **The Executive**  
**21st March 2023**

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**Proposed Main Modifications to the Bracknell Forest Local Plan  
(Pre Submission Version)**

**Director of Place, Planning and Regeneration**

**1 Purpose of Report**

- 1.1 The Bracknell Forest Local Plan (BFLP), was submitted to the Secretary of State on 20<sup>th</sup> December 2021. This marked the beginning of the examination phase. Public hearings were held in May, June and October 2022.
- 1.2 The Inspectors' Post Hearings letter was received by the Council on 19<sup>th</sup> January. Whilst this confirms that the production of the BFLP has met the Duty to Co-operate and is legally compliant, it makes it clear that Main Modifications are required to make it sound. The potential Main Modifications needed together with consequential changes to the Policies Map are outlined in an appendix that is attached to the letter. These are reflected in the schedule that is attached to this report as Appendix A. The Inspectors have asked the Council to prepare a schedule of all proposed changes (including consequential changes) for consultation. The detailed wording is to be agreed by the Inspectors.
- 1.3 The nature and duration of the consultation should reflect that of the consultation held at the Regulation 19 stage, prior to submission. This means that it should last at least 6 weeks. The final set of Proposed Main Modifications must be supported by a revised Policies Map. Consideration needs to be given to whether or not the Proposed Main Modifications need to be subject to Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and/or Habitats Regulation Assessment (HRA). Addenda will be produced to cover these issues and will also be made available for comment.
- 1.4 A schedule covering a further category of proposed changes termed Minor Modifications will also be produced by the Council. These will cover factual updates and textual corrections. They will be published for information only and will not be put before the Inspectors for consideration.
- 1.5 This report seeks agreement to the principle of the Proposed Main Modifications set out in Appendix A and to a period of consultation on these and supporting documents during early Summer of 2023 (avoiding school holiday periods where possible), subject to final agreement by the Inspectors.

**2 Recommendation(s)**

- 2.1 **That the principle of making Proposed Main Modifications (outlined in Appendix A) to the Bracknell Forest Local Plan (Pre Submission version), and associated changes to the Policies Map be agreed.**
- 2.2 **That the Executive Director: Place Planning and Regeneration, in consultation with the Executive Member for Planning and Transport, agree the draft wording of the Proposed Main Modifications and any consequential changes together**

**with associated changes to the Policies Map and supporting documents, prior to being submitted to the Inspectors for final agreement.**

- 2.3 That the Executive Director: Place Planning and Regeneration, in consultation with the Executive Member for Planning and Transport, agree the wording of the schedule of Minor Modifications.**
- 2.4 That consultation on the Proposed Main Modifications to the Bracknell Forest Local Plan (Pre Submission version), consequential changes, amended Policies Map and supporting documents be agreed for a period of at least six weeks over the Summer of 2023.**

### **3 Reasons for Recommendation(S)**

- 3.1 As part of the examination process, the Inspectors must judge whether the BFLP is 'sound' as set out in paragraph 35 of the National Planning Policy Framework 2021 (positively prepared, justified, effective and consistent with national policy). The Inspectors' Post Hearings letter received on 19<sup>th</sup> January 2023 makes it clear that Main Modifications are required in order to make the the BFLP sound and ultimately ensure that the Council has an up to date and robust planning framework to guide development which reflects current national policy and guidance.
- 3.2 Any Proposed Main Modifications must be subject to public consultation before the Inspectors can make recommendations on them. Whilst the the Policies Map is not a development plan document, it illustrates geographically the application of policies in the plan. As certain Proposed Main Modifications have geographical consequences, it will be necessary to show them on the Policies Map. To ensure fairness, such proposed changes need to be subject to consultation alongside the Proposed Main Modifications. Associated SA/SEA and HRA documents must also be subject to consultation. A Schedule of Minor Modifications will also be published for information.

### **4 Alternative Options Considered**

- 4.1 The alternative options are to:
- (i) reject some or all of the identified Proposed Main Modifications to the Plan; or
  - (ii) suggest different or more wide-ranging modifications, beyond those required for soundness.
- 4.2 The result of option (i) would almost certainly be that the Inspectors would find the Plan unsound and recommend non-adoption of the Plan. In practice, the Council would probably be asked to consider withdrawing the Plan before any such recommendation was made. This would mean reliance on policies in existing documents that are out of date, making it difficult to resist inappropriate development, and potentially resulting in planning by appeal.
- 4.3 Option (ii) would carry the significant risk of the Inspectors needing to re-open the hearings. As well as the resource and time implications, it is not possible to guarantee that different proposed main modifications would result in a sound plan. This could result in further delays to the process, leaving the Council without up to date policies for an extended period.

### **5 Supporting Information**

- 5.1 The BFLP was submitted to the Secretary of State on 20<sup>th</sup> December 2021. In the Submission letter (LP/CORE/017), the Council requested that the appointed Inspectors recommended any Main Modifications to the Plan that they considered were needed to make the Plan legally compliant and sound, in accordance with the terms of Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended).
- 5.2 Submission marked the beginning of the examination phase. Louise Nurser and David Troy were appointed as the Inspectors. Their role is to assess whether the Plan has been prepared in accordance with legal and procedural requirements, and, whether or not it is sound. The Inspectors split the examination into a two stage process. After Initial Questions were answered, Matters, Issues and Questions were published for Stage 1 hearings covering strategic matters such as the spatial strategy, housing need and supply and economic need and supply. The hearings were held in Time Square, Bracknell during May and June 2022 and generated a number of Action Points that were answered over the Summer. A short consultation on housing numbers took place in August 2022. A Statement of Common Ground was also negotiated with the Environment Agency.
- 5.3 Stage 2 hearings covering non strategic matters, such as type and size of housing, pollution and parking were held in October 2022 and similarly resulted in a number of Action Points that required written responses. These were completed by the beginning of December.
- 5.4 On 28<sup>th</sup> October, the Inspectors wrote to the Council setting out their intention to proceed to write to the Council outlining their initial findings on all of the matters discussed at both the Stage 1 and 2 hearings and to set out the next steps in the examination process.
- 5.5 The Inspectors have now considered all submissions and matters discussed at the hearing sessions and issued a Post Hearings letter that was received by the Council on 19<sup>th</sup> January. This begins by stating that they consider the production of the BFLP to have met the Duty to Co-operate and be legally compliant. Whilst the Inspectors believe the Plan to be unsound, as submitted, they consider that it could be made sound through Main Modifications. The reasoning for these is to be set out in their final report. Potential Main Modifications that are considered necessary are outlined in an appendix to the letter. It is also accepted that there will be other consequential amendments and editing. This includes amendments required to the Policies Map to ensure that the geographic application of the policies is justified and effective. The letter also refers to the need to establish whether or not there are any consequences for the SA/SEA and HRA.
- 5.6 The key changes required are summarised below.
- Revisions to the Spatial Strategy to make it clearer where future growth and development is being directed and to provide guidance on the approach to be taken to development proposals in different parts of the Borough. This is to be supported by the inclusion of a settlement hierarchy policy.
  - Extensions to the settlement boundaries to reflect committed development and the 'suburban residential character' of the park homes development at Warfield Park.
  - The deletion of Policy LP7 involving the construction of a Garden Village at Jealotts Hill, Warfield on the basis that the exceptional circumstances required by para. 140 of the National Planning Policy Framework have not been demonstrated. The Inspectors believe that the proposal would have a significant

and unavoidable impact on openness and would result in a substantive encroachment into the Green Belt. They also consider that it would have an impact on a sensitive rural landscape. In terms of the business case, the Inspectors state that as Syngenta has a highly educated and specialised work force based in the area, has links to academic institutions and commercial organisations across the country and beyond and has existing specialist buildings on site, there is no realistic suggestion that this position would change if the Science and Innovation Park was not built. Doubt is also expressed about the need for the proposed amount of speculative employment floorspace. It is considered that there may be opportunities for further intensification of the existing site which could assist collaborative working. The Inspectors are not convinced that any future investment decision would be solely driven by the funding gap argument or that the model promoted is pivotal to Syngenta's future at the site.

- Deletion of three smaller housing allocation sites due to potential adverse impacts on the setting of nearby heritage assets (two in Sandhurst and one in Binfield).
- Inclusion of an over-arching climate change policy
- Sustainable construction standards are to be encouraged rather than required.
- Deletion of policy relating to strategic gaps and wedges since it is considered that the Landscape Character and Countryside policies are adequate to cover the issue.

5.7 Even with the removal of the sites referred to above, it would be possible to meet the housing requirement for the plan period due to high levels of completions since the beginning of the plan period. It will also be possible to demonstrate a five year supply of deliverable sites on adoption. No additional housing allocations are therefore required. The proposal at Jealotts Hill also involved the allocation of eight Gypsy pitches which have been deleted as a consequence of the removal of Policy LP7. The Inspectors have concluded that no further allocations are required for pitches/plots for Travellers on the basis of being able to demonstrate a five year supply and having a windfall policy.

5.8 As far as employment policies are concerned, the Inspectors accept that there is insufficient floorspace proposed to meet theoretical needs but recognise that there is considerable uncertainty about future demand. Given the existing stock of floorspace, policies aimed at the retention and intensification of the existing employment areas, new office provision in and around Bracknell Town Centre and recent evidence of demand for high quality office floorspace in the longer term, the approach taken is considered to be both reasonable and proportionate.

5.9 The Inspectors have requested that the Council prepare a schedule of the Proposed Main Modifications and consequential changes, based on the list of changes and format that they have included in the appendix to their letter (as outlined in Appendix A to this report). The Council is to liaise with the Inspectors during the process to ensure that the final wording meets their requirements. The Policies Map is also to be amended so that the geographic application of the policies is correct. It will also be necessary to consider whether any of the Proposed Main Modifications need to be subject to Sustainability Appraisal or whether the Habitats Regulations Assessment may need to be updated or an addendum produced.

5.10 There will be a need for the Council (on behalf of the Inspectors) to consult on the Proposed Main Modifications, Policies Map and supporting documents before the Inspectors can make recommendations on them. The Procedure Guide for Local

Plan Examinations published by the Planning Inspectorate (February 2022) states that the nature and duration of any consultation should reflect that held at the Regulation 19 stage. This means that it should last at least six weeks and that documents should be made available to view on the Council's website with paper copies being accessible at the Council's offices at Time Square, Bracknell, certain local libraries and parish council offices.

- 5.11 A list of Minor Modifications which cover factual updates, and textual corrections is also being prepared. These will not be considered by the Inspectors as it is not felt that they affect the soundness of the BFLP. They are being published for information.
- 5.12 Consultation on the Proposed Main Modifications (without prejudice to the Inspectors' final conclusions) is planned to take place during early Summer 2023, following agreement by the Inspectors. It will be concerned with the Proposed Main Modifications only, and not the remainder of the Plan.
- 5.13 Following the consultation, the Inspectors will consider all representations received and issues raised. The Post Hearings letter states that further hearing sessions will only be scheduled exceptionally before finalising the examination report and the schedule of recommended Main Modifications to make the BFLP sound.
- 5.14 The final report will summarise the outcome of the examination and, where appropriate, the principal changes to the Plan made by the Main Modifications and why these are necessary. Assuming incorporation, the BFLP can then proceed to adoption.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 Local plans are produced under the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Under Section 20 (7C) of the Act, an Inspector can recommend main modifications, if requested to do so by a local planning authority. Such a request was included in the Council's resolution to submit the BFLP on 16th March 2021. Regulations 24 and 25 cover the process of examination and publication of the Inspectors' Report.

### Financial Advice

- 6.2 The cost of undertaking the examination process which includes preparing and consulting on Proposed Main Modifications is being met through the existing Planning Policy budget.

### Other Consultation Responses

- 6.3 None

### Equalities Impact Assessment

- 6.4 A Scoping Assessment, included as Appendix B identifies that an Equality Impact Assessment (EqIA) is not relevant to this consultation. A full EqIA is not therefore required.

### Strategic Risk Management Issues

- 6.5 There are no direct financial risks associated with the report.

Climate Change Implications

- 6.6 The Proposed Main Modifications to the BFLP include the need for an over arching policy on climate change. This will be included. All Proposed Main Modifications will be looked at to establish whether or not further sustainability appraisal work is required. This assesses the effect of the plan and proposals on environmental, social and economic objectives, and is a statutory requirement of plan making. A Sustainability Appraisal Addendum will be published alongside the Proposed Main Modifications. This will identify the nature of the work undertaken and if required whether the modified policies have either negative, neutral or positive effects on the identified sustainability objectives, which cover environmental objectives relating to biodiversity, water quality, landscape and heritage, ground conditions, air quality, emissions/climate change and flood risk.

Background Papers

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- National Planning Policy Framework, 2021  
[National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk)
- Procedure Guide for Local Plan Examinations (2022) Planning Inspectorate  
[Procedure Guide for Local Plan Examinations - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- Pre Submission Bracknell Forest Local Plan (2021) and Policies Map (see web link below)
- A wide range of background information (including the Post Hearings letter (ref: EXAM 61) is available to view by using the following link:  
[Examination of the Bracknell Forest Local Plan | Bracknell Forest Council \(bracknell-forest.gov.uk\)](https://bracknell-forest.gov.uk)

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