

To: **EXECUTIVE**  
**19<sup>th</sup> MARCH 2024**

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## **ADOPTION OF BRACKNELL FOREST LOCAL PLAN (2020-2037)**

### **Executive Director: Place Planning and Regeneration**

#### **1 Purpose of Report**

- 1.1 Bracknell Forest Council has been working to provide an up-to-date planning framework for Bracknell Forest to 2037.
- 1.2 Following extensive consultation, the Bracknell Forest Local Plan and accompanying Policies Map was submitted to the Secretary of State for Examination in December 2021. This marked the beginning of the examination phase. Public hearings were held in May, June and October 2022.
- 1.3 A consultation on Main Modifications took place between October and December 2023. The Inspector's Final Report was received on 1st March 2024 and concludes that the Bracknell Forest Local Plan is capable of adoption with Main Modifications to make the Plan sound, as set out in the appendix to the Final Report (see Background Papers).
- 1.4 On adoption, the Plan replaces the saved policies in the Bracknell Forest Borough Local Plan (adopted 2002), the Core Strategy (adopted 2008) and specific policies in the Site Allocations Local Plan (adopted 2013).
- 1.5 The purpose of this report is to seek the Executive's recommendation to Council to adopt the Bracknell Forest Local Plan incorporating Main Modifications and non-material additional modifications (see Appendix A) together with the accompanying Policies Map (Appendix B).

#### **2 Recommendations**

**That Executive recommends to Council that it:**

- 2.1 **Adopts the Bracknell Forest Local Plan incorporating the Main Modifications recommended by the Inspectors and non-material additional modifications (see Appendix A).**
- 2.2 **Agrees to make the alterations to the Policies Map (see Appendix B) that are necessary to give effect to the policies of the Bracknell Forest Local Plan, as modified.**
- 2.3 **Agrees that on adoption, the Bracknell Forest Local Plan will become part of the Development Plan for the Borough and that its policies will supersede all saved policies in the Bracknell Forest Borough Local Plan (adopted 2002), the Core Strategy (adopted 2008) and Policies CP1, SA11, SA12 and SA13 of the Site Allocations Local Plan (adopted 2013) for the purposes of decision making in Bracknell Forest.**
- 2.4 **Agrees that any other non-material additional modifications to the Bracknell Forest Local Plan, can be agreed by the Executive Director: Place Planning and Regeneration in consultation with the Executive Member for Planning and Transport, prior to final publication.**

**2.5 Carries forward adopted Supplementary Planning Documents, as related to relevant policies in the Bracknell Forest Local Plan (see Appendix C).**

### **3 Reasons for Recommendations**

3.1 It is important that the Council has an up to date and robust planning framework to guide development which reflects current national policy and guidance. The Bracknell Forest Local Plan contains a spatial strategy and policies for managing development that help meet the environmental, social and economic opportunities and challenges facing the area. It also helps achieve the aims of the Council Plan and is a key corporate document.

### **4 Alternative Options Considered**

4.1 The Bracknell Forest Local Plan can only be adopted with all of the Main Modifications recommended by the Inspectors. Not adopting the Bracknell Forest Local Plan would result in a waste of resources incurred in preparing the Plan and existing out of date local policies would remain in place. This could result in speculative planning applications and subsequent appeals which might lead to significant costs. It could also provoke intervention by the Secretary of State under Section 27 of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act'). This can be applied if it is thought that a local planning authority is failing or omitting to do anything it is necessary to do in connection with the preparation, revision or adoption of a local plan. Such intervention by the Secretary of State has recently been undertaken in respect of West Berkshire and Mole Valley Councils' local plans.

### **5 Supporting Information**

#### Plan making process

5.1 Officers commenced preparation of the Bracknell Forest Local Plan in 2016. The Plan has undergone five formal periods of public consultation during its evolution. These are summarised below:

- Issues and Options (June – July 2016)
- Draft Bracknell Forest Local Plan (February - March 2018)
- New Sites (September 2018)
- Revised Growth Strategy (October - December 2019)
- Pre-Submission Bracknell Forest Local Plan (March – May 2021)

5.2 The Plan has been informed by a Sustainability Appraisal, Habitat Regulations Assessment and a wide range of other evidence, including technical reports. The consultations have attracted many responses from residents, amenity groups, agencies, utility providers and other stakeholders which have been analysed. In addition, the Government has amended legislation and updated the National Planning Policy Framework (NPPF) and accompanying guidance during the preparatory process. As a result, a number of significant changes have been made to the content of the policies and supporting text during the plan making process.

It has also been necessary to update the Policies Map for the Borough. This shows the geographical extent of allocations and designations arising from policies in local plans. Draft versions have been produced at key stages during the process and final

changes have now been incorporated in the Map (comprises of four geographical components - see Appendix B).

5.3 In December 2021, the Pre Submission version of the Bracknell Forest Local Plan and accompanying documents (including the Policies Map) were submitted to the Secretary of State for Examination. At the same time, the Council requested that the Inspectors recommended Main Modifications to make the Plan sound and capable of adoption. Independent Planning Inspectors, Louise Nurser and David Troy were appointed to undertake the examination of the Plan. This resulted in the following events:

- May and June 2022 – Stage 1 hearing sessions.
- October 2022 – Stage 2 hearing sessions.
- January 2023 – Post hearings letter in which the Inspectors indicated that whilst they had found the production of the Bracknell Forest Local Plan to have met the Duty to Co-operate and be legally compliant, it was considered that a number of changes known as ‘Main Modifications’ were required to make the Plan capable of being found ‘sound’ and suitable for adoption.
- October to December 2023 - publication of Schedule of Proposed Main Modifications for public consultation for six weeks. Responses received were subsequently sent to the Inspectors.
- 1<sup>st</sup> March 2024 - Inspectors’ Final Report received. The Report concludes that the preparation of the Bracknell Forest Local Plan has met the duty to cooperate and that with the recommended Main Modifications, satisfies the requirements referred to in Section 20(5)(a) of the Planning and Compulsory Purchase Act 2004 and the soundness criteria set out in the NPPF. The Inspectors consider that the Plan is capable of adoption with the incorporation of the Main Modifications recommended by the Inspectors (see Background Papers).

5.4 The Main Modifications recommended by the Inspectors are substantially the same as the Proposed Main Modifications published for consultation between October and December 2023, with some small amendments. The most significant of the Main Modifications are set out 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 supported by the addition 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 NPPF have not been demonstrated. The Inspectors concluded 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 Syngenta has a highly educated and specialised workforce based in the area, has links to academic institutions and commercial organisations across the country and beyond and has existing specialist buildings on site. They therefore found

that 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 policies relating to strategic gaps and wedges and the separation of settlements since it is considered that the Landscape Character and Countryside policies are adequate to cover the issue.
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.
- A revised housing trajectory and updated housing supply position.
- Moving certain policies from Part 2 of the Plan (non-strategic policies) to Part 1 (Strategic Issues).
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

#### Policies and proposals for land use in Bracknell Forest

- 5.5 To date, the Council has had to rely heavily on the saved policies in the Bracknell Forest Borough Local Plan (2002), the Core Strategy (2008) and the Site Allocations Local Plan (2013). However, the weight attached to these policies has been reduced over time by changes in planning legislation and policy.
- 5.6 Following the adoption of the Plan, the Development Plan will comprise of the following documents:
- Bracknell Forest Local Plan (2024)
  - Joint Minerals and Waste Plan to 2036 (Adopted 2023)
  - Saved policy NRM6 of the partially revoked South East Plan
  - Five 'made' neighbourhood plans covering Binfield, Bracknell Town, Crowthorne, Warfield and Winkfield
- 5.7 Any planning applications submitted by developers, agents and landowners will be assessed against the relevant policies contained within these plans, amplified by the supporting text, to determine whether planning permission should be granted, unless material considerations indicate otherwise. The Bracknell Forest Local Plan will supersede the saved policies in the Bracknell Forest Borough Local Plan (adopted 2002), the Core Strategy (adopted 2008) and policies CP1, SA11, SA12 and SA13 of the Site Allocations Local Plan (2013). These will no longer be of relevance in decision making.
- 5.8 The Council also has a number of Supplementary Planning Documents (SPDs) which have been adopted to supplement saved policies in the Bracknell Forest Borough Local Plan and policies in the Core Strategy. These provide further guidance on the implementation of the Council's approach to particular issues, such as design. Officers have reviewed these SPDs for their relevance and consistency

with the new Bracknell Forest Local Plan policies. Where SPDs still contain relevant technical guidance and are reasonably consistent, it is proposed to carry them forward as providing supplementary guidance to the specified new policies (see Appendix c).

- 5.9 Over the next few months, the SPDs will be reviewed (insofar as that is possible, depending on the content and enactment of the Levelling Up and Regeneration Act 2023 which ushers in the new planning system). The intention is to produce new guidance related to specific new policies such as those on affordable housing and housing mix so that they are in full alignment with policies contained in adopted development plan document.

#### Next stages

- 5.10 Following adoption, Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the 2012 Regulations') requires the Council to make the Bracknell Forest Local Plan, the Sustainability Appraisal Report and the Adoption Statement available in accordance with Regulation 35. This will involve placing documents on the Council's website and making paper copies available at the Council's offices at Time Square and in libraries across the Borough. There is also a requirement to notify those who asked to be notified of the adoption of the Local Plan and send a copy of the Adoption Statement to the Secretary of State.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 Local plan documents are produced under the '2004 Act', as amended by the Localism Act 2011. The process to be followed in producing local plans is set out in the '2012 Regulations'.
- 6.2 Pursuant to Section 23 of the '2004 Act', a local planning authority may only adopt a submitted development plan document (such as the Bracknell Forest Local Plan) in accordance with the Inspectors' Main Modifications and additional modifications if the 'additional modifications (taken together) do not materially affect the policies that would be set out in the document if it was adopted with the main modifications but no other modifications'. The decision to adopt under Section 23(3) must be taken by Full Council.
- 6.3 Following adoption, the Council will need to comply with the requirements of Regulations 26 and 35 of the '2012 Regulations' relating to making documents available and notifying people who asked to be notified (and other consultees) as soon as reasonably practicable.
- 6.4 On adoption of the Bracknell Forest Local Plan, any person aggrieved may, under Section 113 of the '2004 Act', make an application to the High Court to legally challenge the Plan. This application must be made during the six-week period starting with the date of adoption. The High Court may quash the Plan wholly, or in part.

### Financial Advice

- 6.5 The cost of preparing the Bracknell Forest Local Plan is being met through the existing Planning Policy budget. This has covered the costs of the consultation stage, submission and the examination process, although, the Planning Inspectorate has yet to send the final invoice.

- 6.6 The adoption process itself does not carry significant costs. However, if the Council was faced with one or more legal challenges to the Bracknell Forest Local Plan after its adoption, defending these would need to be funded and may impact on resources available.

#### Other Consultation Responses

- 6.7 Extensive public consultation has taken place during the preparation of the Plan. The Examination was also conducted in a very thorough and considered manner by the appointed independent Planning Inspectors and included public consultation on the Proposed Main Modifications.

#### Equalities Impact Assessment

- 6.8 The Scoping Assessment identifies that an Equality Impact Assessment (EqIA) is not relevant to this document. A full EqIA is not therefore required.

#### Strategic Risk Management Issues

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

#### Climate Change and Ecological Impacts

- 6.10 The Bracknell Forest Local Plan contains an overarching policy on Climate Change which signals ways of mitigating and adapting to changes in our climate. The supporting text to this policy, refers to a range of more detailed policies that set out the approach to be taken on particular topics. These include travel, sustainable drainage systems and the protection of trees and hedgerows. The combined effect should be to reduce the impact of any increase in emissions of CO<sub>2</sub> due to the need to accommodate future growth.
- 6.11 Similarly, there are a number of policies that cover ecological impact. These address matters such as protecting and improving green infrastructure, securing avoidance and mitigation measures to retain the integrity of the Thames Basin Heaths Special Protection Area. There is also a policy that seeks to ensure that biodiversity in the Borough is protected and enhanced. Generally, development should incorporate biodiversity improvements and secure at least a 10% measurable net gain for biodiversity. This is to be achieved through planting schemes, new habitats, new roosting or nesting features, or through the enhancement and management of existing habitats.
- 6.12 All policies have been subject to sustainability appraisal work at key stages. This assesses the effect of the Plan and proposals on environmental, social and economic objectives, and is a statutory requirement in the plan making process. The sustainability objectives cover environmental objectives relating to the reduction of emissions of greenhouse gases, managing flood risk and conserving and enhancing the diversity of wildlife and habitats.

#### Health & Wellbeing Considerations

- 6.13 The Plan acknowledges that developments (either individually or cumulatively) can have an adverse impact upon health and amenity, both during construction and on completion. The location of development and placing limits on the entry of pollutants that present a significant threat are important considerations. Provisions are included

to require suitable mitigation measures to reduce the risk of unacceptable adverse impacts of dust, noise, vibration and odour.

- 6.13 The Sustainability Appraisal referred to in para 6.12 above included an objective concerned with protecting and enhancing human health and wellbeing. In assessing the policies in the Plan against this objective, it was concluded that they would have a predominantly neutral or positive effect on this objective.
- 6.14 Para 13 of the Inspectors' Report deals with the Public Sector Equality Duty and confirms that the Inspectors have considered the protection of health, safety and amenity and sustainable accessibility for all persons including those with relevant protected characteristics during the Examination. This has fed into their conclusion that the Plan is legally compliant.

#### Background Papers

##### Inspectors' Report

<https://www.bracknell-forest.gov.uk/sites/default/files/2024-03/inspectors-report-bracknell-forest-local-plan.pdf>

##### Appendix to Inspectors' Report - Main Modifications

<https://www.bracknell-forest.gov.uk/sites/default/files/2024-03/schedule-of-main-modifications-bracknell-forest-pre-submission-local-plan.pdf>

##### Planning and Compulsory Purchase Act 2004 (as amended)

[Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2004/10)

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

[The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2012/1114)

##### National Planning Policy Framework, 2023

[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

##### Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)

<https://consult.bracknell-forest.gov.uk/resources/portal/supportingfiles/716530>

<https://consult.bracknell-forest.gov.uk/file/5941302>

<https://consult.bracknell-forest.gov.uk/file/6244566>

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**Appendix A - Bracknell Forest Local Plan for adoption**

<https://consult.bracknell-forest.gov.uk/file/6304536>

**Appendix B:**

Policies Map 1 – Binfield

<https://consult.bracknell-forest.gov.uk/file/6304573>

Policies Map 2 – Warfield and Winkfield North

<https://consult.bracknell-forest.gov.uk/file/6304575>

Policies Map 3 – Bracknell and Winkfield South

<https://consult.bracknell-forest.gov.uk/file/6304576>

Policies Map 4 – Crowthorne and Sandhurst

<https://consult.bracknell-forest.gov.uk/file/6304574>

**Appendix C**

**Supplementary Planning Documents that provide further guidance on policies that are to be deleted and equivalent policies in the Bracknell Forest Local Plan**

<b>Supplementary Planning Document</b>	<b>Key policy 'hooks' in Bracknell Forest Borough Local Plan and/or Core Strategy</b>	<b>Equivalent policy 'hook(s)' in Bracknell Forest Local Plan</b>
Design (2017)	<ul style="list-style-type: none"><li>• Core Strategy Policy CS7: Design</li><li>• Bracknell Forest Borough Local Plan Policy EN20: Design considerations in new development</li></ul>	<ul style="list-style-type: none"><li>• Policy LP28: Design principles</li><li>• Policy LP50: Design</li><li>• Policy LP51: Tall buildings</li></ul>
Character Area Assessments (2010)	<ul style="list-style-type: none"><li>• Core Strategy Policy CS7: Design</li><li>• Bracknell Forest Borough Local Plan Policy H4: Areas of special housing character</li></ul>	<ul style="list-style-type: none"><li>• Policy LP28: Design principles</li><li>• Policy LP54: Protection and enhancement of trees and hedgerows</li><li>• Policy LP50: Design</li><li>• Policy LP51: Tall buildings</li></ul>
Sustainable Resource Management (2008)	<ul style="list-style-type: none"><li>• Core Strategy Policy CS1: Sustainable development principles</li></ul>	<ul style="list-style-type: none"><li>• Policy LP27: Climate change</li><li>• Policy LP33: Flood risk</li><li>• Policy LP50: Design</li></ul>



	<ul style="list-style-type: none"> <li>• Core Strategy Policy CS10: Sustainable resources</li> <li>• Core Strategy Policy CS12: Renewable energy</li> <li>• Core Strategy Policy CS13: Sustainable waste management</li> </ul>	<ul style="list-style-type: none"> <li>• Policy LP53: Biodiversity</li> <li>• Policy LP55: Sustainable construction</li> <li>• Policy LP58: Pollution and hazards</li> <li>• Policy LP59: Development of land potentially affected by contamination</li> </ul>
Streetscene (2011)	<ul style="list-style-type: none"> <li>• Core Strategy Policy CS7: Design</li> <li>• Bracknell Forest Borough Local Plan Policy EN20</li> </ul>	<ul style="list-style-type: none"> <li>• Policy LP 28: Design principles</li> <li>• Policy LP 50: Design</li> <li>• Policy LP 51: Tall buildings</li> <li>• Policy LP 53: Biodiversity</li> </ul>
Designing for Accessibility (2006)	<ul style="list-style-type: none"> <li>• Core Strategy Policy CS16: Housing needs of the community</li> <li>• Bracknell Forest Borough Local Plan Policy EN22: Designing for accessibility</li> <li>• Bracknell Forest Borough Local Plan Policy H14: Accessible housing</li> <li>• Bracknell Forest Borough Local Plan Policy M7: Access for people with disabilities</li> </ul>	<ul style="list-style-type: none"> <li>• Policy LP26: Transport infrastructure provision</li> <li>• Policy LP38: Accessible and adaptable dwellings</li> <li>• Policy LP40: Housing mix</li> <li>• Policy LP50: Design</li> </ul>
Parking Standards (2016)	<ul style="list-style-type: none"> <li>• Core Strategy Policy CS24: Transport and new development</li> <li>• Bracknell Forest Borough Local Plan Policy M9: Vehicle and cycle parking</li> </ul>	<ul style="list-style-type: none"> <li>• Policy LP25: Transport principles</li> <li>• Policy LP62: Parking</li> </ul>
Planning Obligations (2015)	<ul style="list-style-type: none"> <li>• Core Strategy Policy CS6: Limiting the impact of development</li> <li>• Core Strategy Policy CS7: Design</li> </ul>	<ul style="list-style-type: none"> <li>• Policy LP24: Infrastructure</li> <li>• Policy LP50: Design</li> <li>• Policy LP16: Affordable housing</li> <li>• Policy LP53: Biodiversity</li> </ul>

	<ul style="list-style-type: none"> <li>• Core Strategy Policy CS13: Sustainable waste management</li> <li>• Core Strategy Policy CS17: Affordable housing</li> </ul>	<ul style="list-style-type: none"> <li>• Policy LP38: Accessible and adaptable dwellings</li> </ul>
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N.B. Three other SPDs provide further guidance on policies that will remain in place (Amen Corner SPD (2010) Policy SA8 of the Site Allocations Local Plan, Warfield SPD Policy SA9 of the Site Allocations Local Plan, Thames Basin Heaths SPD (2018) 'saved' Policy NRM6 of the South East Plan.