

Bracknell Forest Borough – Core Strategy Examination

Personal number: 0629
Representation number: 001

Is CS14 and its supporting text consistent with SPA Technical Background document?

Test: 4, 6, 7, 8 & 9
Paragraph: 152-154
Policy: CS14
Personal number: 0629
Representation number: 001

We believe that Policy CS14 and its supporting text is not consistent with SPA Technical Background document as it too prescriptive for an over arching policy. This policy needs to broadly state that the Council will seek to protect the integrity of the Thames Basin Heaths SPA; greater detailed policy on the subject, such as the various boundaries, can be specified within a development control policies DPD rather than in the core strategy. This approach is set out in paragraph 8.1 of the SPA Technical Background Document.

Furthermore we believe that the Policy CS14 and its supporting text is inconsistent with the SPA Technical Background Document due to a conflict between paragraph 145 which states that *“A significant impact is likely to occur from a net increase in residential development, leading to an increased population, in an area where the inhabitants of the development are within such proximity to the SPA they are likely to visit for recreational purposes”* and paragraph 9.7 which states that *“Despite these increasing population pressures over the past decade, the populations of all three Annex I bird species have increased and the habitat, although classified as unfavourable, is predominantly recovering.”* This therefore demonstrates that there is a significant contradiction between the evidence base of the technical background document and the Core Strategy. The Policy and the supporting text need to be amended to correctly reflect the evidence that has been provided.

Has CS14 had sufficient regard to other relevant plans, policies and strategies (PPS9, South East Plan, Habitats Regulations 1994)?

Test: 4, 6, 7 & 9
Paragraph: 152
Policy: CS14
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Paragraph 4.5 of the Topic Paper states that Policy CS14 is consistent with RPG9 in that *‘the Region’s biodiversity should be maintained and enhanced with positive action’*, however we believe that in fact the Policy is contradictory. Paragraph 4.1.12 of the Assessor’s Report states that the DDP has failed to help facilitate the delivery of housing, and significantly affordable housing; the Core Strategy being based on the DDP would further impact on the delivery of affordable housing in its current form. Policy CS14 and its supporting text effectively precludes any new residential development

within 400m of the SPA, this therefore is a negative approach to maintain and enhance the Region's biodiversity.

Although we broadly support the concept of protecting the SPA, we strongly believe that there are other important planning objectives which will need to be considered. None is more important than the provision of affordable housing. Such provision is likely to meet the test, "*Are these imperative reasons of overriding public interest, which could be of a social or economic nature, sufficient to override the harm to the site?*", and Policy CS14 therefore needs to be amended to account for the needs of affordable housing provision. Moreover suitable mitigation measures should be able to achieve both targets of maintaining the standard of the SPA and the provision of much needed affordable housing even within the 400m buffer zone. This approach would be considered as positive action rather than the current policy and supporting texts approach.

Should additional text be added to clarify the policy having regard to the outcome of the South East Plan – e.g. possible fundamental review?

Test: 4, 6, 7, 8 & 9

Paragraph: 143-154

Policy: CS14

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There will need to be a fundamental review of Policy CS14 and its supporting text following the outcome of the South East Plan's adoption as it is still unknown how the Assessor's Report will be interpreted and incorporated within the adopted Plan. This therefore raises a number of issues that will need to be re-examined to ensure that the Policy CS14 and its supporting text are in conformity with the regional policy. At present the Assessor's Report, at 8.1, states that the DDP is '*unsound*' and since the Core Strategy is based on the DDP this too is unsound.

Have CS14 and paras 144, 145 been based on a robust and credible evidence base? Is para 144 consistent with Figure 1 of Circular 06/2005?

Test: 4, 7, 8 & 9

Paragraph: 144-145

Policy: CS14

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The statement in paragraphs 144 and 145 are too rigid and the Assessor's Report clearly challenges the evidence base upon which these two paragraphs have been formulated. Secondly, paragraph 144 is simply wrong in its assertions when Figure 1 of Circular 06/2005 is considered. Even where harm exists and mitigation is not offered planning permission can be granted.

Moreover, the Core Strategy policy and supporting text in paragraph 148 is not supported by the Assessor's Report. In particular there is no basis for a general presumption against residential development within the 400m buffer zone. As the Assessor recognised, the 400m buffer zone is based partly on the range of cat predation. But even here, he accepts, "*there may be justification for accepting lower*

levels of mitigation in individual cases, especially where it can be demonstrated that a restriction on pet ownership would be effectively enforced". Registered Social Landlords are able, through the longer term management of their property, to effectively enforce pet ownership covenants and therefore rather than stating a blanket 'presumption against' residential development, the supporting text should be clearer and more positive in its advice. We suggest the following changes to paragraph 148: "If a significant impact cannot be precluded a detailed project level Appropriate Assessment must ensure no adverse effect. Residential development within the 400m buffer zone may be acceptable where suitable avoidance and mitigation measures can be put in place, for example in the case of RSL developments where a restriction on pet ownership would be effectively enforced."

Are there clear mechanisms for implementation and monitoring of CS14?

Test: 4, 6, 7, 8 & 9

Paragraph: 155

Policy: CS14

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As previously stated Policy CS14 should be further supplemented by an appropriately detailed policy on the subject, demonstrating the implementation of mitigation measures, and specified within a development control policies DPD rather than in the Core Strategy. This Core Strategy policy fails to demonstrate how the policy will be implemented, rather how it will be triggered by new proposals. Moreover, there is no mechanism for measuring the success of the policy.

Does CS14 and para 149 represent the most appropriate strategy in all the circumstances?

Test: 4, 6, 7, 8 & 9

Paragraph: 149

Policy: CS14

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We believe that Policy CS14 and paragraph 149 are not the most appropriate strategy in all the circumstances. Where the proposed development is on an undeveloped site within the 400m buffer zone and is for affordable housing, this should take precedence over nature conservation objectives.