



Ms Mary O'Rourke BA(Hons) DipTP MRTPI
Intelligent Plans and Examinations (IPE) Ltd

via email (copied to Warfield Parish Council)

26th April 2021

Dear Ms O'Rourke

WARFIELD NEIGHBOURHOOD PLAN EXAMINATION

Thank you for your initial questions for Bracknell Forest Council and Warfield Parish Council in your letter dated 29th March 2021 (ref. 01/MOR/WNP) that seek further clarification in respect of your examination of the Warfield Neighbourhood Plan.

I have attached responses to questions 1 to 6, which you have sought from Bracknell Forest Council. With regard to question 2(i), I am awaiting legal advice on this matter and will provide a response to you no later than 7th May 2021. I hope that this is acceptable.

As requested, I have arranged for this response to be published on the Council's Warfield Neighbourhood Plan website (<https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/neighbourhood-planning/warfield-neighbourhood-area>), and will arrange for Warfield Parish Council's response to questions 7 to 10 to be published when available.

If you have any further questions that I can assist with, please do not hesitate to contact me.

Yours sincerely

Matthew Lunn MRTPI

Senior Planning Officer (Major Sites)
Bracknell Forest Council

WARFIELD NEIGHBOURHOOD PLAN EXAMINATION

BRACKNELL FOREST COUNCIL'S RESPONSE TO THE EXAMINER'S INITIAL QUESTIONS

- 1. Please provide the formal views of the Council, as the Competent Authority, on the Appropriate Assessment of the Warfield Neighbourhood Plan in the HRA of February 2021 and the conclusions therein. I would appreciate if the formal views of Natural England on the HRA could also be obtained and forwarded to me.**

Response:

The Council agrees with the conclusions of the Appropriate Assessment in the HRA of February 2021 and notes that these are consistent with the findings of the Habitats Regulations Assessment Pre-Submission Bracknell Forest Local Plan (March 2021) (in which the Warfield Neighbourhood Plan formed part of the in-combination assessment).

The Air Quality Assessment and HRA of the Pre-Submission Bracknell Forest Local Plan were completed in March 2021. The Air Quality Report (document LP/Ev/8f) and the HRA (document LP/Ev/8e) can be found on the evidence base page of the Council's website at <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/development-plan/emerging-bracknell-forest-local-plan/evidence-base>.

Para. 5.20 of the WNP HRA recommends exploring the feasibility of contributing payments to one of the strategic SANGs already in Bracknell Forest. It should be noted that strategic SANG is not available from Bracknell Forest Council for the Hayley Green site. The developer will need to provide SANG through a third party. The Habitats Regulations Assessment Pre-Submission Bracknell Forest Local Plan (March 2021) demonstrates in section 5.3 (particularly Tables 7 and 8) that there are a variety of options for the purchase of third party SANG capacity in the Borough.

Formal views of Natural England have been received and are attached in Appendix 1.

In addition, the Regulation 16 consultation on the Plan did not include the HRA that has now been produced. Therefore, interested parties have not had an opportunity to comment on the HRA as would be a legitimate expectation of that consultation process. What steps does the Council now propose to take to address this?

Response:

The Council proposes a four week targeted consultation, specifically seeking comments on the WNP HRA. All those consulted as part of the Regulation 16 consultation would be notified.

It should be noted that Natural England has been working with Bracknell Forest on the Air Quality Assessment and HRA of the Pre-Submission Bracknell Forest Local Plan for several years and has recently agreed the Pre-Submission evidence base versions (March 2021). These documents have taken the Warfield Neighbourhood Plan into account in the in-combination assessment and the conclusions of these documents are consistent with the conclusions of the WNP AQA and HRA.

In June 2020, BFC also agreed guidance with NE - 'Air Pollution Effects on Habitats Sites -

Guidance Note for Air Quality Assessments in Bracknell Forest 2020-21' which has been used to inform the Air Quality Assessment of the Warfield Neighbourhood Plan.

On a related point, in its letter of 18 February 2021, enclosing the HRA, WPC proposes modifications flowing from the HRA recommendations. What are the Council's views on these proposed modifications which are as a direct result of the HRA now produced?

Response:

Modification 1 – Agree that paragraphs 1.9 – 1.12 need to be updated however no new wording is provided. Therefore, the Council cannot comment in detail on this proposed modification.

Modification 2 – new clause xvii of WNP2 agreed.

- 2. Please confirm the formal title of the emerging Local Plan, which is referred to in the WNP as the 'Bracknell Forest Comprehensive Local Plan'. I understand the Pre-Submission version is currently out to consultation until 11 May 2021. The Planning Practice Guidance (PPG) at reference ID : 41-009-20190509 (to which the Plan must have regard) advises that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. Given the emerging Local Plan has now progressed to Regulation 19¹ consultation, does this give rise to any issues in relation to the approach of the submitted WNP (albeit I am assessing the WNP against the extant Development Plan for the area)?**

In particular, I would request the following clarification:

- (i) The submitted WNP is for the period 2013-2026 and the Plan's Foreword commits to its early review in 2023. However, I note that BFC's preference would be for a plan period of 2019-2036 'to justify additional housing beyond the current adopted plan period'. Am I correct to assume the reasoning behind this is to align with the plan period of the emerging Local Plan? What does BFC envisage as the implications of such a change on the examination and on the Plan itself?**
- (ii) The February 2020 Examination Position Statement noted BFC's continued support for the WNP and I understand that, after BFC's Regulation 16 consultation response in April 2019 and subsequent 9 July 2019 meeting with WPC, land at Hayley Green was no longer proposed for allocation in the draft Bracknell Forest Local Plan, and whilst considered to be strategic in nature, that its development would not undermine the approach being taken in the emerging plan in terms of the spatial strategy. Has there been any change to that approach? Please confirm whether it is still BFC's position that policy WNP2 would not undermine the spatial strategy of the emerging Local Plan.**

I would also be grateful if you could please provide details of the most recent housing land supply assessment.

Response:

The formal title of the emerging Local Plan is the Bracknell Forest Local Plan.

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

The Pre-Submission version of the Bracknell Forest Local Plan was published for consultation under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) on 23rd March 2021. The consultation runs until 11th May 2021.

The period covered by the Bracknell Forest Local Plan is now 1st April 2020 until 31st March 2037.

In terms of any conflicts between the policies in the submitted Warfield Neighbourhood Plan and the emerging Bracknell Forest Local Plan, it is noted that Policy WNP1 refers to the definition of the settlement boundaries of Newell Green, Warfield Street and Hayley Green. However, if adopted the Bracknell Forest Local Plan would supersede part of the settlement boundary shown for Warfield (assuming land north of Hershel Grange is allocated for development), as shown on the Local Plan Policies Map. Similarly, a new settlement boundary would be defined for development of land at Jealott's Hill, if the site is allocated.

The Council has been aware of the site that is proposed for allocation for 235 new homes at Hayley Green for some time as the majority of the land was submitted through the Strategic Housing and Economic Land Availability Assessment. As a result, it has been taken into account in the preparation of the Council's strategic evidence base, including the Landscape Impact Assessment, Strategic Flood Risk Assessment, transport macro modelling (further detailed analysis will be required during the application stage of the site (micro modelling) to determine access arrangements and impact, and how this will impact on Bracknell Road) and Air Quality Study. The need for infrastructure to support the general scale of the proposal has also been borne in mind in developing the Infrastructure Delivery Plan as it is recognised that there is a need to ensure that the neighbourhood can grow in a sustainable way. The 235 dwellings planned on the site is not being relied upon to meet the housing target set out in Local Plan due to the inability to guarantee delivery due to the Referendum process. The numbers would be additional, as allowed for by para. 29 of the NPPF and in the supporting Planning Practice Guidance. The proposal represents positive planning and the development of the site should not have a detrimental impact on the strategic spatial strategy.

The latest Housing Land Supply note, to reflect the position as at 1st April 2020 (published August 2020) is available to view on the Council's website: <https://www.bracknell-forest.gov.uk/sites/default/files/documents/five-year-housing-land-supply-calc.pdf>. This confirms that Bracknell Forest Council was able to demonstrate a 5.2 year supply at 1st April 2020.

3. Please confirm whether BFC's position remains as outlined in its February 2020 Position Statement, more particularly that policy WNP2 is considered to be in general conformity with the Development Plan, would provide for a sustainable form of development, and is in general conformity with strategic policy CS2.

Response:

Policy WNP2 is considered to be in general conformity with the Development Plan in so far as those policies are consistent with the NPPF. The Core Strategy was adopted in 2008 and therefore pre-dates the neighbourhood planning process. Policy CS2 – Locational Principles, is effectively a two part policy. The first part deals with the allocation of sites to meet the housing requirement in the Core Strategy as set out in Policy CS15. A sequence is given with point 4 dealing with extensions to defined settlements which is the category that

this proposal would fall under. If good transport links do not exist then there is a need for firm proposals to provide such links.

4. Please advise as to the concerns of BFC, with regard to drainage and landscape sensitivity, in respect of Inset Map 2, the Hayley Green Concept Plan. What changes are suggested as being needed to Map 2, the policy text and supporting paragraphs?

Response:

Surface water flooding is the primary flooding issue in the Borough. It is a key consideration when planning applications are considered. All types of flooding were considered in determining which sites should be allocated in the emerging Bracknell Forest Local Plan (BFLP). The process ensured that the developable areas excluded land at risk of flooding from all sources. The recent Government consultation on changes to the NPPF reflects the approach taken by BFC.

Fluvial and surface water flood risk exist predominantly to the east of the site, though there is surface water flooding elsewhere. Whilst criterion xii of Policy WNP2 states that a flood risk assessment and sustainable drainage strategy will be required, as set out in the BFC Regulation 16 response, the Council is concerned that the concept plan shows housing development proposed on areas susceptible to surface water flood risk. The proposed SuDS are in an area of high flood risk and it is unclear whether they would be able to operate. The proposed access route off Bracknell Road may also have an impact on drainage, potentially requiring culverting. It does not appear that surface water flooding information collected as part of the BFLP evidence base (through the SFRA) informed Inset Map 2 'Concept Plan'. Without additional detail it is not known whether these issues can be addressed without altering the location of the development parcels and proposed land uses shown on Inset Map 2. Detailed flood risk assessments will need to be conducted to help inform (along with other matters) the masterplan for the site, which will need to be agreed with the Council.

Similarly, landscape sensitivity work was undertaken to inform the emerging BFLP. BFC's landscape sensitivity evidence identifies the eastern edge of the site as having the most sensitive landscape given its rural edge, with lower areas of sensitivity to the west of the site. The landscape sensitivity and flood risk concerns were raised as part of the BFC Regulation 14 response to the Qualifying Body in September 2017, with BFC stating "It is not clear how constraints such as landscape, ecology or flood risk have shaped the concept masterplan [now concept plan] which supports Policy 2 [now WNP2]." The Council remains concerned that landscape sensitivity and flood risk evidence has not been adequately considered in the concept plan shown in Inset Map 2.

BFC considers that rather than seeking substantive amendments to Inset Map 2 'Concept Plan' and to avoid confusion in the future, Inset Map 2 'Concept Plan' should be deleted from the Plan and the layout of the site should rely on a future masterplan, which would take account of these issues. This does not require amendments to Policy WNP2 since the concept plan is not referred to in this policy. However, the supporting text would need some amendments where the Concept Plan is referred to.

As set out in the Regulation 16 response, the Council would like wording regarding masterplanning strengthened. In line with emerging Government policy, the Council will be requiring a masterplan and design codes for larger, complex or more sensitive developments in the emerging BFLP to establish an overall vision and strategy for a development as a whole. Accordingly, BFC would like Policy WNP2 criterion vi to be replaced by a new 3rd

paragraph, to read: "A masterplan and design code will be needed to establish an overall vision and strategy for the development that demonstrates a high quality, comprehensive approach to design. The masterplan and design code will be required to be agreed with the Council ideally prior to the submission of any planning applications for the site."

BFC also set out in its Regulation 16 response that the wording of criterion vii should be amended to require the remediation of existing site flooding, rather than simply to result in no increase.

5. Representations made on behalf of JPP Land Ltd referred to development at Newell Green subject of planning application 19/00006/OUT. Please provide a plan showing the site and details of the decision, if made.

Response:

This planning application seeks outline planning permission, with all matters reserved apart from access, for the erection of 41 dwellings. Attached in Appendix 2 is the site location plan and indicative site layout plan. No decision has yet been made.

6. The Basic Conditions Statement at paragraph 6.1 refers to the Human Rights Act 1998. Please provide the Council's view on the WNP, including its preparation, and its compatibility with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1990).

Response:

BFC can confirm that there are no issues that the Borough Council is aware of with any aspect of the WNP and compatibility with human rights legislation.

Appendix 1 – Formal views of Natural England on WNP’s HRA

Date: 20 April 2021
Our ref: 349365



The Planning Inspectorate

BY EMAIL ONLY

Customer Services
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Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mary O'Rourke,

INDEPENDENT EXAMINATION OF THE WARFIELD NEIGHBOURHOOD PLAN
Examination Reference: 01/MOR/WNP

Thank you for your consultation on the above dated 29 March 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Question 1 (p4) of the letter asks:

1. *Please provide the formal views of the Council, as the Competent Authority, on the Appropriate Assessment of the Warfield Neighbourhood Plan in the HRA of February 2021 and the conclusions therein. I would appreciate if the formal views of Natural England on the HRA could also be obtained and forwarded to me.*

It is Natural England's judgement that we are in agreement with the conclusions of the Warfield Neighbourhood Plan's HRA and Air Quality Assessment, that there will be no Likely Significant Effect on Habitats Sites as a result of the Plan, either alone or in combination.

Section 6.6 HRA states:

*"The following statement could be added to Policy WNP2 (Hayley Green Allocation): **'Measures to avoid and mitigate the impact of residential development upon Habitats Sites, in line with Policy WNP6 and the Thames Basin Heaths SPA SPD or any successor adopted mitigation strategy, in agreement with the Council and Natural England as part of the planning application.'** AECOM considers that the recommended policy statement provides additional protection to the Thames Basin Heaths SPA, by aligning the WNP with a potential future atmospheric pollution mitigation policy."*

Natural England are in agreement with this altered policy statement, and are supportive of its alteration.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Eleanor Sweet-Escott by return email. For any new consultations, or to provide further information on this consultation

please send your correspondences to consultations@naturalengland.org.uk.

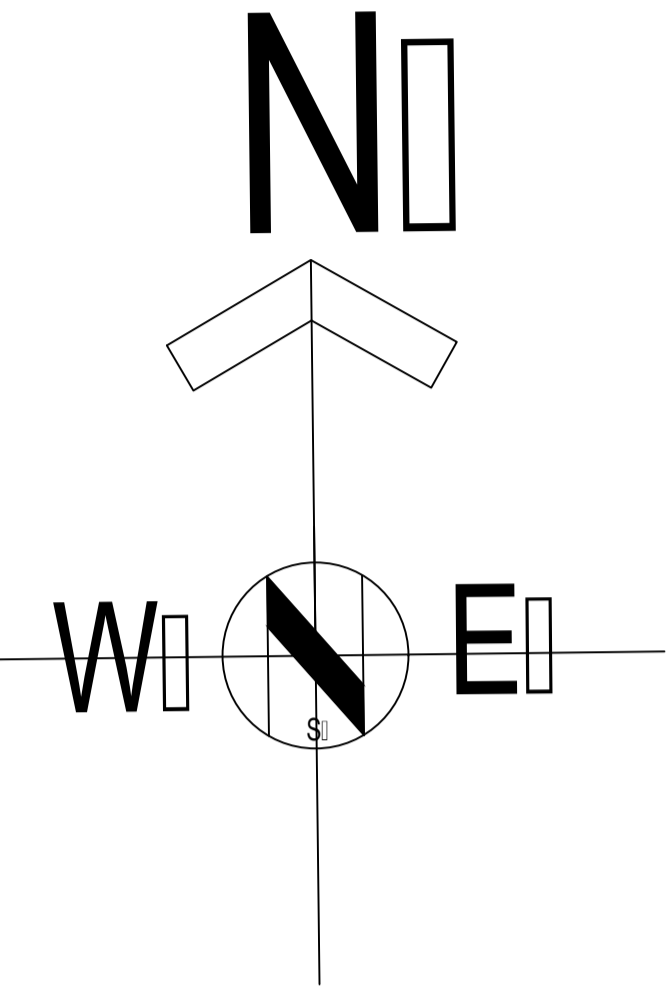
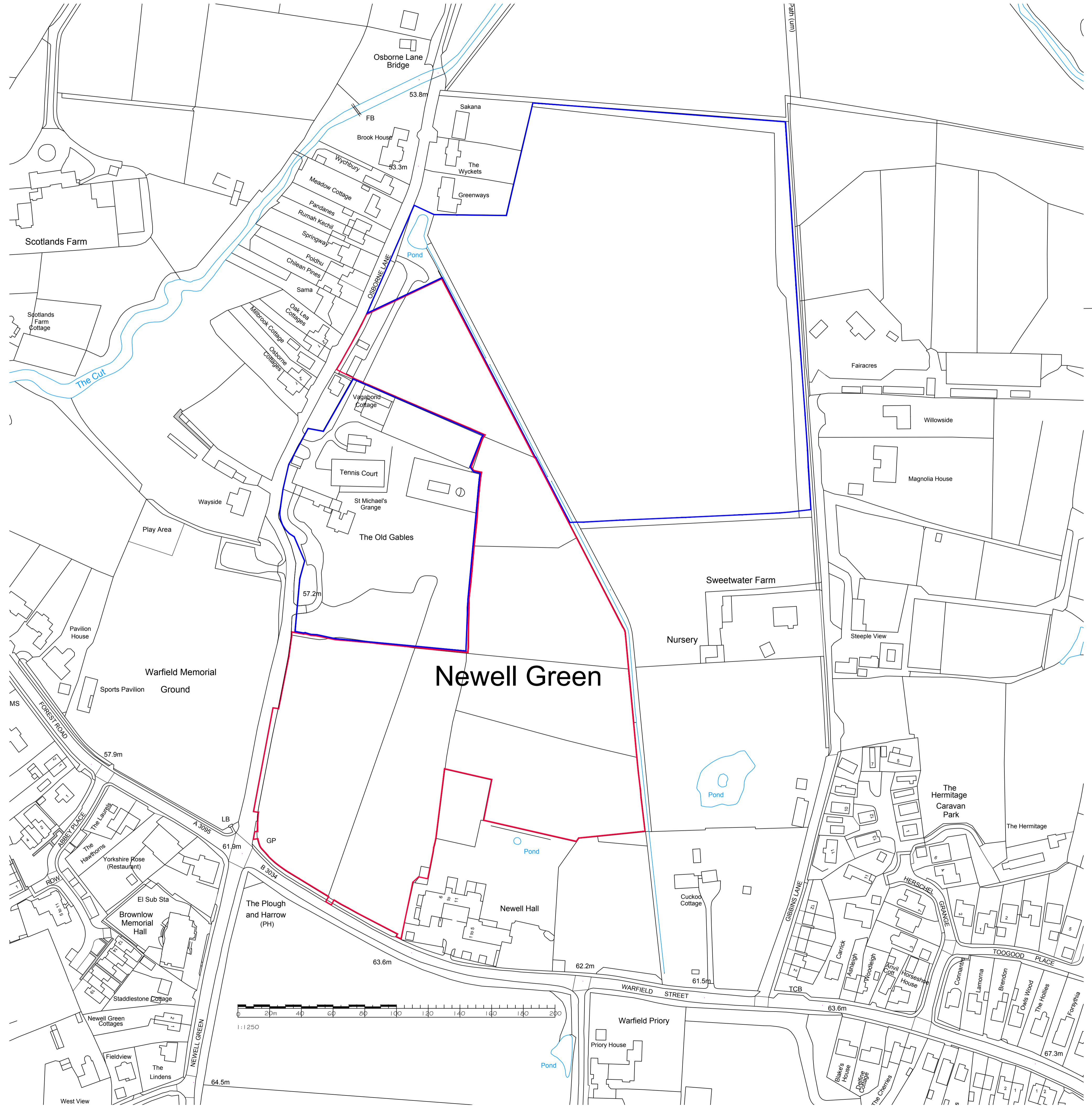
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Yours sincerely

Eleanor Sweet-Escott
Lead Adviser – Sustainable Development
Thames Solent Team

Appendix 2 – Planning application 19/00006/OUT plans

Notes.
 All dimensions and levels on site are to be checked prior to commencement of work.
 This drawing is the copyright of the Edwards Irish Partnership LLP.



RE-STAMP
 08.01.19

RECEIVED
 19/00/006/OUT
 04.01.19

PLANNING ISSUE 19.12.18
 REV A. NW corner amended 14.12.18

Project
**Land to the North of Warfield Street
 and to the East of
 Osborne Lane
 Warfield**

Client
**Amanda Johnson - Clarke,
 Ben Clarke and JPP Land Ltd**

Drawing
Location Plan

Scale **1: 1250 @A1** Date **Dec 2018**


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Job **2433** Dwg. **11A**

CAD REF:PROJECTS CAD-REF

AMENDED PLAN
 19/00006/OUT
 18.12.2020

Notes
 All dimensions and levels on site are to be checked prior to commencement of work.
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-  EXISTING TREE TO REMAIN
-  PROPOSED NEW TREE
-  SECURE CYCLE SHED
-  BIN COLLECTION POINT
-  CAR PORT
-  HEDGE
-  SHRUBS
-  WILD FLOWER GRASS
-  THICKET
-  AMENITY GRASS

| | |
|---------------------------|------------|
| PRIVATE HOUSING | |
| 1B X 2 | |
| 2B X 10 | |
| 3B X 14 | |
| 5B X 1 | |
| TOTAL 27 | 65% |
| AFFORDABLE HOUSING | |
| 1B X 4 | |
| 2B X 7 | |
| 3B X 3 | |
| TOTAL 14 | 35% |
| TOTAL 41 DWELLINGS | |

FOR ATTENUATION POND DETAILS SEE DRAWING 2433/13

APPROX 80 TREES NOT SURVEYED

REV B ACCESS RD PLOTS 32-35, 38-41, 12/20
 REV A T195 PLOTS 10 TO 21 20+3+20
 0m 5 10 20 30 40 50m
 SCALE 1:500

Project
LAND TO NORTH OF WARFIELD STREET AND TO THE EAST OF OSBORNE LANE WARFIELD
 Client
 AMANDA JOHNSON-CLARKE
 BEN CLARKE AND
 JPP LAND LTD
 Drawing

INDICATIVE SITE LAYOUT
 Scale 1:500 Date 12.12.18

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Job 2433 Dwg. 10 B



FOR ACCESS DETAILS SEE I-TRANSIT DRAWINGS
 FOR WILDLIFE ENHANCEMENTS SEE ECOLOGISTS DRAWINGS