



# Planning Obligations

## Supplementary Planning Document

**February 2015**

<http://www.bracknell-forest.gov.uk/planningobligations>

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## Section 1 - Background

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### Purpose of document

- 1.1 Bracknell Forest has a significant amount of development planned; creating new communities that will require supportive infrastructure. The purpose of this Planning Obligations Supplementary Planning Document (POSPD) is to set out the Council's approach and procedure for securing infrastructure by planning obligations from development in Bracknell Forest.
- 1.2 This SPD supplements Policy CS6 of the adopted Core Strategy<sup>1</sup> that requires development to contribute to the delivery of infrastructure needed to support growth and mitigate any adverse impacts on communities, transport and the environment. Upon adoption, this document will supersede the Limiting the Impact of Development (LID) Supplementary Planning Document (SPD) (July 2007).

The **aim** of this SPD is to:

- Set out the Council's policy on: what infrastructure will be secured through planning obligation and when;
- Enable the consideration of infrastructure matters at the earliest possible stage in the development process so that developers are able to incorporate necessary provision into development viability appraisals;
- Explain the relationship between planning obligations and CIL;
- Set out the procedure for securing planning obligations; and
- Help achieve the Council's objectives for the delivery of sustainable development.

- 1.3 Mechanisms such as planning obligations and CIL, will help deliver the necessary infrastructure to support sustainable development in the Borough.
- 1.4 This document has been developed within the context of the National Planning Policy Framework (NPPF) that advises local planning authorities (LPA) that any document in addition to the Local Plan should only be used where clearly justified, and that SPDs should only be used "where they can help applicants make successful applications or aid infrastructure delivery."<sup>2</sup>
- 1.5 This SPD provides information for developers and others on the Council's approach to securing infrastructure by planning obligations in order to provide greater certainty and help avoid protracted discussions.

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<sup>1</sup> BFC Core Strategy (2008): <http://www.bracknell-forest.gov.uk/assets/core-strategy-development-plan-document-february-2008.pdf>

<sup>2</sup> Paragraph 153 of the NPPF (2012)

- 1.6 An **Infrastructure and Mitigation Annex**<sup>3</sup> (Appendix 1) has been produced to support this document, and contains additional background information, such as costs and methodologies that will be subject to regular review to keep requirements up-to-date and robust. This will be used as a material consideration in the determination of infrastructure mitigation requirements.

### **What infrastructure is covered**

- 1.7 This document only covers in detail those infrastructure elements that will wholly or in part be secured through planning obligations. If, following review, this changes and elements are added or removed, the relevant section will be amended in subsequent versions.

### **Infrastructure needs**

- 1.8 For development to be sustainable, it must be supported by the necessary infrastructure, such as school places, road improvements, footpaths and cycleways and greenspace, so that there is no detrimental impact on existing services.
- 1.9 The Council's Site Allocations Local Plan (SALP) allocates land for development. To support the allocations, the Council developed an Infrastructure Delivery Plan<sup>4</sup> (IDP) (October 2012). This is a product of extensive consultation with infrastructure service providers and sets out particular infrastructure projects, such as new schools, road enhancements and community hubs, required to support growth. This is regularly reviewed to respond to changing delivery strategies and any other changes.
- 1.10 The IDP lists specific projects and how they relate to particular developments, while this document sets out the role of planning obligations in delivering development.

### **Other material considerations**

- 1.11 This document has been prepared using the most up to date information available at the time of writing. To facilitate effective decision-making it must be responsive to change. Therefore if new information emerges that directly impacts on infrastructure delivery, it will be a material consideration used alongside this SPD in determining planning obligation requirements, and in any review of the IDP.
- 1.12 For developers to understand the extent of planning obligation requirements, it is recommended they consult the Council at the earliest opportunity. This will ensure any other material considerations are understood.

### **Priorities**

- 1.13 Whilst the Council will seek the provision of all infrastructure requirements from a development, it is acknowledged that this may not always be possible, for reasons such as development viability and the availability of public funding.
- 1.14 Certain infrastructure, such as measures to mitigate adverse impacts on the Thames Basin Heaths Special Protection Area are non-negotiable statutory requirements. The provision of further infrastructure will be considered on a case by case basis.

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<sup>3</sup> <http://www.bracknell-forest.gov.uk/planningobligations>

<sup>4</sup> Bracknell Forest's Infrastructure Delivery Plan (October 2012): <http://www.bracknell-forest.gov.uk/assets/sal105-infrastructure-delivery-plan-post-submission-sadpd.pdf>

## Planning Policy Context

### National Legislation

- 1.15 The legal basis for the use of planning obligations is Section 106 of the Town and Country Planning Act 1990 (as amended). This allows any person with an interest in land in the area of a local planning authority to enter into an obligation which:
- Restricts the development or use of the land in any specified way;
  - Requires specified operations or activities to be carried out in, on, under or over the land;
  - Requires the land to be used in any specified way; or
  - Requires a sum or sums to be paid to the authority on a specified date or dates or periodically.
- 1.16 The Planning Act (2008) first set out the context for developing a revised method of funding infrastructure from development through the Community Infrastructure Levy (CIL). Further detail was later added by the Localism Act (2011). Additionally, the CIL Regulations<sup>5</sup> provide more in depth information regarding the setting, implementation and administration of a CIL Charging Schedule, with regular amendments providing more detail<sup>6</sup>.

### National Policy

- 1.17 The National Planning Policy Framework (NPPF) (2012) sets out the Government's planning policies for England. Paragraph 204 of the NPPF, and Regulation 122 of the CIL Regulations (2010), state that in order to be a material consideration a planning obligation must be:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 1.18 The Council will continue to adopt a positive and proactive approach that reflects the presumption in favour of sustainable development stated in the NPPF. This includes the reliance on a plan-led approach based on collaborative working with applicants and other parties to secure sustainable development which supports the improvement of economic, social and environmental conditions.
- 1.19 In accordance with Regulation 123<sup>7</sup> the Council has produced a list (known as the 'Regulation 123 list') of the infrastructure projects which will be fully, or partially, funded through CIL, and therefore not funded through Planning Obligations. This list will be periodically reviewed, and is available on the Council's website:
- [www.bracknell-forest.gov.uk/cil](http://www.bracknell-forest.gov.uk/cil)
- 1.20 Following a Ministerial Statement made on 28 November 2014, local authorities have been advised that "affordable housing and tariff style" s106 contributions should not

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<sup>5</sup> CIL Regulations 2010 (as amended)

<sup>6</sup> The CIL Regulations can be downloaded from the Department of Communities and Local Government (DCLG) website, at: <https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

<sup>7</sup> Regulation 123 of the CIL Regulations 2010 (as amended)

be sought from developments comprising 10-units or less, and those which have a maximum combined gross floor space of 1,000 square metres.

### **Regional Policy**

- 1.21 The South East Plan (2009) was partially revoked on 25 March 2013. Saved Policy NRM6 on the Thames Basin Heaths Special Protection Area provides guidance on new residential development which is likely to have a significant impact on the ecological integrity of the Special Protection Area, and the measures required to avoid or mitigate any potential adverse effects.

### **Local Policy**

- 1.22 Policy CS6: Limiting the Impact of Development, of the Core Strategy Development Plan Document (2008), states that development will contribute towards the delivery of infrastructure needed to support growth in the Borough, and will mitigate adverse impacts on communities, transport and the environment. To make development more sustainable, these impacts need to be mitigated by the developer making on site provision of infrastructure, contributing to provision elsewhere, or a mixture of both.
- 1.23 Core Strategy (2008) Policy CS1: Sustainable Development Principles, deals with the principles that development must take into account in the interests of delivering sustainable development, thereby securing a similar quality of life for future generations.
- 1.24 The Site Allocations Local Plan (SALP) (2013) and Infrastructure Delivery Plan (IDP) (2012) respectively allocate sites for development, and identify the infrastructure requirements at these sites. This SPD expands on the SALP and IDP by setting out the Council's approach to securing infrastructure through Planning Obligations, including the policies and procedures involved.

## **Section 2 - Mechanisms for Securing Infrastructure**

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### **Introduction**

- 2.1 A variety of mechanisms are available to secure site specific and borough wide infrastructure, which will be used to provide and support sustainable communities.

### **Planning Conditions**

- 2.2 Planning conditions are made by the Local Planning Authority where actions are needed to make a development acceptable in planning terms. The NPPF<sup>8</sup> states that planning conditions should only be imposed when they are:

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise
- Reasonable in all other aspects

### **Grampian Conditions**

- 2.3 A 'Grampian' or negatively-worded condition can be used to control development as part of a planning permission where works are to be carried out off-site, and on land which is not necessarily owned by the applicant. For example, off site road junction improvements may be required to cope with the additional traffic generated by the development. A condition could therefore be used which restricts commencement of the development until the necessary off-site improvements have been completed.

### **Planning Obligations**

- 2.4 The NPPF<sup>9</sup> states that, 'planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.' A planning obligation can be in the form of a legal agreement between the Council, the applicant and anyone else with an interest in the land. The need for on and off-site infrastructure provided through a planning obligation will be assessed on a site by site basis.
- 2.5 Section 106 of the Town and Country Planning Act 1990 allows planning obligations to include financial and non financial commitments with the Council in order to facilitate the mitigation of the impacts of the development.
- 2.6 Unilateral planning obligations are a further type of planning obligation, (often referred to as Unilateral Undertakings) which can be used by applicants when appealing against a refusal of planning permission to show how the impacts of their development will be mitigated. Due to the unilateral nature of the obligations, the local planning authority is not legally obliged to comply with the obligations stated.

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<sup>8</sup> Paragraph 206 of the NPPF (2012)

<sup>9</sup> Paragraph 203 of the NPPF (2012)

- 2.7 Unless otherwise stated, planning obligations run with the land in perpetuity and may therefore be enforced against the owners or mortgagees, including their successors. Planning obligations will be registered in the Local Land Charges Register.

### **Community Infrastructure Levy**

- 2.8 The Council is preparing a Community Infrastructure Levy (CIL) Charging Schedule. The Schedule sets out the Council's approach to funding infrastructure provision in the Borough based on the type and location of development. Further details of CIL in the Borough are set out on the Council's website:

<http://www.bracknell-forest.gov.uk/cil>

### **Relationship between CIL and Planning Obligations**

- 2.9 In accordance the CIL Regulations<sup>10</sup> the Council has published on its website a list of infrastructure projects or types of infrastructure that it intends will be wholly or partly funded by CIL. Any infrastructure stated in the 'Exclusions' column of the Regulation 123 list, or omitted entirely will be secured through planning obligations or other means. The Regulation 123 List will be regularly reviewed along with the CIL rates applied across the borough.
- 2.10 Regulation 123<sup>11</sup> states that a planning obligation may not constitute a reason for granting planning permission to the extent that 5 or more separate planning obligations relating to planning permissions granted for development which provide funding or provision for an infrastructure project, or type of infrastructure have been entered into since April 2010. As a result, pooled contributions will no longer be sought for infrastructure projects which address the wider impacts of development where 4 developments have already contributed to that project.

### **CIL Payments In Kind**

- 2.11 There may be circumstances where the Council, as the CIL charging authority, would wish for the person liable to pay the levy, to instead provide land and/or infrastructure to discharge part or all of a levy liability. This would be at the Council's discretion and subject to the relevant Regulations. Any such agreement must accord with CIL Regulation 73.

### **Highways Agreements**

- 2.12 Under Section 278 of the Highways Act 1980, where a development requires works to be carried out on an existing adopted highway, the developer must enter an Agreement with the local highways authority to fund these alterations or improvements. Such works may include junction or access improvements or improved facilities for pedestrians and cyclists and will need to be approved by the relevant Council officers.
- 2.13 Section 278 Agreements are not subject to the pooling restrictions that limit the use of Planning Obligations.

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<sup>10</sup> Regulation 123 of the CIL Regulations 2010 (as amended)

<sup>11</sup> Regulation 123 of the CIL Regulations 2010 (as amended)



- 2.14 Where as part of a development a new highway is proposed an agreement under Section 38 of the Highways Act 1980 is required between the Council and the developer.

### **Prior Approval for Change of Use**

- 2.15 The Growth and Infrastructure Act (2013) amended the General Permitted Development Order (GPDO). One amendment was the extension of Permitted Development Rights to allow the conversion of office space (B1(a)) to residential (C3) use. Applicants must apply to the Local Planning Authority to determine whether prior approval in relation to flooding, highways and transport and contamination issues is required.
- 2.16 Applications of this nature will be considered through discussions with officers in order to determine any s106 requirements. In particular, consideration will be given to how any adverse impact on the integrity of the Thames Basin Heaths Special Protection Area will be avoided and/or mitigated using the same process as for residential planning applications, as set out in Chapter 5.11.

### **Other Sources of Funding**

- 2.17 The Council will continue to pursue all other sources of available funding to support infrastructure provision across the borough.

## **Section 3 – Section 106 Legal Agreements and Compliance**

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### **Planning S106 Agreements**

- 3.1 Development is made more sustainable and brought into line with planning policy objectives by Planning Agreements with land owners/developers (“the S106 Agreement”). They are used to regulate or restrict development and ensure necessary actions are taken, or contributions made, to meet the demands of the development and avoid or mitigate any adverse impacts on the locality.
- 3.2 A S106 Agreement has to reflect site circumstances and be related directly to the details of the Planning Application.

### **Legal formalities**

- 3.3 The Council has a model S106 Agreement with standard clauses that can be used where an agreement covers just financial contributions. This template can be used and adapted to suit specific circumstances, and is available on the Council’s web-site:  
  
<http://www.bracknell-forest.gov.uk/planningobligations>
- 3.4 The Council will normally require all those with an interest in the land, including leasees and mortgagees, to be a party to the agreement so that their interests will be bound by the planning obligation.
- 3.5 A bespoke S106 Agreement will be needed for in-kind, direct provision of infrastructure, the safeguarding of land for a specific purpose or the restriction of use or occupancy, the provision of affordable housing or the adoption of a Travel Plan would also require a bespoke agreement. The S106 Agreement is used to create planning obligations that are binding on the land owner/developer and any successor. Drawing up a legally binding S106 Agreement normally requires the expertise of a solicitor.
- 3.6 Planning obligations in a S106 Agreement (or Unilateral S106 Undertaking) are used to make a development acceptable and to ensure planning policy objectives are met. If an applicant for planning permission is willing to enter into a S106 Agreement to address obstacles to a development going ahead, a draft document can be prepared. To instruct the Borough Council’s Solicitor in the preparation of a S106 Agreement, the applicant will be required to:-
  - supply a plan of the land to which the Agreement will relate,
  - deduce their title to the land (usually by supplying a copy of the title at H.M. Land Registry),
  - demonstrate their interest in this land,
  - instruct their solicitor to give an undertaking to meet the Council’s reasonable legal costs in preparing, reviewing and completing the S106 Agreement.
- 3.7 A Planning Obligation contained in a Unilateral Undertaking cannot impose obligations upon the Council and therefore may not always be appropriate as an alternative to a s106 Agreement.

## **Costs**

- 3.8 In all cases, applicants for planning permission are expected to meet the Council's reasonable legal costs in full, whether or not a S106 Agreement is completed. Similarly, if a draft Unilateral S106 Undertaking is submitted for consideration by the Council before completion, the applicant will be expected to meet the Council's reasonable legal costs in reviewing its validity, enforceability and ensuring that all legal formalities have been properly observed.
- 3.9 There are costs associated with keeping planning obligations under review; ensuring they are achieved as development progresses; that contributions received are properly managed and infrastructure and local facilities are provided. Applicants will be expected to pay a fee towards the costs incurred by the Council for the subsequent monitoring of S106 Agreements/Unilateral Undertakings and ensuring compliance.

## **Compliance**

- 3.10 If development goes ahead, S106 Agreements/Unilateral Undertakings and their planning obligations must be implemented. To ensure this happens, the progress of a development and S106 compliance will be regularly reviewed to check whether events or 'triggers' in the S106 have taken place and that related obligations are being adhered to. Where non-compliance could have serious consequences, performance bonds may be sought where the developer contracts with an intermediary who will make contributions in the event of planning obligations not being achieved.

## Section 4 – Planning & Viability

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- 4.1 National Planning Policy<sup>12</sup> states that:-
- (i) delivery of strategic development and other sustainable development should not be put at risk by unreasonable requirements that hamper and hold back development, and
  - (ii) sustainable development requires careful attention to viability and costs.
- 4.2 Viability is a material planning consideration. Where the capacity of local infrastructure requires improvement to mitigate the impacts of new development, the extra provision will need to be funded. Unless developments are supported with related infrastructure and local facilities, the demands that growth places on an area will not be properly addressed, development becomes an unacceptable burden and the needs of future residents will not be met.
- 4.3 A proposal that causes significant adverse impacts upon the environment, local communities or transport is unlikely to be sustainable. Unless adverse impacts are avoided or sufficiently mitigated, an application for planning permission may be refused.
- 4.4 Where a developer seeks the relaxation of normal planning requirements, the onus will be on them to demonstrate that the scheme would otherwise not be viable and that the relaxation sought is the minimum needed to make it viable. However, a development still needs to be sustainable. Such requests must be supported by clear tangible evidence of viability and costs in a transparent, thorough and robust study which stands up to scrutiny and independent expert review. If it can be demonstrated that a project is not viable; opportunities for flexibility may be considered, such as deferring certain requirements. Any relaxation of planning policy will be the minimum needed to make a scheme viable and be related to delivery and other planning objectives.
- 4.5 A viability study submitted with a Planning Application:-
- will not be treated as confidential. In the interests of transparency and accountability it will be made available for public inspection and comment. Where the Council appoints an expert to evaluate a viability study, any written report will also be made available.
  - should be in line with generally accepted development viability models. To save time, cost and resources, applicants should seek agreement with the Council on the methodology and viability model to be used in support of any claim a site cannot be developed viably.
- 4.6 If, at any stage, the Council needs to appoint an independent expert to evaluate a viability appraisal it will normally require any costs to be met by the applicant. Based on the findings of this work the Council will consider the impact of any proposed changes to the timing and provision of infrastructure and/or affordable housing.

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<sup>12</sup> NPPF (2012), Paragraph 173.

## Section 5 – Infrastructure Elements

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5.1 This section outlines, under each infrastructure heading, the circumstances where provision by planning obligation could be sought.

### 5.2 Transport

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5.2.1 The Borough Council will seek the provision of integrated transport and safety measures commensurate with proposed development, including improvements to the public transport system.

#### CIL

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5.2.2 Transport infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available at:  
<http://www.bracknell-forest.gov.uk/cil>

#### Section 106

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5.2.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it is shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

#### 5.2.4 Infrastructure mitigation

Development type	Mitigation Sought
All development types	<ul style="list-style-type: none"><li>• On and off-site transport network enhancements, comprising: local road network, footpaths and cycleways and public transport, directly related to a development site;</li><li>• S278/38 highway works;</li><li>• Commuted maintenance sums;</li><li>• Travel Plans and implementation.</li></ul>

#### Integrated Transport (Highways)

*In kind Provision*

5.2.5 Developers are required to provide on-site estate roads, footways, bridleways and cycleways, parking spaces, lighting, bus stops and lay-bys and connections on the existing highway network to the satisfaction of the Council where these are necessary to serve the development.

#### *Off-site Contributions*

5.2.6 A limited number of contributions may be sought towards specific integrated transport and safety projects subject to the restriction of CIL Regulation 123(3). These may include off-site highway improvements, footways/cycleways, transport modelling and public transport facilities (e.g. park and ride, bus/rail interchanges, and bus only routes), where these are required to deal adequately with traffic generated by proposed development. The Council will also require adequate landscaping of on and off-site highways, adequate street lighting both within the development and where necessary on roads leading from the new development to the nearest road where street lighting already exists.

#### *Mineral Extraction and Utility Services*

5.2.7 For developments involving the extraction of minerals and enhancement of utility services, where there are a large number of heavy goods vehicles travelling through Bracknell Forest, the Council will require contributions towards:

- the strengthening and widening of roads to carry traffic; and,
- the cost of bringing roads back to an acceptable standard following the completion of the works.

#### *Pedestrian and cycling*

5.2.8 Improved pedestrian and cycling facilities to support the Council's walking and cycling policies, will be sought from new development where need is established. This may include priority measures, crossings, traffic calming and improvements for safe access.

#### *Accessibility*

5.2.9 In line with BFBLP policies EN22 and M8, improvements for safe access for people with disabilities, the elderly, the infirm and those with young children may be sought in line with the Borough Council's standards of accessibility<sup>13</sup>.

#### **Integrated Transport (Public Transport)**

5.2.10 A high quality public transport system, which serves all members of the public, is needed, given the pressures placed on the existing local transport network and in order to meet LTP objectives. There is likely to be an increasing role for public transport as part of tackling traffic congestion. Where opportunities arise, developments will be required to provide measures that promote the use of public transport.

5.2.11 Innovation is encouraged and specific examples of measures to promote public transport may include:

- bus priority measures;

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<sup>13</sup> Bracknell Forest Borough Local Development Framework: Designing for Accessibility in Bracknell Forest SPD – Adopted June 2006

- improved passenger information systems & infrastructure; and,
- early availability of bus-only routes.

### **Transport Assessment**

5.2.12 Transport Assessments (TAs) identify the potential impact of a development on the transport network. The Council will require the submission of a TA from developments that are likely to have significant transport implications. It should include data on movements and possible impact mitigation measures which should focus on sustainable transport measures.

### **Council's transport model**

5.2.13 BFC have developed a transport model, the Bracknell Forest Multi-Modal Transport Model (BFMMTM), that can be used to assess the impact of a development on the borough's road network. Developers are encouraged to enter into early discussions with the Council about the licence agreements and purchase costs for the use of this model in the preparation of planning applications, Transport Assessments and Transport Statements.

### **Other requirements**

5.2.14 Where a developer proposes by agreement with the Council to carry out works on a highway, this will be secured by s278 agreement.

### **Phasing**

5.2.15 Phasing of works and contributions will be determined following consultation with the Council.

### **Travel Plans**

5.2.16 Development proposals in the Borough should support the objectives in the Local Transport Plan (LTP3) for:

- reducing reliance on the car;
- encouraging more environmentally friendly forms of travel; and,
- delivering sustainable transport.

5.2.17 The submission and subsequent implementation of a Travel Plan to deliver these objectives will be required in accordance with the thresholds shown in the supporting Infrastructure and Mitigation Annex<sup>14</sup> (Appendix 1).

5.2.18 Planning obligations will be used to secure the Travel Plan and define terms, responsibilities (actions and triggers in respect of construction and occupation of the development), monitoring arrangements and recourse if the Travel Plan is not implemented successfully. The agreement will also secure the associated fees and deposits required.

5.2.19 The Borough Council has produced a Travel Plan Guide<sup>15</sup> for developers, which includes model clauses, content suggestions, monitoring requirements, possible

<sup>14</sup> <http://www.bracknell-forest.gov.uk/planningobligations>

<sup>15</sup> Bracknell Forest Council Travel Choice for Business: A local guide to Workplace Travel Plans (2011)

sanctions and an explanation of the fees and deposits required. Applicants are encouraged to read the guide before submitting an application that is likely to need a Travel Plan.

5.2.20 In addition to the thresholds as stated in the Infrastructure and Mitigation Annex (Appendix 1), some developments – depending on size, type and location – may be required to implement specific Travel Plan measures, secured by a planning agreement. These could include, but not be limited to; shuttle bus provision, public transport taster tickets or incentives and car park management plans. These could also apply to developments likely to host special events.

## **Background**

5.2.21 The NPPF states that Plans should facilitate sustainable development that protects and exploits opportunities for the use of sustainable transport modes (Para 35). Proposals that will generate significant amounts of movement will need to demonstrate this through the submission of a Travel Plan. A Transport Statement or Transport Assessment should accompany proposals that generate a significant amount of movement.

5.2.22 Bracknell Forest's Core Strategy Policy CS6 states that development will be required to mitigate its impact on the transport network through financial contributions or in-kind provision, whilst CS23 states that the Council will promote travel planning to ensure development sufficiently considers accessibility and sustainable transport planning.

5.2.23 Through CS24, the Council will require transport assessments or transport statements to outline the impact of development and the package of measures required to mitigate any unacceptable impacts.

## **Principles**

5.2.24 The Local Transport Plan 3<sup>16</sup> (LTP3) outlines the Council's current transport policy and contains an implementation plan which lists schemes the Council intends to implement over the Plan period in order to achieve the objectives of the LTP. The headline objective of LTP3 is to support measures that promote sustainable modes of transport.

5.2.25 To support development identified in the Site Allocations Local Plan (SALP), extensive strategic modelling has been undertaken to identify improvements needed to the transport network in order to accommodate the additional demand. These schemes are identified in the implementation plan included in LTP3. This 'high level' modelling does not identify more localised improvements required, e.g. access improvements that would be directly related to a development, or those required as a result of unplanned development.

5.2.26 Transport measures directly related to the development and necessary to make it acceptable in planning terms will be secured through s106 agreement. Provision sought will depend on a combination of the demand generated from the development and the apportioned cost of delivering the mitigation measures.

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<sup>16</sup> <http://www.bracknell-forest.gov.uk/planningtransportpolicy>



## 5.3 Waste Management

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5.3.1 The existing waste recycling sites in the Borough are well used, and frequently at, or close to operating at capacity. Developers should provide a 'local' solution to mitigate the impact of their development, with strategically placed facilities encouraging the uptake of recycling, reducing the need travel, and meeting waste recycling targets.

### CIL

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5.3.2 Waste management infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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5.3.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

### 5.3.4 Infrastructure mitigation

Development type		Mitigation Sought
Residential development  including: <ul style="list-style-type: none"> <li>• New build</li> <li>• Redevelopment</li> <li>• Mixed use schemes</li> <li>• Changes of use</li> <li>• Conversions</li> <li>• Affordable housing</li> </ul>	Net increase of 100 or more dwellings	<p>On-site provision of waste and recycling facilities.</p> <p>Where there is evidence of need for additional off-site provision then, in addition to the above and subject to the restrictions on pooling contributions, a financial contribution will be sought.</p> <p>The need for on site and off site provisions will be negotiated based on existing local capacity.</p>

<p>Retail development<sup>17</sup></p> <p>including:</p> <ul style="list-style-type: none"> <li>• New build</li> <li>• Redevelopment</li> <li>• Mixed use schemes</li> <li>• Changes of use</li> <li>• Conversions</li> </ul>	<p>Net increase of 2,500 m<sup>2</sup> or more of retail floorspace</p>	<p>On-site provision of recycling facilities for public use.</p> <p>The need for on site and off site provisions will be negotiated based on existing local capacity.</p>
<p>All other development</p>	<p>Any development that includes a car park of more than 20 spaces for public use</p>	<p>On-site provision of recycling facilities for public use.</p> <p>The need for on site and off site provisions will be negotiated based on existing local capacity.</p>

### Type and location of facility

- 5.3.5 Above ground recycling facilities should be provided on an area of hardstanding which can be easily accessed by a collection vehicle. On sites in excess of 1,000 dwellings underground facilities should be provided. The final specification of the recycling facility will be agreed with the Council prior to installation of the facility.
- 5.3.6 One underground facility (3 containers) per 1,000 dwellings, or one 'mini' site (3 bottle banks) per 500 dwellings should be provided on sites of sufficient size. There is the option of the provision of two 'mini' sites in replacement of 1 underground facility.
- 5.3.7 To encourage the formation of neighbourhood centres, wherever possible, recycling facilities should be located alongside existing or proposed neighbourhood facilities, such as schools, shops, community centres and health services.

### Transfers

- 5.3.8 Planning Obligations will be used to secure the transfer of recycling and waste management facilities to the Council. The design and location of the facility should be agreed with the Council, and any inspection and legal costs paid by the applicant.

### Waste and Recycling in Bracknell Forest

- 5.3.9 For waste disposal Bracknell Forest is part of a partnership between Bracknell Forest, Reading and Wokingham Borough Councils and FCC Environment (formerly Waste Recycling Group) called re3. This was set up to increase the amount of waste that is reused, recycled and composted across the three boroughs and to minimize the amount of waste sent to landfill. Together, these Councils have formulated a Joint Waste Strategy that incorporates national policies and targets including the development of individual waste collection strategies for each authority to explore

<sup>17</sup> Any development listed in Annex A, Table 3, of PPS6: Planning for Town Centres

further joint working. Facilities for waste and recycling may therefore be found within or outside the Borough.

## **Background**

5.3.10 PPS10: *Planning for Sustainable Waste Management* (amended 2011) provides the most up to date national policy. This states that the primary objective of the Statement is to 'protect human health and the environment by producing less waste and by using it as a resource wherever possible,' while 'moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort.'

5.3.11 The government has stated its intention to replace this policy in 2014 with a new national Waste Management Plan for England.

5.3.12 Policy CS13<sup>18</sup> states that development will be permitted which:

- Minimises the quantity of waste requiring treatment; and
- Maximises the re-use, recovery and recycling of waste materials; and
- Minimises the environmental consequences of waste production and treatment.

5.3.13 As stated in section 3.6 of the Sustainable Resource Management SPD (2008) the provision of shared local facilities can encourage the uptake of recycling and reduce the need to drive to a central facility, whilst reducing the disposal of waste to landfill.

5.3.14 Furthermore, section 7 of the Council's *Requirements for Refuse and Recycling provision at New Developments - Guidance Notes for Applicants and Agents*, states that:

"The Waste Management Section of the Council will evaluate all large developments with a view to the developer providing either underground recycling bank facilities or a mini recycling site for glass and textiles. This will be dependent on the size of the development."

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<sup>18</sup> Policy CS13: Sustainable Waste Management, of the Bracknell Forest Council Core Strategy DPD (2008)

## 5.4 Education

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5.4.1 New residential development can exert pressure on educational facilities, through increased demand for school places. Where there is evidence of need, development could be required to make provision for additional nursery, primary, secondary, post-16 and special needs education places.

### CIL

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5.4.2 Education infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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5.4.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

#### 5.4.4 Infrastructure mitigation

Development type	Mitigation Sought
Residential development	In-kind provision and/or financial contribution for provision of additional: <ul style="list-style-type: none"><li>• Nursery</li><li>• Primary</li><li>• Secondary</li><li>• Post-16</li><li>• Special Educational Needs (SEN)</li></ul> school places or enhancement of existing schools, subject to the restriction on s106 contributions established by CIL Regulation 123(3).

### Principles

5.4.5 The Council has a statutory duty to provide sufficient school places as a result of additional demand arising from new development.

5.4.6 To ensure that development that increases local need makes sufficient provision for additional educational facilities the accessibility, capacity and suitability of existing facilities will be taken into account. Projects could include the provision of new schools or the extension/refurbishment of an existing school.

5.4.7 The following stepped approach will be used to determine planning obligations sought:

1. Pupil yield from the development – how many school places are required;
2. Assessment of existing school capacity – are additional places required;
3. Ability for required school places to be delivered; and
4. Cost of providing school places – where/how will places be provided;

5.4.8 The determination of whether additional capacity is needed will be based on the number of children that a development is likely to generate and the capacity and nature of existing schools in the area (as defined by the Borough Council's Children, Young People and Learning Department). In making this judgement consideration will be given to the Council's School Places Plan (SPP). The SPP is published annually and gives an estimate, for a five year period, of future demand for school places. This assessment provides the following information, based on a review of future housing plans, numbers on roll and demographic data:

- Pupil data and statistics
- Forecasts of pupil numbers for the next five years
- Commentary on the need to add or remove school capacity
- Estimates of future housing growth

#### **In kind provision and financial contributions**

5.4.9 Planning obligations sought, including in kind provision of schools or financial contribution towards off-site provision, will be proportionate to the number of pupils yielded from the development.

5.4.10 Where a new school is required in kind as part of a development, the size of the school will need to be equal to whole forms of entry (FE). Therefore, as a minimum the school would need to be of a size that can accommodate 1 whole FE. Thereafter it will be necessary for the size to increase incrementally on a FE basis. In the case of primary schools this is summarised as follows:

<b>Demand for school places (primary)</b>	<b>Size of school required</b>
Between 0 and 1 FE	1 FE
Greater than 1 FE and no greater than 2 FE	2 FE
Greater than 2 FE and no greater than 3 FE	3 FE

5.4.11 This requirement is due to the fact that it is not possible to build and operate schools on a pro-rata FE basis, as informed by legislation and Government guidance<sup>19</sup>. This approach will, where appropriate, also be applied to secondary provision, though there will be a higher minimum threshold size for a new secondary school. Accordingly, in the case of new schools the size of site will need to be large enough

<sup>19</sup> The School Admissions (Infant Class Sizes) (England) Regulations 2012, School Admissions Code 2012.

to accommodate the size of school to be built<sup>20</sup> (i.e. a site equivalent to the pro-rata size of school demanded by the development will not be acceptable). Any overprovision of school places will likely be compensated by an equivalent reduction in the overall s106 package or payment by BFC.

- 5.4.12 Where a new school is to be provided the Council may require the school to be delivered to coincide with the occupation of the new housing. Where this is not possible and alternative capacity does not exist, it will be for the developer to provide temporary measures in advance of the new school opening.
- 5.4.13 If the developer construct option is taken up, an architectural design team experienced in the design of school buildings must be used. The Council will need to approve and sign off the designs and the developer's employers requirements prior to the tender being let. The Council's accommodation standards are as per DFE Building Bulletins.
- 5.4.14 Post-construction liabilities: any legal agreement, between the Council and the developer, to provide a new school through the developer construct route should include a clause requiring post-construction liability in respect of flat roofs for a period of up to 20 years. In the case of playing fields the liability will be for a period of two years, including maintenance, to allow for any post-construction issues to be addressed.

### **School capacity**

- 5.4.15 In the majority of cases primary and secondary schools have clearly defined geographical areas surrounding schools, known as "designated areas" which form part of the admissions criteria for that school. Consequently, priority will be given to children who reside within the designated area for that school. These boundaries may be reviewed periodically to make efficient use of capacity. Information on designated area boundaries is available on the Council's website.<sup>21</sup>
- 5.4.16 In reviewing capacity of schools it should be noted that the Council aims to maintain an overall surplus capacity for planning and managing school places within the Borough. In the Council's view, a surplus of around 5% is regarded as desirable as this allows for a degree of parental preference and for future increases in pupil numbers. Therefore, an apparent surplus of places at a school does not necessarily equate to there being sufficient capacity. For example, although a school may appear to have surplus capacity in terms of numbers on roll the intake and lower year groups may be at or near capacity.
- 5.4.17 Therefore, if a residential development lies within the designated area of a local school, provision will be sought for additional capacity where the designated number of surplus places is less than 5% of the local school capacity at the time which the development is expected to be occupied.

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<sup>20</sup> Primary Schools – Building Bulletin 99:

<http://media.education.gov.uk/assets/files/pdf/b/building%20bulletin%2099%20-%20briefing%20framework%20for%20primary%20school%20projects.pdf>

Secondary Schools – Building Bulletin 98:

<http://media.education.gov.uk/assets/files/pdf/b/building%20bulletin%2098%20-%20briefing%20framework%20for%20secondary%20school%20projects.pdf>

<sup>21</sup> <http://www.bracknell-forest.gov.uk/schooldesignatedareamaps>

## **Pupil Yields**

- 5.4.18 The demand for educational requirements, as a result of new development, will relate to an assessment of the number of pupils that are expected to be generated from the development. This assessment will have regard to the dwelling mix proposed, in terms of the number of bedrooms per unit, and the average pupil yield per size of dwelling based on number of bedrooms. To underpin the Borough's educational requirements and justify contributions being sought, the Council has undertaken a pupil yield survey of recently completed development within the Borough. These pupil yields are presented in the Infrastructure and Mitigation Annex (Appendix 1).
- 5.4.19 Where a development does not specify the housing mix, the assessment of pupil yield will be based on an average mix for the size of development proposed. Under these circumstances the planning obligation will include a clause to vary the payment should the final housing mix result in an anticipated higher pupil yield.

## **School place cost**

- 5.4.20 The Council has published a benchmark school cost report. When seeking off-site contributions, unless other material considerations (such as a bespoke costed project to extend a school) suggests otherwise, amounts sought will be based on these published costs. School place costs can be found in the Infrastructure and Mitigation Annex (Appendix 1). Any contributions sought will be subject to the pooling restrictions in CIL Regulation 123(3).
- 5.4.21 Where a primary school, including nursery, on a development site is required, the Council's preference is that the new school will be delivered in kind by the developer. The benefits of this approach are seen as:
- The developer maintains control of delivering school places;
  - Protracted procurement procedures are avoided;
  - Experience suggests that a developer could deliver a new school for less cost than the LEA.
- 5.4.22 As an alternative the LEA will deliver the school. In this instance, the cost, including procurement costs, design, construction and fit-out, will be met by the developer via a S106 contribution. Having regard to the need to build to full FE the cost of providing the new school will reflect the proportionate demand for school places from the development.

## **Background**

- 5.4.23 At a local level, Policy CS1 of the Council's Core Strategy identifies the principles of sustainable development and states that development will be permitted which protects and enhances the education of the local population. Core Strategy Policy CS6 requires development which leads to an increased pressure on educational infrastructure to contribute towards the delivery of additional provision needed to support growth.
- 5.4.24 Bracknell Forest Council's Site Allocations Local Plan contains policy CP1 - Presumption in Favour of Sustainable Development. This requires a positive approach towards proposals that uphold the NPPF's principles for facilitating

development that “improves the economic, social and environmental conditions within the area”, of which education is an important component.

5.4.25 SALP policies SA4-SA9 contain infrastructure requirements which highlight the need for development to provide for additional school places.

5.4.26 At a national level the NPPF states that “the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities”. In response to this local planning authorities should take a “proactive, positive and collaborative approach to meeting this requirement” (Para 72).



## 5.5 Community Facilities

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- 5.5.1 Community facilities are an integral part of creating sustainable cohesive communities, providing a hub to bring people together and housing functions that promote healthy, active and inclusive communities.
- 5.5.2 Community facilities in the Borough are used for a variety of purposes to provide for the health, welfare, social, educational, spiritual, recreational, leisure and cultural needs of the community. The Borough Council works closely with the community associations/organisations that run these centres, and maintains information on their use. The condition of community facilities is assessed on an annual basis in order to prioritise required works. The Borough Council is therefore aware of specific needs and capacity issues.

### CIL

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- 5.5.3 Community facilities infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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- 5.5.4 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.

#### 5.5.5 Infrastructure mitigation

Development type		Mitigation Sought
Large-scale residential development	Net increase of 650 dwellings or more	Provision of an on-site Community Hub or contribution to off-site community facilities (inc. build, land and fit-out costs)
Medium and large scale residential development		Land set aside, for a reasonable period, to be made available for the delivery of a Full Daycare Nursery

Small and medium scale residential development	Net increase of 1 dwelling or more	Financial contribution towards off-site community facility provision
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## Principles

5.5.6 An increase in the local population arising from new development has the potential to increase demand for community facilities. Where existing facilities are judged to be inadequate to meet the needs of future residents, it may be necessary to meet the additional demand through the provision of:

- New facilities
- Extension/refurbishment of existing facilities
- Mobile facilities, or funding for detached or outreach work
- Incentives to assist in the rationalisation of existing facilities

5.5.7 Whilst major residential developments may need to provide new facilities (on site), smaller developments could be required to contribute to the cost of enlarging or improving existing facilities.

## Multi-functional community hubs

5.5.8 Through consultation with community service providers, the way that ‘stand alone’ facilities, e.g. community halls and youth clubs, are delivered has been re-assessed, to establish a more effective way of delivering services in increasingly challenging times.

5.5.9 The model of ‘co-location’ was explored, where a variety of services are provided under one roof, into what has become known as a multi-functional ‘Community Hub’. The benefits are seen as:

- More viable: reduced costs, e.g. one building is cheaper to deliver and run than several smaller facilities;
- Reduced footprint from shared space;
- Increased footfall, in turn benefitting other functions;
- Providing a central ‘hub’ where people can meet for a multitude of reasons – benefitting social integration;
- More future-proof - pertinent in a climate of funding uncertainty for service providers.

5.5.10 Consequently, the multi-functional community hub model will be the likely requirement when a new facility is sought, although improvements to existing facilities may be more appropriate in certain cases.

## Justification

5.5.11 The determination of whether a planning obligation to secure provision for community facilities will be sought will depend on the capacity of existing facilities,

that are reasonably accessible from the development, to absorb the additional demand created by the proposed development.

### **Facility requirements and costing**

5.5.12 The specification of a facility will be determined in consultation with service providers. The facility could consist of:

- Community halls
- Youth space
- Children's centre
- Early years & childcare facilities
- an element supportive of Open space, e.g. changing rooms
- Sports hall
- Parish Council office
- Police point
- Community café

5.5.13 And ancillary space, including an office, kitchen, toilets, circulation, plant and storage.

5.5.14 Provision will be required for the facility's construction, including land and all fixtures and fittings. Detailed design will be finalised in collaboration with service providers and user groups, to ensure the facility is fit-for-purpose. Reference will be made to design briefs and previous schemes delivered in the Borough, including anecdotal evidence from user experience, to ensure the design is effective.

### **Provision of new facilities**

5.5.15 Proposals involving a net increase of more than **650 dwellings** are likely to be required to provide a new multi-purpose community hub (potentially as part of a neighbourhood centre) for use by the community.

5.5.16 SALP policy (SA4-SA9) identifies the need for several new or enhanced community facilities to support planned development over the plan period, up to 2026. Provision will be sought in accordance with the policy requirement and secured by planning obligation.

5.5.17 There may be occasions where the cumulative impact of small/medium sites in an area, requires a community facility to be located on a site consisting below the stated threshold. The provider could be compensated for the build, fit-out and land costs beyond those related to the development using money secured from other developments served by the facility, or by another compensatory mechanism.

5.5.18 Where a new facility is required, developers will be expected to supply the land and facility together with on-site car parking in accordance with the Borough Council's guidelines. In some cases, it may be acceptable for this to be shared with an adjoining use.

5.5.19 Other sources of funding will be a consideration in providing facilities. Opportunities will be sought to help fund facilities if funding becomes available, e.g. from the Council's capital programme or government grants.

5.5.20 To provide certainty of delivery and lower costs, any bespoke requirement will normally be delivered in-kind by the developer, rather than through a financial contribution to the Council.

### **Improvements to existing facilities**

5.5.21 There could be circumstances with a large/medium-scale development where the Council would prefer a developer to either contribute finance towards, or deliver in-kind, enhancements to an existing facility, rather than provide a new on-site facility.

5.5.22 It is unlikely that financial contributions will be sought from small scale developments, due to the Regulation 123<sup>22</sup> pooling restriction, unless there is an exceptional circumstance, e.g. a small-scale project that is directly related to the development.

### **Transfer and management**

5.5.23 The planning obligation will include a requirement stating when the facility should be delivered, and a provision for the transfer following completion of the facility to Bracknell Forest Council, or directly to the ownership of a Parish and Town Council or other third party subject to agreement with the Council, for management by a community association, Parish Council or other third party.

5.5.24 Any planning obligation is likely to include a financial allowance, as a start-up fee, to cover the cost of supporting the development of community activities and services over a period of 2 years from the completion of the community facility. This is critical to the development of a sense of community in new neighbourhoods and will assist the integration of new residents into existing local communities.

### **Full Daycare Nurseries**

5.5.25 The Council could, to meet its statutory duty<sup>23</sup> to ensure that there is sufficient provision for childcare to meet the requirements of parents in their area in order to enable them to work or undertake education or training leading to work, require a developer to set aside land, for a reasonable period, to be made available for the delivery of a full daycare nursery. The Council would expect to be an interested party to ensure appropriate quality and sufficiency.

### **Background**

5.5.26 The NPPF requires planning authorities to develop policies that promote social interaction and create healthy, inclusive communities<sup>24</sup>. To deliver this vision, Paragraph 70<sup>25</sup> states that planning policies should 'plan positively' for the provision of shared space and community facilities and ensure an 'integrated approach' to the location of housing and community facilities.

5.5.27 Policy CS6 of the Council's Core Strategy requires development, which leads to an increased pressure on community facilities, to contribute towards the delivery of additional provision needed to support growth.

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<sup>22</sup> Regulation 123 of the CIL Regulations (2010) as amended

<sup>23</sup> Childcare Act (2006), Section 6

<sup>24</sup> NPPF (2012) Paragraph 69

<sup>25</sup> NPPF (2012) Paragraph 70

5.5.28 SALP (2013) identifies as policy requirements the need for the following new community facilities to support planned development:

- Community Hub on land at TRL (Policy SA5)
- Community Hub on land at Blue Mountain (SA7)
- Upgrades to Farley Wood community centre into a multi-functional Community Hub (SA8)
- Community Hub at Warfield (SA9)

## 5.6 Public Realm

5.6.1 The quality of the urban environment that is open to public access (whether publicly or privately owned) contributes to the character and identity of an area and affects the way in which people perceive and enjoy places. The achievement of an attractive and safe public realm benefits residents, businesses and visitors.

5.6.2 New development has the potential to result in a larger number of users and therefore exerts pressure on the urban environment. This may lead to the need to raise and extend the quality of the public realm.

### CIL

5.6.3 Public realm infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

5.6.4 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

### 5.6.5 Infrastructure Mitigation

Development type	Mitigation Sought
Residential, and employment (including business, industrial, distribution and storage (BIDS) uses, retail, leisure, health and education) development;  including: <ul style="list-style-type: none"> <li>• New build</li> <li>• Redevelopment</li> <li>• Changes of use</li> <li>• Conversions</li> <li>• Mixed use schemes</li> </ul>	Where there is an identified scheme for environmental enhancements and/or security measures, or where the proposal is of such a scale as to require the development of an environmental enhancement scheme (which may include the provision of public art) as part of the proposal, the following will be sought: <ol style="list-style-type: none"> <li>1. In kind provision negotiated on a case by case basis based on to the location, nature and scale of the proposed development towards providing environmental improvements and/or security measures,</li> <li>2. A contribution negotiated on a case by case basis based on the location, nature and scale of the proposed development towards providing environmental improvements and/or security measures. Any such contribution towards a specific project would be subject to the s106 pooling restriction.</li> </ol>

## **Off-site mitigation**

- 5.6.6 There may be sites that are visually or physically linked to areas identified for environmental enhancement schemes. The occupiers/users of any proposed development may have the potential to impact on those areas. In such cases, subject to the s106 pooling restriction, it may be appropriate to seek a contribution towards elements of the scheme proposed.
- 5.6.7 In most cases, safety and security issues should be taken into account in the design of the development, for example, ensuring that uses are compatible (the location of residential and entertainment uses that operate late into the evening) and that the public realm is visible from surrounding uses. However, there may also be cases where contributions are sought towards off site measures such as participation in CCTV schemes.

## **In-kind provision**

- 5.6.8 Where an application site is located in an area where there is an identified scheme for the creation of public realm or environmental enhancements (such as those included within Bracknell Forest's Local Plan, Briefs and Masterplans), the developer will be encouraged to design and construct the area taking into account the principles set out in any provision strategy. These principles might set out details of pedestrian routes, hard and soft landscaping, signage and street furniture. New areas of public realm environmental enhancements may also be sought where a proposed scheme is of such a significant scale that it creates the need for new, replacement or altered public realm or environmental enhancements.
- 5.6.9 In some cases the owner may decide to retain responsibility for any public realm created. In other cases, developers may wish to transfer the area to the Council for adoption. In both cases the Council will need to be assured that satisfactory arrangements are in place for future management and maintenance. Where it is intended to transfer the area to the Borough Council, agreement will need to be reached on an appropriate contribution to cover maintenance costs in the event that materials and items exceed those normally specified by the Borough Council. The contribution should be sufficient to meet the differential over the lifetime of the materials and other items used.

## **Background**

- 5.6.10 The NPPF recognises the importance of design in the creation of sustainable development, stating that planning policies should aim to ensure developments “establish a strong sense of place, using streetscapes ...to create attractive and comfortable places to live, work and visit.”<sup>26</sup>
- 5.6.11 The Core Strategy requires development to mitigate its impact where it would lead to an increased pressure on local infrastructure <sup>27</sup>. In the belief that “the design of buildings and spaces has a significant impact on local quality of life, including reducing crime and the fear of crime” (Para 91), Policy CS7 stipulates the requirement for high quality design for all development, and that the Council will be supportive of developments that “provide high quality usable open spaces and public realm”.

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<sup>26</sup> Paragraph 58 of the NPPF (2012)

<sup>27</sup> Policy CS6 of the Council's adopted Core Strategy (2008)

## 5.7 Retail

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5.7.1 Retail development forms a critical part of the local economy by providing both an important service to residents of the borough, and by supporting employment and leisure opportunities.

### CIL

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5.7.2 Retail infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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5.7.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

### Infrastructure Mitigation

5.7.4 Where residential development is of sufficient size the Council expects developers to provide the land, and construct the core and shell of a Neighbourhood Centre. This provides certainty to the developer that the Neighbourhood Centre will be provided on time, and to the required standard, whilst offering cost reductions when compared to the Council requiring financial contributions to provide the same facility.

Development type		Mitigation Sought
Residential development	In excess of 700 residential units	In-kind through the provision of a 'Neighbourhood Centre' providing local services.  This includes the provision of the 'core and shell' of the centre units, to allow their occupation by retailers without requiring any additional building works.

### Neighbourhood Centres

5.7.5 The SALP (2013) defines 'Neighbourhood Centres' as 'small parades of shops of purely neighbourhood significance' which contribute towards the sustainable nature of the development site. The Council's Local Plan<sup>28</sup> lists the existing Neighbourhood Centres across the Borough, in addition to the new facilities provided as part of the Jennett's Park development. The Council will seek provision of 'Neighbourhood Centres' at SALP (2013) sites SA5: Transport Research Laboratory (TRL), SA8: Amen Corner (South) and SA9: Warfield.

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<sup>28</sup> Policy E5: Hierarchy of Shopping Centres, of the Local Plan (2002)



## 5.8 Affordable Housing

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5.8.1 Affordable housing helps in the creation of mixed and balanced communities, and is a valid requirement if a Planning Application is of sufficient scale and the site can be developed viably in tandem with a contribution towards affordable housing.

### CIL

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5.8.2 Affordable housing will be exempt from CIL if a claim for relief is made before development commences and it is accepted that the planned housing will be affordable<sup>29</sup>. Affordable housing does not qualify for CIL funding and will be secured by planning obligation.

### Section 106

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5.8.3 Development Plan Policy CS17<sup>30</sup>: along with a subsequent decision of The Council Executive<sup>31</sup> provide the Council's planning policy for affordable housing which is:

1. to seek provision up to 25% of net new homes to be affordable (subject to viability)
2. to use 15 net additional homes as the minimum site size threshold, and
3. to implement saved Policy H8 of the Bracknell Forest Local Plan (2002) together with the Council's Housing Strategy.

5.8.4 This document makes no changes to the above planning policy which reflects the Council's borough-wide target for affordable housing, and the aim of seeking to secure the provision of good quality, affordable housing for local people in balanced, integrated and sustainable communities. A planned Development Management Local Plan<sup>32</sup> will consider the need for any changes to affordable housing policy. As stated in the Local Development Scheme (2014-17)<sup>33</sup>, this document should be adopted in 2016.

### Principles

5.8.5 Planning obligations enable the provision of some affordable housing to be tailored to the circumstances of the site. To meet planning policy and ensure delivery in tandem with and as part of a development, the Council expects affordable housing obligations, created by a S106 Agreement, will relate to the following matters:

#### 5.8.6 Number and Tenure

25% of the total to be Affordable Housing, of which:  
70% to be affordable rent  
30% to be intermediate housing

5.8.7 The 'Types and Tenures' tables in the Infrastructure and Mitigation Annex (Appendix 1) set out the percentages of dwelling types and tenures which will be sought in the

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<sup>29</sup> Regulation 49: Social Housing Relief, of CIL Regulations 2010 (as amended)

<sup>30</sup> Core Strategy DPD (2008) Policy CS17: Affordable Housing

<sup>31</sup> Executive decision: 29<sup>th</sup> March 2011

<sup>32</sup> Bracknell Forest Council Local Development Scheme 2014-17 (Adopted January 2014)

<sup>33</sup> <http://www.bracknell-forest.gov.uk/local-development-scheme.pdf>

affordable housing provision. The affordable housing to be sought should meet these stated intentions for addressing local housing need. The affordable housing should be delivered in line with the delivery model set out in the HCA Affordable Homes Programme Framework 2015-2018 (or its successor) with no reliance on Social Housing Grant for S106 sites.

#### Location

5.8.8 The affordable housing should be properly integrated into the overall development with no difference in external appearance compared to market housing. It should be in the form of a cluster(s) comprising 10–20 dwellings in each rather than peppercorn of individual dwellings.

#### Phasing

5.8.9 No residential element should commence until agreement has been reached between the developer and registered provider for affordable housing. There should be no occupation of the completed affordable housing until the registered provider has signed the council's Global Nomination Agreement in relation to household nomination in accordance with the council's approved allocation scheme.

#### Type and Size

5.8.10 The affordable housing should generally reflect the type and size of market housing. For example if all the market housing consists of houses the affordable housing should not be all flats. However, the affordable housing should reflect the percentages in the Types and Tenures tables in the Infrastructure & Mitigation Annex (Appendix 1). There are 3 tables to reflect different dwelling types from a range of proposals – flats and houses, flats only, houses only.

5.8.11 There should be a proportion (5-10% of the affordable total) of dwellings designed to allow full wheelchair access and mobility throughout the dwelling, in line with the Wheelchair Housing Design Guide (Habinteg, 2006 or later). These can relate to flats, houses or bungalows depending on the proposal and which meet the housing needs highlighted in the council's Special Needs Housing Register.

#### Standards of Construction

5.8.12 There should be sustainable standards of construction in accordance with the HCA's Design and Quality Standards and including the following criteria:

- Sustainability – at least Level 3 of the Code for Sustainable Homes
- Internal environment – minimum Housing Quality Indicator (HQI) scores for unit size, layout and noise
- External environment – must satisfy at least 12 out of 20 of the Building for Life criteria

#### Registered Providers

5.8.13 The price payable by the registered provider to the developer should be such as to permit the construction and transfer of the affordable housing and its provision without the need for HCA Social Housing Grant. The Registered Provider should be one of the council's preferred partners with an active interest in affordable housing within Bracknell Forest.

## **Background**

- 5.8.14 The NPPF<sup>34</sup> provides overarching guidance on affordable housing, stating that local authorities should deliver a wide choice of high quality homes to widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 5.8.15 Any claims that a site cannot be developed viably with an affordable housing contribution must be justified with clear and robust evidence which stands up to scrutiny and independent expert review. Any relaxation in the provision of affordable housing should be the minimum needed to make the scheme viable.

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<sup>34</sup> Paragraph 50 of the NPPF (2012)

## 5.9 Police Service

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5.9.1 New development in the Borough will create the need for increased policing and police infrastructure, resources and funding in order to maintain current levels whilst reducing crime and the fear of crime.

### CIL

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5.9.2 Police infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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5.9.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

### 5.9.4 Infrastructure mitigation

Development type		Mitigation Sought
Large-scale residential development	Net increase of 650 dwellings or more (for strategic site treatment ref. SALP policies SA4-SA9)	In-kind provision of on-site Police Point (pro-rata cost of bespoke facility) or a contribution towards off-site provision (inc. build, land and fit-out costs), subject to the s106 pooling restriction.

5.9.5 Through consultation with Thames Valley Police (TVP) in the development of the IDP, the Council is aware of the need for additional police points in the Borough to support planned growth. This is incorporated in SALP policies SA5, SA7, SA8 and SA9 which identified the requirement for new police points at the following community facilities:

- at TRL (policy SA5)
- at the enhanced community facility at Farley Wood (policy SA8)
- at Blue Mountain (policy SA7)
- at Warfield (policy SA9)

5.9.6 The Council will use planning obligations to secure the provision of police points, including build and fit-out as part of the community facilities being provided. Phasing and transferral arrangements will be the same as for Community Facilities.

## Background

- 5.9.7 The NPPF's core planning principles state that in plan-making, planning should "take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs"<sup>35</sup>.
- 5.9.8 The NPPF aims to deliver sustainable development where people would wish to live. Planning policies should aim to achieve places which promote "safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion".<sup>36</sup>
- 5.9.9 At a local level, in delivering sustainable development the Council's Core Strategy<sup>37</sup> requires development, which leads to an increased pressure on services, to contribute towards the delivery of additional provision needed to support growth.

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<sup>35</sup> Paragraph 17 of the NPPF (2012)

<sup>36</sup> Paragraph 69 of the NPPF (2012)

<sup>37</sup> Policy CS6: Limiting the Impact of Development, of the Core Strategy (2008)

## 5.10 Primary Health Care

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5.10.1 New development can place additional pressure on existing services and facilities. Depending on local circumstances there may be a need to seek a contribution for additional provision. The Council will consult the appropriate organisations with regard to the need for social and health care provision and, subject to justification; a financial contribution or in-kind provision could be sought from development. This would need to comply with the s106 pooling restriction in CIL Regulation 123.

### CIL

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5.10.2 Primary health care infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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5.10.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

#### 5.10.4 Infrastructure mitigation

Development Type		Mitigation Sought
Residential development including: <ul style="list-style-type: none"> <li>• New build</li> <li>• Redevelopment</li> <li>• Changes of use</li> <li>• Conversions</li> <li>• Mixed use schemes</li> </ul>	Net increase of 650 or more dwellings.	New health/social services facility  Provision for the construction and fitting out of a new health/social services facility
	Net increase of one or more dwellings	Depending on local facilities, a contribution may be sought towards providing, expanding or improving local health/social services facilities.

5.10.5 Where a development proposes a net increase of dwellings, on-site facilities could be required, or existing facilities may be expanded to increase capacity when practicable. Where it is appropriate, facilities can be provided in kind, whereby the developer provides the land and the fitting out of the facility.

- 5.10.6 The provision of health facilities will be negotiated individually to ensure sufficient health and social services facilities are provided to the required standard, and to a timetable agreed with the Council. Early discussions will be sought with developers, commissioners and health providers as part of an outline planning application to ensure the coordinated delivery of health services.
- 5.10.7 The majority of developments will not require a new facility; however a number of small developments are likely to have a cumulative impact on the capacity of existing health services. These contributions can then be pooled, subject to CIL Regulation 123(3) pooling restriction, and used to supplement existing health care services, in accordance with CIL Regulation 122.<sup>38</sup>
- 5.10.8 Financial contributions will be sought on a case by case basis, by considering the context of the site and the development proposal. The following criteria will be taken into account when seeking contributions:
1. The demand for services created by the development.
  2. Health service requirements when taking into account existing capacity.
  3. The cost of providing facilities.

## **Background**

- 5.10.9 Responsibility for commissioning new health facilities lies with Clinical Commissioning Groups (CCGs) and NHS England (NHSE). CCGs commission acute and community care; NHSE commissions primary care (GPs, Pharmacies, Dentistry and Optometry) and certain specialist services. In Bracknell Forest the CCG for the Borough is Bracknell and Ascot CCG, covering a population of approximately 135,000. NHSE commissions care for Bracknell Forest through the Thames Valley Area Team.

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<sup>38</sup> Regulation 122 of the CIL Regulations 2010 (as amended)

## 5.11 Open Space of Public Value

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5.11.1 Development will be required to contribute towards the improvement of existing or provision of new open space facilities. How this is achieved depends on the scale of development. The delivery of planned open space within a site needs to be secured and planning obligations will normally be used to secure its future maintenance and continuing availability. Open space on an alternative site and provided by others, may be funded by use planning obligations.

### CIL

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5.11.2 Open space infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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5.11.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

#### 5.11.4 Infrastructure mitigation

Development Type		Mitigation Sought
Residential or mixed-use	Sites over 2ha	In kind OSPV at 4.3ha / 1000 residents (and maintenance)  (average household size: 2.31 persons)  If more practical and of greater benefit; if by agreement with the Council, potential for off-site mitigation (towards providing, expanding, or improving local open space and/or recreational facilities) subject to the restriction on pooling of s106 contributions in Regulation 123(3).
	Sites between 1ha & 2ha, and mixed-use schemes with 30 or more dwellings	In kind OSPV of 30m <sup>2</sup> per dwelling (and maintenance)  Plus, potential for off-site mitigation (towards providing, expanding, or improving local open space and/or recreational facilities) subject to the restriction on pooling of s106 contributions in Regulation 123(3).



	Sites less than 1ha	Financial contribution towards providing, expanding, or improving local open space and/or recreational facilities.
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## Principles

5.11.5 Bracknell Forest's open space standard in the Local Plan is 4.3ha of open space of public value, per 1000 people. This is composed of:

- 2 ha / 1000 population – Active recreation (recreation grounds, sports pitches, tennis courts, multi-use games courts, children's play areas and allotments and improvements to access to these facilities)
- 2.3 ha / 1000 population – Passive recreation (woodland, country parks, natural and semi-natural open space, green corridors, biodiversity habitats for flora and fauna, recreational paths and trails and other access improvements)

## In-kind Open Space

5.11.6 On-site open space will normally be sought on development sites of more than 1ha in size. When designing the scheme, developers should be mindful of the Bracknell Forest Council open space standards. It is advisable to discuss with the Council at the earliest opportunity what the priorities for provision are. For example, currently there is high demand for sports pitches and allotments.

5.11.7 In providing for outdoor play and associated youth facilities, the Council will require larger, more adventurous provision across the age ranges; to include allowing for natural play e.g. use of landscape features and new play environments created using timber and other natural materials. The focus should be on accessibility, with emphasis placed on the provision of Local Equipped Areas for Play (LEAPs) and Neighbourhood Equipped Areas of Play (NEAPs); rather than numerous small Local Areas of Play (LAPs). Reference should be made to section 5 of the Bracknell Forest Parks and Open Spaces Strategy (2012).

5.11.8 If a developer is unable to provide sufficient open space in line with the relevant standards, the Council will require a financial contribution and / or in-kind provision of off-site open space improvements. Any financial contribution would be subject to the restriction on pooling of s106 contributions in Regulation 123(3).

## Off-site mitigation

5.11.9 For small scale developments (below 1ha) a financial contribution may be sought towards providing, expanding, or improving local open space and/or recreational facilities.

5.11.10 For medium-scale developments (1-2ha), an element of on-site in-kind open space will be required, and additionally where justified, the Council will require the development to make a contribution towards off-site provision by others.

5.11.11 Large-scale developments will be required to provide on-site in-kind open space in accordance with the open space standards. If, by agreement with the Council, a development does not provide sufficient on-site open space, consideration will be

given towards contributions towards and / or in-kind provision of, off-site open space.

- 5.11.12 In considering the requirement for off-site provision, the Council will take account of the quantity and quality of existing local facilities. The baseline audit is contained within the Council's PPG17 study (2006). The key principle is to sustain and raise quality standards (as defined within the Parks & Open Spaces Strategy 2012), alongside the provision of facilities that are of a sufficient size to meet the recreational demands of a growing residential population.
- 5.11.13 Contributions towards full open space of public value standards will not be required where contributions towards public realm will serve all or part of the OSPV function.

### **Sites in SALP**

- 5.11.14 SALP has allocated several major urban extensions (Policies SA4-SA9); some of which are under multiple ownership. In order to deliver strategic open space as part of the site's comprehensive development, developers will need to work in partnership and co-ordinate the delivery of open space to meet SALP policy requirements. The Council may seek to phase development across allocated sites in multiple ownership by planning obligation relating to the master plan for the development as a whole.

### **Maintenance**

- 5.11.15 The Council will consider accepting transfer of OSPV. In doing so, a commuted maintenance sum, covering a 20 year period will be required, based on:
- the character of land being transferred, e.g. woodland, meadow or sports pitches and the effect this has on annual maintenance costs;
  - current equivalent maintenance costs; and
  - an allowance for cost inflation.
- 5.11.16 Transferral of ownership and management responsibility will be subject to the open space being of an acceptable standard, to the Council's satisfaction.
- 5.11.17 An indication of maintenance sums is provided in the Infrastructure and Mitigation Annex (Appendix 1).
- 5.11.18 If alternative arrangements are proposed for managing the OSPV, then the Council will seek to secure, by planning obligation, satisfactory arrangements for long-term maintenance. The developer will need to ensure that the land remains as OSPV in perpetuity. This could be through a private management company, a Trust, or another arrangement which will meet the Council's objectives. The Council will need to be satisfied that the managing organisation has the necessary skills and funding.

### **Background**

- 5.11.19 The NPPF<sup>39</sup> states that planning policies should 'plan positively' to deliver social, recreational and cultural facilities that enhance the sustainability of communities.

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<sup>39</sup> Paragraph 70 of the NPPF (2012)

Para 73<sup>40</sup> specifically acknowledges the important contribution high quality open space and opportunities for sport and recreation can make to the health and well-being of communities, and that open space delivered should be reflective of local need.

- 5.11.20 Policies R4 and R5 of Bracknell Forest Council's Local Plan (2002)<sup>41</sup> set out the Borough's open space of public value (OSPV) standard that will be secured through conditions or planning obligations from new development to maintain the Borough's high environmental quality.
- 5.11.21 Bracknell Forest's Core Strategy policies CS6, CS7 and CS8 emphasise the Council's requirement for development to mitigate its impact on open space and that layout of open space should be an integral consideration in the design of high quality development.
- 5.11.22 In the allocation development sites, the SALP reflects OSPV policy in site-specific policies SA4 to SA9.

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<sup>40</sup> Paragraph 73 of the NPPF (2012)

<sup>41</sup> <https://my.bracknell-forest.gov.uk/gov3Apps/spae/proposals/ldp/text00.htm>

## 5.12 Thames Basin Heaths Special Protection Area Avoidance and Mitigation

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### 5.12.1 Evidence

- Thames Basin Heaths Special Protection Area Avoidance and Mitigation SPD (March 2012) (SPA SPD)
- Thames Basin Heaths SPA Technical Background Document to the Core Strategy DPD (June 2007) – Bracknell Forest Council
- Thames Basin Heaths Special Protection Area Delivery Framework (12 February 2009) – Thames Basin Heaths Joint Strategic Partnership Board

### Principles

- 5.12.2 The Thames Basin Heaths SPA was designated in March 2005. It is protected from adverse effects under European and national law<sup>42</sup>. The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler.
- 5.12.3 The two areas of the SPA that lie within Bracknell Forest are the Broadmoor to Bagshot Heaths SSSI and the Sandhurst to Owlsmoor Bogs and Heaths (also known as Wildmoor Heath) SSSI. A large proportion of the residential area of Bracknell Forest lies within 5km of the SPA.
- 5.12.4 In 2005 Natural England conducted research which indicated that the existing level of recreational pressure was having a detrimental effect on the three species of protected birds for which the SPA was designated. These ground-nesting birds which breed on the SPA are subject to disturbance from people and their pets using the SPA for recreational purposes and this affects their breeding success.
- 5.12.5 In order to comply with the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitats Regulations') and demonstrate that house-building is deliverable without giving rise to an adverse effect on the integrity of the SPA, in 2007 Bracknell Forest Council carried out an Appropriate Assessment of the Core Strategy DPD<sup>43</sup>. This identified potential effects on the SPA. The Avoidance and Mitigation Strategy<sup>44</sup> proposes measures which would ensure that those effects could be avoided and mitigated.

### Standards of provision

- 5.12.6 For residential developments which result in a net increase in the number of dwellings between 400m and 5km of the SPA the following is proposed to avoid and mitigate likely significant effect on the SPA:
- **The provision of Suitable Alternative Natural Greenspace (SANG)** to attract people away from the SPA and hence reduce pressure on it;
  - **A financial contribution towards Strategic Access Management and Monitoring (SAMM)** measures on, and monitoring of, the SPA to reduce the effect of people who visit the SPA;

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<sup>42</sup> The Conservation of Habitats and Species Regulations 2010 and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version).

<sup>43</sup> See Bracknell Forest Council Thames Basin Heaths SPA Technical Background Document to the Core Strategy DPD (July 2007).

<sup>44</sup> Thames Basin Heaths SPA Avoidance and Mitigation Supplementary Planning Document (SPD)

5.12.7 The standards of SPA avoidance and mitigation for different scales of residential developments are set out in the SPA SPD. There is a presumption against any net increase in residential development within 400m of the SPA. Residential developments of over 50 additional new homes located between 5 –7km from the SPA and non-residential developments will be assessed on a case by case basis. Avoidance and mitigation measures for residential institutions are also set out in the SPA SPD.

## **CIL**

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5.12.8 Thames Basin Heaths Special Protection Area avoidance and mitigation infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available at:  
<http://www.bracknell-forest.gov.uk/cil>

## **Section 106**

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5.12.9 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

## **Bespoke Solutions**

5.12.10 Bespoke SPA avoidance and mitigation solutions may be provided for certain developments with a net increase of 109 dwellings or more. This is a matter for discussion with the Council and Natural England to agree the detail of the mitigation and how it will be brought forward. Contributions towards the SAMM project will be required even where bespoke SANGs provision is proposed. It is advisable to discuss this with the Council at the earliest opportunity.

## **Securing SPA Mitigation**

5.12.11 The Council will secure SPA mitigation through two mechanisms:

- **Via the Community Infrastructure Levy (CIL)** - Section 216(1) provides that the CIL Regulations must require the authority that charges CIL to apply it or cause it be applied to funding infrastructure. BFC will therefore secure financial contributions through CIL for the *provision and enhancement* of land for SANG, other than in those instances (usually larger developments) where the Council requires the developer to dedicate one or more specific areas of land (either on or off-site) as bespoke SANG in order to secure compliance with the Habitat Regulations.
- **Via Legal Agreements** – made pursuant to section 106 of the Town and Country Planning Act 1990 or other enabling legislation both for SANG land provided 'in kind' and directly by larger developments which require a bespoke SANG solution and for maintenance of SANG land in perpetuity,

administration, education and facilitation costs for all relevant applications irrespective of their size.

- 5.12.12 The Infrastructure and Mitigation Annex (Appendix 1) shows how the Council intends to apply the avoidance and mitigation measures.

## **Background**

- 5.12.13 The NPPF (paragraph 14) states: “At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking”. However, paragraph 119 and footnote 9 state that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered planned or determined.
- 5.12.14 Retained Policy NRM6 (Thames Basin Heaths Special Protection Area) of the South East Plan is reflected in the Thames Basin Heaths SPA Delivery Framework and implementation of the Strategic Access Management and Monitoring (SAMM) Project.
- 5.12.15 At the local level, Policy EN3 of Bracknell Forest Borough Local Plan (2002)<sup>45</sup> sets out the approach the Council will take in order to protect European nature conservation sites.
- 5.12.16 Bracknell Forest’s Core Strategy Policy CS14 emphasises the Council’s requirement for development to mitigate its impact on the Thames Basin Heaths SPA. This is explained more fully in guidance, the Thames Basin Heaths SPA Avoidance and Mitigation Supplementary Planning Document (SPA SPD).
- 5.12.17 Core Strategy Policies CS4 and CS5 seek avoidance and mitigation measures from Amen Corner (south) and Warfield (land north of Whitegrove and Quelm Park). Further guidance on how this can be achieved is detailed in the Amen Corner and Warfield supplementary planning documents.
- 5.12.18 The Site Allocations Local Plan (SALP) reflects Thames Basin Heaths SPA policy in site-specific policies SA4 to SA9. Paragraphs 1.2.15 – 1.2.17 set out the conclusions of the Habitats Regulations Assessment (HRA) which formed part of the SALP evidence base.

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<sup>45</sup> <https://my.bracknell-forest.gov.uk/gov3Apps/spae/proposals/ldp/text00.htm>

## 5.13 Biodiversity

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5.13.1 Biodiversity is the variety of life that drives the functioning of the natural environment on which we all rely. This great diversity is a sensitive measure of the area's well-being and contributes to the character of the Borough.

### CIL

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5.13.2 Biodiversity infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available at:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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5.13.3 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

### 5.13.4 Infrastructure mitigation

Development Type	Mitigation Sought
<p>Any development that has a negative effect on biodiversity, water bodies and/or geological interests.</p> <p><i>(On the basis of an ecological or geological assessment)</i></p>	<p>In kind through the enhancement or creation of features and/or habitats on or off-site (including provision for on-going management and maintenance) to avoid and mitigate the effects of the development on biodiversity, water bodies and geological features;</p> <p>A contribution, by negotiation on a site-by-site basis towards measures (including provision for on-going management and maintenance) to avoid and mitigate the effects of the development on biodiversity, water bodies and geological features, subject to the restriction on pooling of s106 contributions in Regulation 123(3).</p>

### Background

5.13.5 The NPPF states that Local Plans should 'plan positively' for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure (Para 114). Specifically, Para 118 states that in the determination of planning applications, given the LPA's aim to conserve and

enhance biodiversity, adequate mitigation should be secured from development where harm to biodiversity cannot be avoided.

- 5.13.6 Bracknell Forest's Core Strategy policies CS1 and CS7 require development to protect and enhance biodiversity, whilst Policy CS6 requires development to mitigate adverse impacts on the environment through on-site and/or off-site measures.



## 5.14 Public Rights of Way

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- 5.14.1 Public Rights of Way (PRoW) are an integral part of a sustainable transport network in encouraging alternative modes of transport for short journeys. They should be duly considered in site layouts for interlinking services and settlements to help mitigate the affect of new development on the highway network and promote sustainable modes of transport.
- 5.14.2 The general principle should be to safeguard the existing path network and identify opportunities to create new strategic links. This includes protecting the rural character of the path network and avoiding paths being absorbed within estate roads.

### CIL

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- 5.14.3 PRoW infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available from:  
<http://www.bracknell-forest.gov.uk/cil>

### Section 106

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- 5.14.4 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.

### 5.14.5 Infrastructure mitigation

Development Type	Mitigation Sought
<p>Any development where there is an impact on Public Rights of Way, through:</p> <ul style="list-style-type: none"> <li>the obstruction of the route of an existing right of way, and/or</li> <li>occupiers of the new development making greater use of existing routes in the area.</li> </ul>	<p>Where a development would obstruct the route of an existing right of way, it may be possible to overcome the loss by providing an alternative route as long as it is of at least a similar quality to the existing route.</p> <p>Where development may lead to increased use of off-site routes, upgrades and enhancements may be required. It may also result in greater wear and tear and therefore the need for an enhanced maintenance regime. Any additional costs incurred as a result of the latter should be borne by the developer through a maintenance payment. Any necessary contributions will be determined on a case-by-case basis.</p>

### Background

- 5.14.6 The NPPF states that Local Plans should 'plan positively' for an area's development and infrastructure requirements (Para 157). Planning policies should protect and enhance public rights of way and access, and seek opportunities to provide better facilities for users, for example by adding links to the existing rights of way network (Para 75).
- 5.14.7 Bracknell Forest's Core Strategy policies CS6, CS7 and CS24 are supportive of the consideration and provision of PRow, as an important element in improving the permeability of development and connectivity to services. This would serve to encourage residents to use sustainable modes of transport, whilst enhancing the Borough's biodiversity-rich 'green links' and promoting high quality design in development.

## 5.15 Flood Management

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- 5.15.1 The Council has a duty to ensure that development does not lead to flood risk on or off-site.
- 5.15.2 Developments should accord with the requirements of the Flood and Water Management Act 2010 and principles set out in the Council's adopted Local Flood Risk Management Strategy<sup>46</sup>.
- 5.15.3 The Council has powers under the Land Drainage Act to deal with land drainage on developments.

### CIL

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- 5.15.4 Flood management infrastructure projects to be delivered wholly or in part by CIL are identified on the CIL Regulation 123 list, available at: <http://www.bracknell-forest.gov.uk/cil>

### Section 106

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- 5.15.5 Planning obligations will only be secured to enhance, improve or provide infrastructure in the Borough where projects are not included on the Regulation 123 List, and, in accordance with CIL Regulation 122, it can be shown that the in-kind provision of, or a financial contribution towards such a project is:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.

### 5.15.6 Infrastructure mitigation

Development Type	Mitigation Sought
All development types	<p>In-kind provision on-site and/or provision off-site for flood risk management measures, incorporating SuDS principles.</p> <p>Provision for the on-going maintenance of the flood risk measures will be required.</p> <p>On and off-site physical measures, transfer of land and on-going maintenance regime (including commuted sums, if responsibility is transferred to the Council) could be secured by s106.</p> <p>Conditions may be used to secure design provision and maintenance regime approval.</p>

<sup>46</sup> <http://www.bracknell-forest.gov.uk/local-flood-risk-management-strategy.pdf>

## **Background**

- 5.15.7 The NPPF states that Local Plans should adopt 'proactive strategies' to mitigate and adapt to climate change, taking full account of flood risk (Para 94). LPAs should ensure development does not increase flood risk elsewhere when determining planning applications (Para 103).
- 5.15.8 Managing the risk of flooding upon, and as a result of, a development is key to delivering the principles of sustainable development, which is supported by Policy CS1 of the Councils Core Strategy.

## Glossary

Term	Acronym	Definition
<b>Affordable Housing</b>		<p>Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.</p> <p>Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.</p> <p>Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).</p> <p>Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.</p> <p>Homes that do not meet the above definition of affordable housing, such as “low cost market” housing, may not be considered as affordable housing for planning purposes.</p>
<b>Community Infrastructure Levy</b>	<b>CIL</b>	A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.
<b>Development Plan</b>		This includes adopted Local Plans and Neighbourhood Plans, and is defined in section 38 of the Planning and Compulsory Purchase Act 2004. (Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government’s clear policy intention to revoke the Regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken.)
<b>Evidence Base</b>		Relevant up to date information to support a Local Plan, SPD, Neighbourhood Plan or CIL, which provides information on the economic, social and environmental characteristics and prospects for the area.
<b>Infrastructure Delivery Plan</b>	<b>IDP</b>	Identifies infrastructure needed to support planned development.
<b>Local Plan</b>		A plan for the future development of the local area, drawn up by the Local Planning Authority, in consultation with the Local Community.
<b>Local planning Authority</b>	<b>LPA</b>	The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning

		authority apply to the district council, London borough council, county council, Broads Authority, National Park Authority and the Greater London Authority, to the extent appropriate to their responsibilities.
<b>National Planning Policy Framework</b>	<b>NPPF</b>	The NPPF is a single document that sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development. The NPPF prioritises the role of planning in supporting economic growth.
<b>Open Space of Public Value</b>	<b>OSPV</b>	All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.
<b>Planning condition</b>		A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.
<b>Planning Obligations (section 106)</b>	<b>s106</b>	A legally enforceable obligation entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.
<b>Site Allocations Local Plan</b>	<b>SALP</b>	The document adopted by the Council in July 2013 which forms part of the development plan. It helps meet the strategic housing requirement and delivers the objectives of the Core Strategy by identifying sites for future housing development in the Borough and ensuring that appropriate infrastructure is identified alongside new development
<b>Strategic Environmental Assessment</b>	<b>SEA</b>	An internationally used term to describe high level environmental assessment as applied to policies, plans and programmes. SEA is a requirement of European law, and considers the impact of proposed plans and policies on the Environment. SEA is often undertaken in conjunction with a Sustainability Appraisal.
<b>Supplementary Planning Document</b>	<b>SPD</b>	Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design.  Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
<b>Sustainable transport modes</b>		Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra low emission vehicles, car sharing and public transport.
<b>Special Protection Area</b>	<b>SPA</b>	A nature conservation area comprising a group of heathland sites designated for its bird interest under a European Wildlife Directive (and subject to the assessment procedure set out in the Habitats Directive), in order to protect internationally important species of birds which live within them.
<b>Transport assessment</b>		A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures will need to be taken to deal with the anticipated transport impacts of the development.
<b>Transport statement</b>		A simplified version of a transport assessment where it is agreed the transport issues arising out of development proposals are limited and a full transport assessment is not required.
<b>Travel Plan</b>		A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives through action and is articulated in a document that is regularly reviewed.

## Appendix 1 - Infrastructure and Mitigation annex

This Annex supports the Planning Obligations Supplementary Planning Document (POSPD) by providing further details of the Council's requirements, and will be a material consideration in determining infrastructure and mitigation requirements. It will be subject to periodic review to keep information up-to-date and robust.

The following infrastructure elements are included:

1. **Transport** – Travel Plans
2. **Education** – Pupils yields, cost of school places
3. **Affordable Housing** - Types and tenures
4. **Open Space of Public Value** - Maintenance sums
5. **Thames Basin Heaths Special Protection Area Avoidance and Mitigation** – Contributions towards SAMM and strategic SANG and In-Perpetuity Maintenance Costs for Bespoke SANGs

### 1. Transport

#### Travel Plans - thresholds and contributions

- 1.1 In addition to the thresholds below, some developments – depending on size, type and location – may be required to implement specific Travel Plan measures, secured by a planning agreement. These could include, but not be limited to; shuttle bus provision, public transport taster tickets or incentives and car park management plans. These could also apply to developments likely to host special events.

Development Type	Threshold above which a Travel Plan may be sought	Travel Plan Fee	Travel Plan Deposit
<b>Food retail (A1)</b> Retail sale of food goods to the public – food superstores, supermarkets, convenience food stores.	>1000 m <sup>2</sup>	£4,000	£10,000
<b>Non-food retail (A1)</b> Retail sale of non-food goods to the public; but includes sandwich bars – sandwiches or other cold food purchased and consumed off the premises, internet cafés.	>1500 m <sup>2</sup>	£4,000	£10,000
<b>Financial services (A2)</b> Banks, building societies and bureaux de change, professional services (other than health or medical services) – estate agents and employment agencies, other services – betting shops, principally where services are provided to visiting members of the public.	>2500 m <sup>2</sup>	£4,000	£10,000

<b>Restaurants and cafés (A3)</b> Restaurants and cafés – use for the sale of food for consumption on the premises, excludes internet cafés (now A1).	>2500 m <sup>2</sup>	£3,000	£5,000
<b>Drinking Establishments (A4)</b> Use as a public house, wine-bar or other drinking establishment.	> 600 m <sup>2</sup>	£3,000	£5,000
<b>Hot food takeaway (A5)</b> Use for the sale of hot food for consumption on or off the premises.	>500 m <sup>2</sup>	£3,000	£5,000
<b>Business (B1)</b> (a) Offices other than in use within Class A2 (financial and professional services) (b) research and development – laboratories, studios (c) light industry.	>2500 m <sup>2</sup>	£4,000	£10,000
<b>General industrial (B2)</b> General industry (other than classified as in B1), The former ‘special industrial’ use classes, B3 – B7, are now all encompassed in the B2 use class.	>2000 m <sup>2</sup>	£3,000	£5,000
	>4000 m <sup>2</sup>	£4,000	£10,000
<b>Storage or distribution (B8)</b> Storage or distribution centres – wholesale warehouses, distribution centres and repositories.	> 5000 m <sup>2</sup>	£3,000	£5,000
<b>Hotels (C1)</b> Hotels, boarding houses and guest houses, development falls within this class if ‘no significant element of care is provided’.	>100 bedrooms	£3,000	£5,000
	>200 bedrooms	£4,000	£10,000
<b>Residential institutions (C2) - hospitals, nursing homes</b> Used for the provision of residential accommodation and care to people in need of care.	> 50 beds	£3,000	£5,000
<b>Dwelling houses (C3)</b> Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	> 100 dwellings	£4,000	£10,000
<b>Non residential Institutions (D1)</b> Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant’s or doctor’s house), museums, public libraries, art galleries, exhibition halls, non residential education and training centres, places of worship, religious instruction and church halls.	>1000 m <sup>2</sup>	£3,000	£5,000
	Will depend on the size and location of the development	Will depend on the size and location of the development	Will depend on the size and location of the development



<p><b>Assembly and leisure (D2)</b> Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. Other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.</p>	<p>Will depend on the size and location of the development</p>	<p>Will depend on the size and location of the development</p>	<p>Will depend on the size and location of the development</p>
<p><b>New and Existing schools, further and higher education colleges (including Academies and Free Schools)</b></p>	<p>All</p>	<p>Nil</p>	<p>Nil</p>
<p><b>Others</b> For example: stadium, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, taxi businesses, car/vehicle hire businesses and the selling and displaying of motor vehicles, nightclubs, theatres, hostels, builders' yards, garden centres, Post Offices, travel and ticket agencies, hairdressers, funeral directors, hire shops, dry cleaners.</p>	<p>Will depend on the size and location of the development</p>	<p>Will depend on the size and location of the development</p>	<p>Will depend on the size and location of the development</p>

## 2. Education

### 2.1 Pupil Yield – based on dwelling size

Element	No. of Bedrooms per unit ( <i>Net additional</i> )				
	1	2	3	4	5+
Nursery	0.07	0.40	0.53	0.45	0.57
Primary	0.00	0.15	0.58	0.43	0.62
Secondary	0.00	0.05	0.17	0.35	0.43
SEN	0.00	0.00	0.01	0.01	0.02
Post-16	0.00	0.02	0.08	0.17	0.21

Source: Bracknell Forest Council Pupil Yield Survey (July 2013)

### 2.2 Cost of school places

Element	Cost per pupil place
Nursery	£18,654
Primary	£18,810
Secondary	£21,136
SEN	£32,440
Post-16	£21,495

2.3 *It should be noted that if the cost of a specific project has been specifically estimated and a contribution is sought towards it, the most up to date cost estimate will be used in place of costs provided in this Annex.*

2.4 **Formula** - for calculating a s106 financial contribution towards the provision of new school places. Formulas should be applied to each educational element where a contribution is sought.

#### **Financial Contribution formulae**

##### **Nursery, Primary & Secondary**

Total pupil yield (*net of SEN*)

x Cost per pupil place

= s106 £ contribution

##### **SEN**

((Total Net Primary and Secondary pupil yield) x 0.0156)

x Cost per pupil place

= s106 £ contribution

**Post-16**

(Total Net Secondary pupil yield x 48%)

x Cost per pupil place

= £106 contribution

*In all cases, depending on the project, an additional land contribution could be sought*

### 3. Affordable Housing

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#### Types and Tenures

##### 3.1 All Dwelling Types

	1-bed flat	2-bed flat (4 person)	2-bed house (4 person)	3-bed house (5 person)	4-bed house (6 person)	
* Affordable Rent	20%	10%	20%	15%	5%	70% of the affordable
Intermediate Housing	10%	10%	5%	5%	0	30% of the affordable
Total	30%	20%	25%	20%	5%	100% (25% of total dwellings)

##### 3.2 Flats Only

	1-bed flat	2-bed flat (4 person)	
* Affordable Rent	45%	25%	70% of the affordable
Intermediate Housing	15%	15%	30% of the affordable
Total	60%	40%	100% (25% of total dwellings)

##### 3.3 Houses Only

	2-bed house (4 person)	3-bed house (5 person)	4-bed house (6 person)	
* Affordable Rent	30%	30%	10%	70% of the affordable
Intermediate Housing	15%	15%	0	30% of the affordable
Total	45%	45%	10%	100% (25% of total dwellings)

\* Including target rent as necessary

#### 4. Open Space of Public Value

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##### Maintenance sums

- 4.1 If responsibility for maintaining Open Space of Public Value is transferred to the Council, a commuted maintenance sum will be sought. The sum is dependent on the nature, or typology, of open space transferred. The following provides an indication of sums:

OSPV		Maintenance sum per hectare
Informal, passive, semi-natural landscapes		£38,062
Formal, designed parks and gardens		£87,209
Sport provision including courts, pitches, fitness trails		£114,440
OSPV consisting of a combination of active and passive / formal and informal		£60,004
Allotments		£0
Children's Play Areas *	LAP	£70,000
	LEAP	£100,000
	NEAP	£150,000

\* Total maintenance sum. Per play area as opposed to a per hectare formula.

## **5. Thames Basin Heaths Special Protection Area Avoidance and Mitigation**

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### **Strategic Access Management and Monitoring (SAMM)**

- 5.1 Contribution towards the SAMM project for development sites of a net increase in residential dwellings located between 400m and 5km of the SPA. See the SPA SPD for the up to date level of contributions. These costs are secured by s106 Agreement.

### **Strategic Suitable Alternative Natural Greenspace (SANG)**

- 5.2 Contributions towards strategic SANG for development sites of 108 or fewer dwellings within 5km of the SPA that do not provide a bespoke solution. See the Table 1 in the SPA SPD for the up to date level of contributions.
- 5.3 This comprises:
- Enhancement works
  - Annual maintenance in perpetuity
  - Admin and education
  - Facilitation
- 5.4 Enhancement works (9.5% of the total SANG contribution as set out in Table 1 of the SPA SPD) are provided through CIL with the residual 90.5% of the SANG costs being secured by s106 Agreement.

### **Method of Calculation of In-perpetuity Maintenance Costs for Bespoke SANGs**

- 5.5 These calculations assume ownership is transferred to BFC and the land is managed by BFC in perpetuity. There may be alternative ownership and in-perpetuity maintenance solutions.
- **Enhancement of Land to SANG Standard** - The estimated in-perpetuity figures below assume that the appropriate amount of land has been enhanced to SANG standard in accordance with a SANGs Management Plan which has been agreed with Bracknell Forest Council (BFC) and Natural England (NE) and in line with the Habitats Regulations. It is also assumed that the SANG will be transferred to BFC.

In enhancing the land to SANGs standard, the capital works and initial maintenance should be undertaken by suitable countryside or landscape contractors, tree surgeons, and specialist interpretation and signage companies. Following practical completion of the works, the site should be maintained by the landowner / developer for a period to be agreed by the Council, so that new planting can be established and any remedial works carried out. BFC would have a monitoring role only during this period.

Following the maintenance period, the ownership of the site would be transferred to BFC who would take over its management and maintenance at this point and this would be the start of a defects liability period (duration to be confirmed).

- **Assumptions** - Figures based on 2010/11 provide a base line maintenance rate of £1,490 per hectare per annum, and an additional SANGs enhancement maintenance cost (extra cost of managing the sites to SANGs

standard) of £979 per hectare per annum, in accordance with the SPA SPD. This can be viewed at <http://www.bracknell-forest.gov.uk/thames-basin-heaths-spa-avoidance-and-mitigation-spd.pdf>. Figures may be updated to reflect current costs.

The baseline costs are currently applied for a 20 year period as this is the period which applies to open space contributions as set out in chapter 5.11 of this document. SANGs annual maintenance costs are applied for a 125 year period as SANGs must be provided in-perpetuity and this is defined as 125 years in the TBHSPA SPD, in line with the Perpetuities and Accumulations Act (2009).

In accordance with the TBHSPA SPD, a facilitation cost (35%) is applied for the use of Council land (see SPA SPD).

- **Estimated In Perpetuity Maintenance Costs** - The total estimated in perpetuity maintenance costs and facilitation costs (where relevant) are calculated as follows:

Minimum SANG requirement = no. of dwellings x 2.31 persons per dwelling = V persons  
W persons / 1,000 x 8 = Y ha **SANG**

Baseline maintenance = £1,490 x X ha = £xxx for 20 years  
+ SANGs maintenance = £979 x Y ha = £xxx for 124 years<sup>47</sup>

= **£Z** which allows for estimated interest rates and inflation to be applied over the period

A 35% facilitation cost is applied to the final figure for the use of Council land.

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<sup>47</sup> 125 year 'in perpetuity' period minus the first year in which capital works and initial maintenance is carried out.

Source of SPA Mitigation for Residential Development Post-CIL (See also Table 1 in the SPA SPD)

	<b>SANG contributions</b> <sup>48,49</sup>				<b>SAMM contributions</b> <sup>48,49</sup>
<b>Net increase in dwellings within 400m of SPA</b>	Presumption against net increase in development				N/A
<b>Net increase in residential dwellings (of less than 109 dwellings) located between 400m and 5km of the SPA</b>	CIL - enhancement of land to SANGs standard (9.5% of total SANG contribution)	S106 – in-perpetuity maintenance	S106 - admin and education	S106 - facilitation	S106
<b>Large residential developments located between 400m – 5km of the SPA (net increase of 109 dwellings or more located in/close to Bracknell Town Centre)</b>	CIL - enhancement of land to SANGs standard (9.5% of total SANG contribution)	S106 – in-perpetuity maintenance	S106 - admin and education	S106 - facilitation	S106
<b>Large residential developments located between 400m – 5km of the SPA (net increase of 109 dwellings or more and not located in/close to Bracknell Town Centre)</b>	In kind contribution secured through s106	S106 – in-perpetuity maintenance and possible facilitation costs for use of Council land (amount tbc) <sup>50</sup>			S106
<b>Net increase of 51 – 108 residential dwellings (inclusive) located between 5-7km of the SPA</b> <sup>51</sup>	CIL - enhancement of land to SANGs standard (9.5% of total SANG contribution which would be applied to such developments 400m – 5km of SPA)	S106 – in-perpetuity maintenance (amount tbc by HRA)	S106 - admin and education (amount tbc by HRA)	S106 – facilitation (amount tbc by HRA)	S106 (amount tbc by HRA)

<sup>48</sup> SANG and SAMM contributions are applied per dwelling and are based on number of bedrooms. See Thames Basin Heaths SPA SPD Table 1.

<sup>49</sup> SANG and SAMM should ordinarily be applied unless it can be demonstrated that, through any other package of avoidance and mitigation measures put forward, the development will lead to no significant adverse effect on the integrity of the SPA in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended). In accordance with this legislation, the authority must adopt a precautionary approach and any avoidance and mitigation measures must be agreed in advance with the Council and Natural England.

<sup>50</sup> See above for calculation of these costs.

<sup>51</sup> Subject to Habitats Regulations Assessment in order to establish likely significant effect on the SPA. May be required to provide appropriate mitigation. Considered on a case by case basis in agreement with Natural England.



	<b>SANG contributions</b> <sup>48,49</sup>		<b>SAMM contributions</b> <sup>48,49</sup>
<b>Net increase of 109 or more residential dwellings located between 5-7km of the SPA<sup>8</sup></b>	In kind contribution secured through s106	S106 – in-perpetuity maintenance and possible facilitation costs for use of Council land (amount tbc by HRA)	S106(amount tbc by HRA)