

Statement of Consultation Regulation 18 (4)(b) Thames Basin Heaths Special Protection Area (SPA) Supplementary Planning Document Consultation Draft (January 2018)

1. Background

The Council is required to prepare Supplementary Plan Documents in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 ('the Regulations'). This Statement explains how the Council has met the requirements of Regulation 18(4)(b) in the preparation of the Thames Basin Heaths SPA Supplementary Planning Document (SPASPD).

Bracknell Forest Council produced a draft Supplementary Planning Document (SPD) called the Thames Basin Heaths SPA Supplementary Planning Document (SPASPD) consultation Draft (January 2018). It was published for public consultation commencing on 8 January 2018 until 19 February 2018. Regulations 18(4) (a) and (b) of the Town and County Planning (Local Development) (England) Regulations 2004 require the local planning authority to:

- (a) have considered any representations; and
- (b) have prepared a statement setting out:
 - (i) a summary of the main issues raised; and
 - (ii) how these main issues have been addressed in the SPD to be adopted.

This Statement of Consultation summarises the consultations undertaken during the production of the SPASPD.

2. Consultation and Partnership Working

Consultation

Consultation on the draft SPASPD took place between 8 January 2018 and 19 February 2018. Details of the consultation were sent to key stakeholders including: Parish Councils, other local authorities, developers, housing associations, local environmental groups and government agencies. The draft document was also made available on the Council's website, in local libraries and Council reception areas and the consultation was published on 10th January 2018 in the Bracknell News paper which is available to all households in the Borough.

A total of 63 consultation responses were received from 16 respondents in connection with the SPD. These were subsequently collated and, where appropriate, changes were made to the SPD. Table 1 summarises the main issues raised during the consultation and how these issues were addressed in the SPD.

The Council also produced and consulted upon a Strategic Environmental Assessment (SEA) screening determination (November 2017) with the following statutory bodies:

- Natural England
- Environment Agency
- Historic England

The results of the consultation on the Strategic Environmental Assessment (SEA) screening determination and how the comments have been taken into account are provided on the Council's website at <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/supplementary-planning-documents-spds/thames-basin-heaths-spa-public-consultation> (reference: SPA1).

Partnership Working

In the preparation of the SPD, the Council has worked in partnership with a range of key and statutory organisations on SPA related issues, as follows:

- Bracknell Forest Council officers
- Officers from other authorities affected by the Thames Basin Heaths Special Protection Area
- Natural England, the Royal Society for the Protection of Birds SPB and the Berks, Bucks, Oxon Wildlife Trust (BBOWT)
- Land owners such as the Ministry of Defence and the Crown Estate

The formal arrangement for this partnership working has been facilitated under the Thames Basin Heaths Joint Strategic Partnership Board.

The preparation of the SPD has taken account of a number of factors such as the South East Plan and a strategic dialogue facilitated through the Joint Strategic Planning Board with the organisations listed above. Many of the above organisations have responded to consultations on the SPD.

Appendix 1 - Consultation Responses

Ref	Consultee	Location	Summary of comments made	Council response / changes to SPD
1	Morgan	Appendix 1	The SSSI "Swinley Forest / Brick Pits" (within the 5km "Zone of Influence") should be included and identified on the map in Appendix 1 or text added to explain why it is not necessary to include this particular SSSI on the map.	This issue is explained in paragraph 1.1.3, the Thames Basin Heaths Special Protection Area consists of 13 Sites of Special Scientific Interest (SSSIs) scattered across Hampshire, Berkshire and Surrey. The Swinley Forest / Brick Pits SSSI is not part of the Special Protection Area designation. This is why it is not shown on the map in Appendix 1. The 400m - 5km zone of influence does not refer to the location of the SSSIs making up the SPA. It refers to the area in which avoidance and mitigation measures should be applied. There are other SSSIs in the Borough which are not part of the SPA designation. No further explanation is required in the SPD. No changes required.
2	The Office of Rail and Road (ORR)	N/A	No comments to make	Noted with thanks
3	Runnymede Borough Council	Table 1	Table 1 of the document does not appear to include any requirements for student accommodation. It is assumed that this is because the Bracknell Forest district does not have a significant student population.	Agreed. The SPD does not include requirements for student accommodation as Bracknell Forest borough does not have a significant student population. No changes required.
			It is welcomed that reference is made to in-combination effects on the TBH SPA caused by nitrogen deposition as identified by the HRA. It is assumed that the HRA undertaken in relation to the draft Local Plan (referenced at 2.2.1) takes account of the conclusions of the Wealden judgment in so far as necessary.	Noted with thanks. The final Local Plan HRA will take account of the air quality impacts on key designations in-combination and taking account of the Wealden judgment.
4	Environment Agency	N/A	No comments to make	Noted with thanks.
5	Rushmoor Borough Council	Whole Document	Support for the principle in the SPD including commitment to joint working.	Noted with thanks.
			Rushmoor Borough is constrained with limited opportunities for the creation of new Suitable Alternative Natural Greenspace. It would therefore like to offer its support for the	Noted and the Council will continue dialogue with Rushmoor over cross-boundary working opportunities.

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			draft SPD, noting that, subject to agreement, the cross boundary use of SANG capacity according to relevant catchment criteria would not be precluded by the adoption of the approach set out in the document.	
6	Crowthorne Parish Council	Figures 23 and 24	Rename South Bracknell SANG as Buckler Park SANG.	Agreed, amend figures 23 and 24 (renumbered figures 26 and 27) to replace “ <i>South Bracknell</i> ” with <u>Buckler Park</u> and amend reference to South Bracknell SANG throughout the document.
7	West London Mental Health Trust	Paragraph 1.1.2	The correct citation to be referred to is The Conservation of Habitats and Species Regulations 2017 and this should be updated throughout the SPD. References to the individual Regulations cited elsewhere in the Draft SPD text e.g. at Paragraph 2.1.6 should also be checked and updated in accordance with the 2017 Regulations.	Agreed. Replace all references which read as “ <i>The Conservation of Habitats and Species Regulations 2010 as amended</i> ” to <u>The Conservation of Habitats and Species Regulations 2017</u> and the individual Regulations throughout the document where necessary.
	West London Mental Health Trust	Table 2 Page 5	The text under the Site Allocations Local Plan section excludes any reference to the South East Plan retained Policy NRM6 which forms part of the approved Development Plan. This reference should be included as a policy reference in the Site Allocations Local Plan Policy section.	The purpose of Table 2 is to set out the Spatial Policy Framework. Policy NRM6 is included. In determining planning applications the whole policy framework is a material consideration including for each site allocated in the Site Allocations Local Plan (SALP). Therefore, there is no need to amend the table. No changes required.
		Table 3 Page 6	The development of the strategic approach to mitigation has been informed by a number of publications that have been the subject of rigorous testing in the courts and public inquiries. All should be included in the tables. It would be useful to show the hierarchy of law.	Table 2 includes policy documents; Table 3 includes guidance; and the legal requirements are referenced in section 2.1 of the SPD. It is not considered necessary to include a further regulatory table. No changes required.
		Table 4 Page 6	The Draft Local Plan is subject to a separate consultation exercise which extends beyond the timeframe of the SPA SPD. The SPD may however, need to be reviewed in the context of relevant Local Plan consultation so suggest aligning the consultation process more directly	The Local Plan consultation will finish before the adoption of the SPASPD so there is an opportunity to make necessary changes if relevant. If there are significant changes in the future then the SPASPD will have to be reviewed and until then policy, regulation changes will take precedence. No changes required.
			The inclusion of emerging policies in Table 4 is premature and should be deleted.	Table 4 is for information only and will be subject to change. A caveat will be added which reads as <u>Table 4 is for information only and is correct at the time of the adoption of this SPD. It should be noted that</u>

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				<u>this will be subject to change and any updated polices will replace some of those in Table 2 above.</u>
	West London Mental Health Trust	Paragraph 1.4.4	It is essential that the SPD is consistent policies (e.g. NPPF and NRM6) at the time the SPD is adopted.	This is agreed and the adopted SPD will be consistent with polices, guidance and regulation.
	West London Mental Health Trust	Paragraph 1.5.2	The JSPB Delivery Framework (2009) paragraph 4.5 refers to the ability of LPAs to modify the extent of the 400m buffer zone in 'exceptional circumstances' to take into account physical obstructions. This wording should be reflected in the SPD.	There are no physical obstructions in Bracknell Forest that warrant a change in wording. Such obstructions would prevent cats accessing the SANG such as a motorway. A developer or land owner is welcome to prove otherwise through a full appropriate assessment relating to a particular scheme and the Council will consider this as due process in consultation with Natural England. No changes required.
		Section 3.3 / paragraph 3.3.1	The JSPB Delivery Framework also recommends a flexible approach to smaller developments i.e. schemes of less than 10 dwellings may not have a significant impact on the SPA (Page 6, Footnote 8). The SPD should be revised to reflect a more flexible approach to schemes of less than 10 dwellings. Given the 'cross border' implications it is essential that any SPD must be consistent with the publications set out by the Joint Strategic Partnership Board (i.e. the Thames Basis Heaths Delivery Framework).	The Council does apply flexibility for schemes under 10 dwellings in that they can, and are quite often, allocated to a SANG even though it is outside the SANG catchment (in accordance with South East Plan policy NRM6). This is set out in paragraph 3.4.5. The Council also has a legal arrangement with Surrey Heath Borough Council where SANG capacity at Shepherds Meadow SANG is used by Surrey Heath developments. The Council in principle will consider allowing developments in other boroughs to use its SANG capacity subject to detail and availability and the need to safeguard an appropriate amount of SANG for its own development sites over an appropriate plan period. Paragraph 1.5 confirms the Council's intentions to continue working jointly with other SPA affected local authorities at the sub-regional level. No changes required.
	West London Mental Health Trust	Paragraph 2.1.1	Change reference to the Conservation of Habitats and Species Regulations 2017.	Agreed. Paragraph 2.1.1 will be amended to <u>The Conservation of Habitats and Species Regulations 2017.</u>
	West London Mental Health Trust	Paragraph 3.1.2	The proposed distance threshold of 5 – 7 km for large developments is not consistent with the TBH SPA Delivery Framework or Policy NRM6. Applications for large-scale	Table 1 (page 1) states that residential developments of more than 50 dwellings located between 5 - 7km of the SPA may be required to provide appropriate

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			developments beyond the zone of influence, assessed on their own merits and on a case by case basis.	mitigation and will be considered on a case by case basis. The SPD seeks to show what the likely mitigation measures will be in order to give developers more clarity. Paragraph 3.1.2 will be amended as follows: <i>“Any net increase in residential dwellings within 5km of the SPA and large developments within 5-7km of the SPA (with a net increase in dwellings of more than 50) are is likely to have a significant adverse effect on the SPA either alone or in combination with other plans or projects. Consequently, every proposal for net additional dwellings must make provision to avoid and mitigate the effect. Large developments within 5-7km of the SPA (with a net increase in dwellings of more than 50) may be required to provide appropriate mitigation. This will be considered on a case by case basis in agreement with NE. The level of SANG mitigation is likely to be at least 2ha / 1,000 new population. The SANG contribution is likely to be equal to the monitoring contribution for the SANG project (an average of £190 per dwelling). If developments secure and provide necessary avoidance and mitigation measures at the time of grant of planning permission as set out in this draft SPA SPD they can avoid the effects of the development proposal and a project-level Appropriate Assessment is not required.”</i>
	West London Mental Health Trust	Table 6 Page 12	Clear justification is required for Zone C or it should be omitted.	Showing Zone C in Table 6 and on the map in Figure 1(a zone of influence 5 – 7km from the SPA) seeks to give developers more clarity. This reflects Footnote 6 of the Thames Basin Heaths SPA Delivery Framework which states that <i>‘between 5 and 7km from the edge of the SPA residential developments of over 50 houses should be assessed and may be required to provide appropriate mitigation. It is recommended that such cases be considered on a case by case basis’</i> . No changes required.

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	West London Mental Health Trust	Paragraph 3.2.4	Para 3.2.4 should refer to 400m – 5km in accordance with TBH SPA Delivery Framework or Policy NRM6. Clear justification for the proposal to extend the zone of influence beyond 5km should be provided or this zone and references to it within the SPD should be deleted.	It is agreed that this needs clarification. Paragraph 3.2.4 will be amended as follows: “From 400m – <u>5.7km</u> of the SPA (Zones B and C) development can be permitted and avoidance and mitigation measures should be applied. The majority of new housing development in Bracknell Forest up to 2034 will be located within Zone B. (between 400m and 5km of the SPA). ” A new paragraph 3.2.5 will be added as follows: <u>Applications for residential development in Zone C will be assessed on a case by case basis, in agreement with Natural England.</u>
	West London Mental Health Trust	Paragraph 3.3.6	States a care home within 400m of the SPA may or may not result in a likely significant effect on the integrity of the SPA including comments on resident mobility and behaviours that cannot be established, assumed nor implemented. The 2012 SPA SPD rightly confirms in paragraph 3.6.2 that “These developments will be dealt with on a case by case basis at the planning application stage, in agreement with Natural England. Revert to the 2012 wording.	Paragraph 3.6.2 of the 2012 SPD is still relevant and the fact that ‘these developments will be considered on a case by case basis at the planning application stage, in agreement with Natural England’ is reflected in Table 1 of this document. Paragraph 3.3.6 seeks to provide more clarity to developers. Paragraph 3.3.6 will be amended to add <u>‘these developments will be considered on a case by case basis at the planning application stage, in agreement with Natural England’.</u>
	West London Mental Health Trust	Table 7 Page 16	Comments that any net additional dwellings cannot mitigate their adverse effects so planning permission must not be granted is incorrect and not consistent with the Policy context and requirements of the SALP or Policy NRM6. Nor does this statement reflect the requirements of the Habitats Directive nor the Habitats Regulations 2017. Both these policies recognise that developments within 400m of the SPA will be assessed on their own merits and exceptional circumstances may apply where mitigation is capable of protecting the integrity of the SPA. The wording should be amended to reflect this.	Agreed. The comments in the last column of Table 7 for Zone of Influence A will be deleted as follows: Net additional residential dwellings cannot mitigate their adverse effect on the integrity of the SPA so planning permission must not be granted. and replaced with wording from part of paragraph 3.2.2 as follows: <u>‘There is a presumption against any net increase in residential development within this zone. A Habitats Regulations Assessment will be needed, and agreed with Natural England, to demonstrate that any development within this zone will not have an adverse effect on the SPA and/or the acceptability of any avoidance and mitigation</u>

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			It is not clear what the basis is for comments that some development schemes require SANGs to be significantly in excess of 8 hectares per 1000 persons. The wording undermines other guidance and the policy requirement for SANG provision. Natural England guidelines on SANGs set out a standard of at least 8ha per 1000 people. Policy NRM6 states that this level should be a minimum and was established as applications with the confidence that the SANG requirements are known and clearly defined on the basis of the relevant policy requirements. The reference to developments “close to” the SPA should be deleted as the application of this is impractical and the SPA policy framework provides no justification for the Council to impose a different threshold and standard across the 400m -5km zone.	<p>measures provided.</p> <p>The Council is not seeking SANG provision in excess of that specified in the South East Plan. South East Plan Policy NRM6 paragraph (iv) states that ‘a minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.’ This is therefore a <i>minimum</i> standard.</p> <p>The intention of the text is not to set new policy standards but to clarify the existing situation. The reference refers to actual housing allocations which Natural England required the text ‘<i>significantly in excess of 8 hectares...</i>’ to be included. The sites are Site Allocations Local Plan (SALP) policies SA4 - Land at Broadmoor and SA5 – Land at Transport Research Laboratory.</p> <p>However, as the 8ha / 1,000 persons is a minimum standard the Council has concluded that the discussion over the minimum SANG requirement is unnecessary. The following wording in paragraph 3.6.3 will be deleted: ‘<i>For example, given their respective locations adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons</i>’. and replaced with-‘These applications will be dealt with on a case by case basis in agreement with Natural England’.</p>
	West London Mental Health Trust	Paragraph 3.6.3	References to land at Broadmoor are addressed by Policy SA4 of the SALP. This specific reference to land at Broadmoor should be deleted from the SDP being beyond the scope and purpose of the SPD.	See above.
	West London Mental Health	Paragraph 3.6.4	The reference to a minimum SANG area of 10ha being required in order to provide a 2.3km circular walk is over	The reference to an approximate minimum SANG size seeks to provide clarity to developers. However it is

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	Trust		prescriptive and not based on evidence. It also conflicts with paragraph 3.6.5 that bespoke SANGs will be considered on a case by case basis. We agree that the characteristics of each individual site needs to be taken into account and provided a 2.3km walk can be incorporated together with other SANG requirements it is possible to deliver this in less than 10 hectares and schemes have been approved on less land. The second part of sentence 1 with reference to a minimum area should be deleted.	accepted that this will be considered on a case by case basis as stated in 3.6.5. The second half of the first sentence in 3.6.4 will be deleted as follows: ' which effectively means a minimum area of approximately 10 hectares depending on the nature of the site '.
	West London Mental Health Trust	Table 8 Page 19	The comments in relation to the Broadmoor SANG should be updated to reflect planning permission has now been granted.	Agreed. In Table 8 (against Broadmoor SANG), the following sentence will be deleted ' Planning Permission granted subject to s106 agreement ' and replaced with ' Planning Permission granted '.
	West London Mental Health Trust	Table 9 and Table 10 Page 27 and 28	The SANG contributions represent a significant increase over and above the rates set out in the 2012 SPD. The increased costs will present greater difficulties in bringing sites forward and may affect scheme viability and the ability to deliver new homes. It is also unclear how the 'facilitation sum' has been weighted between affordable and market housing. Further clarification and justification should be provided.	The previous SANG contributions (set out in the 2012 SPD) were based on 2010/11 costs. The new contributions have been updated to reflect current costs. The Council explored various methods to calculate costs including a significant increase in maintenance. However it became clear that increasing the facilitation sum provided more flexibility to be used to support further strategy work, purchase of land and staff costs associated with maintenance. The sum is also a property matter and the Council can use an element of this amount to support other work if necessary. Further clarification is required however. Amend the forth bullet in paragraph 4.2.6 to read as: <i>D. Facilitation – This amount does not comprise infrastructure but will be used to operate and review the strategy, to pay Planning and Parks and countryside staff time on SPA matters and for the right to use Council SANG capacity.</i>
	West London Mental Health Trust	Paragraph 4.3.1	The approach to commuted sum payments for SANG transferred to the Council does not calculate to a round number of years based on the rates proposed. Further	Agreed. The second from last sentence in paragraph 4.3.1 will be amended to read as This works out at approximately £65,477 per hectare which allows for

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			clarification and justification for the rates should be provided.	<u>estimated interest rates and inflation to be applied over the in perpetuity period of 125 years.</u>
	West London Mental Health Trust	Figure 1 Page 33	Reference to English Nature should be updated to Natural England or clarified by a footnote.	Agreed. A footnote will be added as follows: <u>Note that English Nature is now known as Natural England.</u>
	West London Mental Health Trust	Table 19 Appendix 4, Page 41	The capacity of land at Broadmoor should be amended to reflect the recent planning permission at Cricket Field Grove and the SANG capacity should be assessed on the same basis required by for development at Cricket Field Grove at 12.4ha/1000 population. The SANG capacity is 279 dwellings of which the Cricket Field Grove development takes 130 dwellings worth leaving a residual capacity of approximately 149 dwellings. The status column against the Broadmoor entry should also be updated as planning permission has now been granted.	Table note 1 (page 43) makes it clear that the figures are based on 8ha/1,000 population and that some sites may require a higher level of mitigation than this. The figures in the third and fourth columns are minimum mitigation capacities for the whole SANG. Some of this SANG capacity may have already been used and residual SANG capacities change on a regular basis. A second table note will be added to Table 19 as follows: <u>The figures show minimum mitigation capacities for the whole SANG. Some of this capacity may have already been used up and residual SANG capacity figures change regularly.</u> In the last column of Table 19 for Broadmoor the following sentence will be deleted " <i>Planning Permission granted subject to s106 agreement</i> " and replaced with ' <u>Planning Permission granted</u> '.
8	Crowthorne Village Action Group (CVAG)	2.21 and 3.10.1	BFBC may not have been adhering to their previous plans. CVAG has already recently raised severe misgivings about the Council's implementation of the Air Quality Plan. As well as the bad effect of poor air quality on the SPA, CVAG has concerns about its bad effect on our village residents. The SPD has only one very, short reference to air quality (2.2.1) plus a small qualification (3.10.1), which puts a vague commitment on "some developments". Crowthorne High street has an air quality issue with Nox levels approximately 25% above the statutory limit and is an air quality management area (AQMA). It should be noted that parts of the SPA overlap with parts of the Crowthorne AQMA. There are currently no air quality monitors along the SPA	The SPD is focused on the air quality effects on ecology and not human health as in the Air Quality Plan and AQMA's. Therefore human health issues relating to air quality impacts on Crowthorne High street are considerations in other strategies and actions in the Council. These comments have been passed to the relevant people within the Council to respond to you separately. Regarding the effect of air quality upon the SPA, Table 5 describes the potential adverse effects. Paragraph 3.10.1 sets out the next steps in the assessment of air quality effects on the SPA as a result of a potential increase in car journeys through further development in

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			<p>boundary so the air quality along that part of the SPA is not known. The air quality statement is too weak, as it suggests that only “Some developments will therefore be required to carry out an air quality assessment”, without clarifying what is meant by “some” or what steps may be taken if the limits are breached.</p> <p>We propose;</p> <p>a) There should be a plan to monitor the air quality levels along the SPA boundary with the B3348, and take appropriate action if the levels are too high.</p> <p>b) Whilst Nox levels in any part of the SPA are above legal limit, there should be presumption against any new development which would increase traffic at that location.</p> <p>Many planning documents stress the need to mitigate against air pollution – including the National Planning Policy Framework (NPPF), the Draft UK Air Quality Plan (framework) for tackling nitrogen dioxide May 2017. This SPD should also do so</p>	<p>the borough. This strategic assessment will be carried out through the Local Plan process and agreed with Natural England. Any mitigation measures will be identified in the Habitats Regulations Assessment for the Local Plan. Further more detailed air quality assessments may need to be carried out at the planning application stage. In the Summary section (page 1), after ‘A summary of the avoidance and mitigation strategy is outline in the table below’, the Council will add <u>‘The Table does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of air quality as this has yet to be determined. See sections 2.2 and 3.10 for further information’.</u></p>
9	Murphy	2.2.2	<p>It was reasonable when the SPD was formulated for it to deal only with recreation-related effects. However, since then air pollution effects have been identified as a potential impact for European sites. It is inadequate for the SPD to continue not to deal because an SPD for a European site that does not include air pollution impacts will surely be skewed: how can recreational impacts be managed in isolation of traffic/commuting impacts – or any other impact?</p>	<p>Regarding the effect of air quality upon the SPA, Table 5 describes the potential adverse effects. Paragraph 3.10.1 sets out the next steps in the assessment of air quality effects on the SPA as a result of a potential increase in car journeys through further development in the borough. This strategic assessment will be carried out through the Local Plan process and agreed with Natural England. Any mitigation measures will be identified in the Habitats Regulations Assessment for the Local Plan. Further more detailed air quality assessments may need to be carried out at the planning application stage. At the end of the sentence in paragraph 2.2.2 add, <u>‘It does not specify any mitigation which may be required to address any likely significant effects on the SPA as a result of</u></p>

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				<u>air quality as this has yet to be determined. See Section 3.10 for further information.</u>
		3.4–3.8 and Appendices 3–6.	<p>The obligation to protect European sites and designated species is paramount. However, development is now alienating increasing areas of north Bracknell’s clay farmlands, accompanied by alienation of yet more farmland as SANG where the fate of farmland birds, which have been in decline in the UK for decades.</p> <p>Bracknell’s clay farmland habitat is recognised in the BFC Biodiversity Action Plan, with skylarks and barn owls as representative species. As ground-nesting birds, skylarks may be, inadvertently and indirectly, among those impacted by the SPD strategy. Where large areas of SANG are created can management plans include protected/’set-aside’ areas from which people/dogs are excluded during the breeding season? The management plan Frost Folly SANG management plan, for example, refers to improving nesting opportunities but does not protect nesting sites. It is to be hoped a larger SANG area could accommodate this.</p>	<p>The provision of SANGs in the north of the Borough will benefit biodiversity and recreation. The decline of farmland birds is not to do with SANG but mostly because of agricultural practices. The SANGs are designed as multi-function spaces which will encourage recreation and wildlife including farmland birds.</p> <p>It will not usually be possible to create protected/set-aside areas from which people/dogs are excluded during the breeding season as the purpose of SANGs is to divert visitors from the SPA in order to protect the Annex 1 Birds. This is especially important during the bird breeding season. However the Council actively encourages biodiversity enhancements on all sites which are to be SANGs and it is agreed that the wording should be included in the SPD to reflect this. Add a new paragraph 3.4.6 <u>’The Council will seek biodiversity enhancements on sites which are to be SANGs.’</u></p>
		3.9	Documentation from the SAMM does not seem to be available. The Natural England 2012/13 report referred to above was found online. In future it would be good to have such documents made directly available via the consultation portal.	Noted with thanks – the Council does not normally publish external reports and documents on our consultation portal. However in the future the Council will include cross references as to where such documents can be found such as the Thames Basin Heaths Partnership website.
		3.10.1	Initiatives to monitor and mitigate air pollution through appropriate means are welcome. It is hoped that cross-local authority ‘in-combination’ impacts can be monitored and agreement to manage/mitigate them dealt with, either by adapting, or creating a partnership modelled on, the Access Management and Monitoring Partnership.	Noted with thanks. The Council meets regularly with Officers and Councillors of the other SPA affected local authorities as well as Natural England and other interested parties through the Joint Strategic Partnership Board. Future work could identify that a cross border partnership would be useful in tackling air quality issues. This is a matter outside of the SPD however. No changes required.

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		4.7 Cf. comment against 3.9	It would be helpful for appropriate SAMM and other documentation to be made available so monitoring activities can be evaluated by the public during a consultation.	Noted with thanks – the Council does not normally publish external reports and documents on our consultation portal. However in the future the Council will include cross references as to where such documents can be found such as the Thames Basin Heaths Partnership website.
10	South East England Wildfire Group (SEEWG)		<p>The Draft SPASPD makes no reference to wildfire matters which is a serious omission.</p> <p>Developer contributions and/or Community Infrastructure Levy (CIL) should be used to provide appropriate wildfire mitigation and adaptation for the following:</p> <ul style="list-style-type: none"> • Wildfire mitigation projects – funding specifically to reduce the present risk of wildfire incidents caused by current populations on the Special Protection Area and SANGS. • Wildfire adaptation projects – funding specifically to ensure the increase in future populations can be affectively adapted to in order to reduce the increased risk of wildfires due to climate change on the Special Protection Area and SANGS. 	<p>Noted. SANGs are and will continue to be designed to mitigate against wildfire as much as possible where relevant. There is also an opportunity for anyone to comment on individual planning applications to influence the layout and design of new SANGs.</p> <p><i>Add text to new paragraph 3.4.6 (see above) which reads as: The Council will seek biodiversity enhancements on all sites which are to be SANGs and expect wildfire issues to be addressed where relevant in terms of design and planting.</i></p> <p>This is disagreed with as the Council does not own Special Protection Area land so it cannot guarantee that money raised can be spent on the desired purpose secured through s106 or CIL. The Council collects Strategic Access Management and Monitoring (SAMM) contributions and passes them onto the SAMM Project. It may be that the SAMM Project uses part of this funding to address wildfire issues (such as the wildfire training carried out in the past). SAMM wardens are of course in an ideal position to talk to people about the dangers of wildfire.</p> <p>SANGs are and will continue to be designed to mitigate against wildfire as much as possible. Where SANGs are designed to mitigate against wildfire, developers will be expected to meet the cost of SANG enhancement works (initial design of the SANG) on bespoke or third party SANGs. For strategic SANGs, funding secured through CIL will pay for SANG</p>

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				enhancement works (including any works to address wildfire issues). Furthermore the Council's Core Strategy (Policy CS14) contains a presumption against a net increase in dwellings within 400m of the SPA so this should avoid pressure from additional development near to the SPA and associated urbanisation effects such as fire lighting. No changes made to the document.
11	Historic England	N/A	No comments to make	Noted with thanks.
12	Woolf Bond Planning	Pages 23 and 41	Include the potential to expand the Warfield Park SANG and its capacity and catchment area. Please include any residual SANG capacity available for other developments.	Table 8 states in the last column that the SANG catchment area will increase if a car park is provided. It is agreed that the Council will add to the final column of table 8 against Warfield Park SANG ' <u>there is a possibility that the SANG could be extended into Big Wood (Warfield)</u> '. The Council disagrees with the inclusion of a reference to the SANG capacity and residual SANG capacity. This is yet to be determined following a visitor survey which Natural England has requested.
13	Highways England	N/A	No comments to make	Noted with thanks.
14	Turley Planning (for Bloor Homes Southern)	Table 1	The SPD seeks to provide different rates for market and affordable dwellings for SANGs as secured by s106 and CIL. The scale of proposed increases to the tariffs is significant and will result in markedly increased costs, which act as a potential burden on developers of residential sites within Bracknell Forest. A major concern is the contributions set out at Table 1 (and as explained further at Tables 9, 10 and 11), do not appear to have been considered in the context of a proper assessment and understanding of development viability. It is important to recognise that the cumulative impacts of developer contributions (paid via CIL, S106, etc.) can be	The costs in Table 1 have been adjusted to reflect the costs of SANG provision to the Council and the fact that the Council is enabling development to proceed. Whilst costs have gone up in terms of SANG costs, in reality the previous strategy relied upon open space contributions in addition. Since the s106 pooling restriction came into force the Council has not been able to continue this strategy which meant the open space baseline funding for SANGs has dried up causing long term issues for the future. Also the costs for the Council have increased. Furthermore the costs of SAMM are not increased. The new approach is more flexible and ensures the SANGs are provided and

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			<p>substantial. As such, they may influence the value of land and consequently have potential implications regarding the viability of developments. Such matters are a relevant planning consideration, as is recognised in the NPPF at paragraphs 173 and 174. It is concerning that the draft SPD pays scant regard to the potential impacts arising from the combined burden of significantly increased s106 tariffs in addition to contributions for site-specific mitigation and CIL payments.</p>	<p>maintained in perpetuity. When all are considered the increases are considered to be reasonable.</p> <p>Also the Council is actively facilitating alternative 3rd party SANGs to which developers are perfectly entitled to seek a SANG solution from. This is creating a competitive market for SANGs which will provide certainty and a timely solution for developers. . In this regard the Council does not have a monopoly position for the provision of SANG capacity. No change required.</p>
		4.28	<p>The rationale behind a lower rate for affordable housing does not appear to be substantiated by any viability assessment. As such, the Council has no robust evidence or analysis which might validate or disprove the assumptions and reasoning. This is a concern in and of itself. However, there are a number of negative implications that may arise from this approach:</p>	<p>The reduced rate is the Council's choice based on a quarter of the facilitation sum and is justified by the Council's acute need for affordable housing. No changes required.</p>
			<ul style="list-style-type: none"> • The Draft Local Plan (published January 2018), at proposed Policy LP24, indicates that the Council shall seek 35% affordable housing. Smaller sites of 10 or fewer dwellings will not provide affordable housing in accordance with government guidance, which is to encourage smaller scale developments by reducing s106 obligations. Accordingly, it is ironic that the proposals (which propose a markedly higher tariff for market dwellings than for affordable units) would disproportionately affect those developments that are small scale and therefore are not required to provide affordable dwellings. 	<p>This is disagreed with because the lack of affordable dwellings on smaller sites will help developers optimise their sales value and profit margins without the distraction of the costs and smaller profits from affordable housing provision. No changes required.</p>
			<ul style="list-style-type: none"> • The vast majority of residential developments in Bracknell Forest (and which propose more than 15 dwellings) seek permission for a mixture of market and affordable units. An assessment of viability, in relation to any given development scheme, will take account of the cumulative impacts of contributions and other factors. 	<p>If there are genuine viability reasons then there are mechanisms to test and react to the situation. Developers are not obliged to purchase Council SANG capacity but the Council has and will continue, to work hard to provide SANGs for developments that need them. Of affordable and market dwellings. Lower</p>

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			<p>The apportionment of the greater part of the tariffs onto the market provision (within a mixed-tenure scheme) is still likely to result in viability concerns which may result in the diminished provision of affordable units. This is significant, because there is a published need within the Borough for 227 affordable dwellings per annum.</p>	<p>SANG costs and CIL relief on affordable housing will make affordable housing an attractive proposition for many development which can provide a balance. Furthermore the Council can accept commuted sums for affordable housing should there be genuine viability concerns. No change required.</p>
			<ul style="list-style-type: none"> • During the preparation of the CIL Charging Schedule and Examination the Viability Assessment's considered SANG related contributions based on in the 2012 SPD. Such tariffs are markedly lower than those currently being proposed in the 2017 draft SPD. As the draft SPD provides no consideration of viability impacts, the Council cannot be certain that the adopted CIL Charging Schedule still correlates with section 211(2) of the Planning Act 2008 (as amended). This requires that Council's (when setting CIL rates via Charging Schedules) must have regard "to the economic viability of development (which may include, in particular, actual or potential economic effects of planning permission or of the imposition of CIL)." 	<p>Whilst costs have gone up in terms of SANG costs, in reality the previous strategy relied upon open space contributions in addition. Since the s106 pooling restriction came into force the Council has not been able to continue this strategy which meant the open space baseline funding for SANGs has dried up causing long term issues for the future. Also the costs for the Council have increased. Furthermore the costs of SAMM are not increased. The new approach is more flexible and ensures the SANGs are provided and maintained in perpetuity. When all are considered the increases are considered to be reasonable.</p> <p>Also the Council is actively facilitating alternative 3rd party SANGs to which developers are perfectly entitled to seek a SANG solution from.</p> <p>This is creating a competitive market for SANGs which will provide certainty and a timely solution for developers. In this regard the Council does not have a monopoly position for the provision of SANG capacity.</p> <p>No changes required.</p>
			<ul style="list-style-type: none"> • The failure to properly consider viability is a significant and serious shortcoming, which runs contrary to national policy in the NPPF: <ul style="list-style-type: none"> ○ Paragraph 173 which requires that viability is considered at the plan-making stage. ○ Paragraph 174 which relates to viability, costs and limiting the burden on development whilst 	<p>The objector does not clarify why the Council should provide a subsidised SANGs for developers in the long term. Developers are not required to use BFC SANG capacity and there are increasing alternatives being provided by third parties. Without SANGs development cannot proceed. Current SANG costs are at 2012 levels do not reflect that costs have increased,</p>

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			<p>allowing competitive returns for development using proportional evidence.</p>	<p>more land has to be maintained and baseline open space contributions have been lost resulting in a need to raise contribution levels. Furthermore the Planning Obligations SPD formed part of the CIL evidence base in which it provides for open space contributions. The Council has not been securing this provision to pay for the baseline maintenance of SANGs as a result of the s106 pooling restrictions. Therefore the viability concerns are unfounded. No changes required.</p>
			<ul style="list-style-type: none"> The draft SPD offers no consideration of the potential for cumulative impacts in respect of viability. As a result, the Council has no way of knowing whether the contributions coupled with other requirements and CIL would render a development unviable. This could undermine other elements of the Council's planning strategy such as current and emerging affordable housing percentages. 	<p>As above regarding the viability matters. Also the new Local Plan will have viability testing and include the new SANG charges. No changes required.</p>
		Table 1 and other references to increase SANG costs	<p>We agree that it is necessary to mitigate the impact of development on the SPA, we recommend that the Council's approach to financing SANG solutions, should be undertaken in the context of a broader evaluation of the cumulative effects of contributions on development viability. The draft SPD should not be adopted until a comprehensive analysis into development viability in the LPA has been undertaken to assess its potential implications. The current consultation on the draft Local Plan may provide such an opportunity.</p>	<p>This is disagreed with for reasons set out above. The Council is commissioning further work on viability in the meantime on our local plan which will consider all matters including s106, CIL and existing and emerging affordable housing targets. No changes required.</p>
		Table 22d and 4.2.6	<p>The costs and assumptions behind the Facilitation Sum should be transparent, proportionate and support a service which is lean and efficient avoiding unnecessary expense. Yet no further details are provided to substantiate the costings described. The use of SANG related contributions to cross-subsidise the operation of the planning department and other services may not be regarded as reasonable.</p> <p>The above concerns are particularly relevant in view of the requirement to satisfy the third of the three tests set out in the NPPF (at paragraph 204) and the CIL Regulations at Section</p>	<p>The previous SANG contributions (set out in the 2012 SPD) were based on 2010/11 costs. The new contributions have been updated to reflect current costs.</p> <p>The Council explored various methods to calculate costs including a significant increase in maintenance. However it became clear that increasing the facilitation sum provided more flexibility to be used to support further strategy work, purchase of land and staff costs associated with maintenance. The sum is also a</p>

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			122. This is to say that obligations must be “fairly and reasonably related in scale and kind to the development.”	property matter and the Council can use an element of this amount to support other work if necessary. Further clarification is required however. Amend the forth bullet in paragraph 4.2.6 to read as: <i>D. Facilitation – This amount does not comprise infrastructure but will be used to operate and review the strategy, to pay Planning and Parks and countryside staff time on SPA matters and for the right to use Council SANG capacity.</i>
		4.6.1	SANG related contributions and/or SANG provision is currently being requested prior to the commencement of development. This is particularly burdensome and indeed unnecessary as it is the occupation of dwellings that may result in impacts on the SPA. Include greater flexibility, including the right to make phased payments.	The Thames Basin Heaths Delivery Framework (2009) paragraph 5.7 states that ‘Sufficient SANG should be provided in advance of dwelling completion’. For the funding of strategic SANGs, the Council requests SANG contributions prior to the commencement of the development because it needs time to undertake SANG enhancement works and to ensure that these are in place before occupation of the dwellings. This process has been agreed with Natural England. The Council does agree to phased SANG payments in many cases for major developments (paragraph 4.6.1). However, the Council will also consider phased payments where appropriate and additional text should be added to the paragraph 4.6.1 which reads as: <u>In some circumstances for smaller development schemes where it is demonstrated that it would help with development viability, the Council will consider phased SANG and SAMM payments.</u>
		Table 7	The potential requirement to make payments (or provide SANG) in relation to schemes of more than 50 dwellings (on sites located between 5 to 7 km of the SPA), is also problematic. This is because it effectively becomes impossible to understand the scale of obligations likely required without receiving pre-application advice. From a developer perspective the ‘pre-application advice phase’ occurs a very long-way into the land acquisition and	With regard to developments in the 5 – 7km SPA buffer zone, the Council has provided more clarity in the newly updated SPD than in the 2012 version. Policy requires that these developments are considered on a case by case basis but the Council has shown in the SPD (Table 1 page 2) the <i>likely</i> SANG and SAMM costs in order to help developers. No changes required. The Thames Basin Heaths Delivery Framework (2009) paragraph 4.4 states that ‘Applications for large scale

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			<p>development process. Developers must typically evaluate and appraise sites, and enter into negotiations and contacts with landowners, well in advance of any formal planning engagement. The 'case-by-case' nature of this proposed approach creates another unnecessary layer of uncertainty and, in some circumstances, will undermine viability.</p>	<p>development proposals beyond the zone of influence should be assessed on an individual basis. Where appropriate a full appropriate assessment may be required to ascertain whether the proposal could have an adverse effect on the SPA'. Footnote 6 in relation to this paragraph states 'This is in line with the general requirements of the Habitats Regulations and reflects the approach proposed by the Assessor, who recommended that between 5 and 7km from the edge of the SPA residential developments of over 50 houses should be assessed and may be required to provide appropriate mitigation. It is recommended that such cases be considered on a case by case basis. No changes required.</p>
		3.6.3	<p>Regarding Bespoke SANGs the draft SPD appears to be seeking SANG provision in excess of that specified in the South East Plan. At paragraph 3.6.3 of the draft document, it is stated that; "Bespoke SANGs mitigating dwellings in Zone B would need to be provided at a standard of at least 8 hectare per 1,000 population. However, the minimum SANGs standard may not be sufficient to demonstrate that the requirements of the Habitats Regulations are met. For example, given their respective locations adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons."</p> <p>The 8 hectare SANG provision per 1,000 people is the ratio set out in retained policy NRM6 in the South East Plan which form as part of the development plan. The Town and Country Planning (Local Planning) (England) Regulations 2012, "any policies contained in a supplementary planning document must not conflict with the adopted development plan". The wording of the draft SPD should therefore be altered to ensure that such a conflict does not exist and the potential for legal challenge is averted.</p>	<p>The Council is not seeking SANG provision in excess of that specified in the South East Plan. South East Plan Policy NRM6 paragraph (iv) states that 'a minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.' This is therefore a <i>minimum</i> standard.</p> <p>The intention of the text is not to set new policy standards but to clarify the existing situation. The reference refers to actual housing allocations for which Natural England required the text significantly in excess of 8 hectares to be included. The sites are Site Allocations Local Plan (SALP) policies SA4 - Land at Broadmoor and SA5 – Land at Transport Research Laboratory.</p> <p>However, as the 8ha / 1,000 persons is a minimum standard the Council has concluded that the discussion over the minimum SANG requirement is unnecessary. The following wording in paragraph 3.6.3 will be deleted: <i>'For example, given their respective locations</i></p>

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				<p>adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons. and replaced with-<u>These applications will be dealt with on a case by case basis following guidelines on Appropriate Assessment and in agreement with Natural England</u>.</p>
			<p>The SPD refers to duplicated CIL and S106 SANG provisions for Prior Approval schemes. Large sites which provide their own bespoke SANGs and other schemes considered on a case by case basis. Some developers may have to purchase capacity from third party SANGs. In all these instances the developments would also be subject to the CIL rates set out in the Charging Schedule.</p> <p>The Planning Obligations SPD (2015) makes no specific provision for reduced CIL rates applicable to developments that provide bespoke SANG mitigation or which otherwise finance SANG related provision via S106 contributions. The Planning Obligations SPD makes no specific provision for the ring-fencing of CIL payments such that the 'double counting' of S106 and CIL expenditure on SANG can be avoided.</p> <p>It is not known if the Council's information management systems are sufficiently sophisticated such that specific CIL payments can be directed and tracked in such a way that relevant payments could be restricted from expenditure on SANG provision.</p> <p>There is potential for conflict with Section 122 and 123 of the CIL Regulations and paragraph 204 of the NPPF.</p>	<p>The enhancement of the Council's strategic SANGs are considered to be infrastructure in the context of the CIL Regulation 123 and therefore the pooling restriction of s106 obligations applies. This was considered in developing the CIL charging rates to ensure there was no double counting.</p> <p>Prior Approvals (usually office to residential) are not considered through the planning application process and therefore CIL regulation 123 does not apply hence the need for full SANG mitigation. These developments usually do not increase in floor space and in many cases are in the nil CIL rate charging zone. Therefore if such schemes want to take advantage of Council land (SANGs) they must pay.</p> <p>There are no reduced rates for CIL because the Council strategic SANG costs were factored into the assumptions for developing CIL rates.</p> <p>The strategic SANG sites allocated in the Site Allocations Local Plan also benefit from lower CIL rates because of other infrastructure requirements including bespoke SANG requirements.</p> <p>Not all bespoke SANG solutions are land provided in lieu of financial contributions, some pay for strategic SANG capacity. It depends on the location of the</p>

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				<p>scheme. For example Bloor Homes benefitted from this at Alford Close.</p> <p>The Council can keep track of payments regarding this issue because the SANG enhancement cost is relatively low (for example around £100,000 out of £7.5 million CIL income).</p> <p>There is no conflict with Section 122 and 123 of the CIL Regulations and paragraph 204 of the NPPF.</p> <p>No changes required.</p>
		3.3.4	States that replacement dwellings will not lead to increased recreational pressure. However, many replacement dwellings result in an increased number of bedrooms and higher levels of occupancy (e.g. replacement of a bungalow with a 4 no. bedroom dwellings). It could be that the impact is so minimal such that resultant effects could be regarded as de-minimums and not merit avoidance and mitigation measures. Evidence should be provided to confirm that this is the case.	The Thames Basin Heaths SPA Delivery Framework (2009) paragraph 3.1 states that 'All net new residential development - when considered either alone or in combination with other plans and projects - is likely to have a significant effect on the SPA and should therefore provide or contribute to the provision of avoidance measures'. SPA avoidance and mitigation measures do not therefore apply to replacement dwellings. No changes required.
		3.3.6	Proposes that applications for care homes or equivalent developments (which fall into use class C2 and C3) should be considered on a case by case basis. This is a reasonable approach, although paragraph 3.3.6 does appear to focus on the impacts created by residents. This focus perhaps omits consideration of the potential impacts arising from staff. If a proposed use or development has the potential to result in impacts upon the SPA, it should bear part of the burden for doing so.	The potential impact of staff working in care homes is agreed is will be considered in line with paragraph 3.3.8 (staff accommodation) as follows: " <i>Where staff accommodation becomes the permanent full time address for that member of staff then avoidance and mitigation measures will be required</i> ". No changes required.
		3.3.7	Hotels (depending on their format) may require a number of staff members to live on site. This is common with larger and up-scale hotels that are more labour intensive and typically employ a multi-national workforce. Such residents have as much potential to impact on the SPA as anyone else. The SPD should consider whether hotel developments should be	The potential impact of staff working in hotels is agreed is will be considered in line with paragraph 3.3.8 (staff accommodation) as follows: " <i>Where staff accommodation becomes the permanent full time address for that member of staff then avoidance and mitigation measures will be required</i> ". No changes

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			expected to make appropriate contributions.	required.
		3.3	All developments which have potential to result in impacts should be expected to make contributions, rather than this burden simply be displaced to housebuilders. If the scope of uses / types of development liable for SANG-related contributions increases, then the per-dwelling figures should be adjusted downward to reflect this pattern of distribution.	All development are considered and it is not the house builders that pick up all the mitigation as other developments do also. However new dwellings place the most pressure hence the per bedroom costs. The Council's view of spreading the mitigation wider is counterproductive as this would mean that SANG capacity being a finite resource, could be unnecessarily taken from housebuilding which need it. No changes necessary.
		Whole document	The draft SPD is proposed to be adopted via the agreement of Bracknell Forest Borough Council's Full Council, following this consultation. In view of the wide-ranging implications of the SPD regarding viability and the potential for it to undermine the existing and emerging Local Plan, we recommend that it is taken forward as part of a wider and more holistic review into viability and developer contributions. In the absence of further detailed analysis and consideration, we consider that the adoption of the SPD (at least in its present form) would be vulnerable to legal challenge.	The SPD will be adopted by the Executive. It will not undermine existing or emerging policies and will proceed as programmed (to seek adoption in April 2018).
15	Natural England	3.6.3	Note the discussion over the minimum SANG requirement in Zone B (8ha/1000 population), and that in some cases this would not be sufficient. For greater clarity, we advise examples of why a SANG greater than 8ha/1000 might be brought forward.	As the 8ha / 1,000 persons is a minimum standard the Council has concluded that the discussion over the minimum SANG requirement is unnecessary. The following wording in paragraph 3.6.3 will be deleted <i>"For example, given their respective locations adjacent to the SPA, land at Broadmoor and land at the Transport Research Laboratory (TRL) are both planned to provide SANG land significantly in excess of 8 hectares per 1000 persons"</i> . and replaced with- <u>These applications will be dealt with on a case by case basis in agreement with Natural England</u> .
	Natural England	4.6.3	Revise to give greater clarity to the Grampian Condition approach, which is they will only be accepted to secure a SANG where there is absolute certainty that the SANG will	Agree. Paragraph 4.6.3 will be amended to read <u>'The use of a Grampian Condition to secure a SANG for a development will only be accepted when there is</u>

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			<p>be brought forward. This could take different forms e.g. the SANG needs to have been granted planning permission; the SANG must not be subject to legal challenge; written permission must be given by the LPA if the developer wants to use a strategic SANG etc.</p>	<p><u>absolute certainty that a suitable SANG will come forward. The SANG needs to have been granted planning permission or planning permission is imminent; the SANG must not be subject to legal challenge; the landowner has given written permission for the development to be mitigated by a particular SANG and only final sign off is awaited and this is agreed by the Council. It may also be necessary to provide for financial contributions in addition to the Grampian Condition which should be secured by s106 Agreement at the time of grant of planning permission.</u></p>
16	Boyer (for Brookstone Ltd)		<p>Brookstone Limited are progressing an application Area on part of the wider Amen Corner South allocation. (See Policy SA 8, Land at Amen Corner South, Binfield of the Site Allocations Local Plan.) Application reference 17/00870/FUL proposes 15 dwellings and is pending determination. The site is approximately 3.4km away from the Thames Basin Heath Special Protection Area (SPA).</p> <p>This representation responds specifically to matters within the SPA SPD that are of relevance to the consideration of the above planning application, Amen Corner South allocation and application reference 12/00993/OUT. The committee report for this site refers to a SANG solution of Riggs Copse and Bigwood for the application and wider Amen Corner South allocation.</p> <p>The progress of this SPD is welcomed.</p> <p>We seek additional wording to ensure the SPD is entirely clear in the role of the Bigwood SANG for the Amen Corner South allocation. This should specifically to ensure the role that Bigwood has in mitigating the development at Amen Corner South is clearly set out and ensure the SPD is consistent with the resolution to grant planning permission</p>	<p>This is disagreed with as planning permission for the development at Amen Corner South allocation (reference 12/00993/OUT) was dependent on the signing of the s106 agreement. This has yet to be signed and planning permission has therefore not yet been granted. The Council has therefore reviewed the situation and through the new SPD has unlocked further SANG opportunities including Tarman's Copse. This means that the main development in Amen Corner South can benefit from Tarman's Copse and that other developments including residual parcels at Amen Corner South can utilise Bigwood (which is now a Strategic SANG. There is no need to reserve capacity for Amen Corner sites as such but there are now enough options to ensure timely SANG provision is provided for sites including Amen Corner South. However further clarification is needed in the SPD in Table 8 which will read as: <u>Bigwood SANG can be used for Amen Corner South and other sites within its catchment at the Council's discretion. It will be necessary for enhancement works to be carried out by the Council which means that there will be an occupation restriction until appropriate works have been completed.</u></p>

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			under application reference 12/00993/OUT.	
		Table 8	Lists all of the 'current and emerging SANGs' in Bracknell Forest. 'Bigwood' is identified as a strategic SANG with an area of 10.7ha. Table 8 notes that 'Bigwood' is part of the 'West Bracknell SANG'. This Table also identifies that this SPA will be 'operational on adoption of SPA SPD.' This statement and the Council's commitment to ensure the timely operation of the SPA is welcomed.	Noted with thanks.
			Table 18 sets out that the approximate mitigation capacity of the Bigwood SANG, i.e. 578 dwellings and 1,337 persons, which is noted. This wording should additionally set out the capacity of Bigwood remaining for public use after mitigation has been provided for the Amen Corner South allocation in order that the role is clear and transparent, the capacity is not used elsewhere and the delivery of development on this allocated site is not delayed.	As above.