

**Town and Country Planning Act 1990, as amended by The
Localism Act 2011, Schedules 9 and 10**

POST EXAMINATION DECISION STATEMENT

The Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended)¹. It sets out the Council's response to each of the recommendations contained within the Report to Bracknell Forest Council of the Independent Examination of the Binfield Neighbourhood Development Plan ("the Plan") by Independent Examiner Christopher Collison, which was received by the Council on 3 December 2015.

1.0 INTRODUCTION

- 1.1 Under the Town and Country Planning Act 1990 (as amended), Bracknell Forest Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's report have been considered and accepted, that the Plan has been altered as a result of it, and that this Plan may now be submitted to local referendum.

2.0 BACKGROUND

- 2.1 The Binfield Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 11th February 2014. This area is coterminous with the Binfield Parish boundary and is entirely within the Local Planning Authority area.
- 2.2 Binfield Parish Council undertook pre-submission consultation on the draft Plan in accordance with Regulation 14 between 15th June and 10th August 2015.
- 2.3 Following the submission of the Binfield Neighbourhood Plan to the Council on 16th September 2015, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended at 10am on 23rd November 2015.

3.0 INDEPENDENT EXAMINATION

- 3.1 The Council appointed Mr Christopher Collison, with the consent of Binfield Parish Council, to undertake the examination of the Binfield Neighbourhood Plan and to prepare a report of the independent examination.
- 3.2 The Examiner's report was received on 3rd December 2015. The report concludes that subject to making the modifications recommended by the Examiner, the Plan meets

¹ http://www.legislation.gov.uk/ukxi/2012/637/pdfs/ukxi_20120637_en.pdf

the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum. The Examiner also recommended that the referendum area was based on the Neighbourhood Area that was designated by the Council on 11th February 2014.

- 3.3 Having considered each of the recommendations made in the Examiner's report and the reasons for them, the Council has decided to make the modifications to the Binfield Neighbourhood Plan set out in section 4 below. The Council is satisfied that subject to those changes/modifications which it considers should be made to the Plan as set out in Table 1 below, that the Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention rights and complies with the provision made by or under 61E(2), 61J and 61L of the said Act.

4.0 DECISION AND REASONS

- 4.1 The Neighbourhood Planning (General) Regulations 2012 (as amended) requires in Regulation 18 for the local planning authority to outline what action to take in response to the recommendations of an Examiner made in a report under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood plan. The Regulations provide that where the Council disagrees with the Examiner's report to re-consult, however this provision is not engaged in this instance for the reasons set out below.
- 4.2 Having considered each of the recommendations made by in the Examiner's report and the reasons for them, the Council, with the consent of Binfield Parish Council, has decided to accept the modifications to the draft Plan. Table 1 below outlines the alterations made to the draft Plan under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38A of 2004 Act) in response to each of the Examiner's recommendations and the justification for this.
- 4.3 Table 1 also includes some further modifications agreed by the Council with the consent of Binfield Parish Council.
- 4.4 The Council is also required to consider whether to extend the area to which the referendum is to take place under Regulation 18(1e). The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Bracknell Forest Council as a Neighbourhood Area on 11th February 2014. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum on the Binfield Neighbourhood Plan will be based on the designated Binfield Parish Neighbourhood Area and is scheduled to take place on 3 March 2016.

Other information

The Independent Examiner's Report can be viewed on the Council's website: <http://www.bracknell-forest.gov.uk/binfieldparishneighbourhoodarea> Paper copies can be viewed during normal opening times at: Time Square, Market Street, Bracknell RG12 1JD; Binfield Library, Benetfeld Road, Binfield, RG42 4JZ; or at Binfield Parish Council Office, Benetfeld Road, Binfield, RG42 4EW.

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Date: 20 January 2016

Table 1: Schedule of Modification Recommendations

BNP = Binfield Neighbourhood Plan

BFC = Bracknell Forest Council

BPC = Binfield Parish Council

Paragraph numbers in brackets are those in the modified version of the Binfield Neighbourhood Plan.

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
1.4	13	After 2012 add "(as amended)". Text amended to read: "...the Neighbourhood Planning (General) Regulations 2012 (as amended) ..."	Agree with minor modification.
1.6	13	Replace "Housing" with "Built Form". Text amended to read: "Section 8: Housing Built Form "	Agree with minor modification.
Figure 2.1	-	Legend of map amended to read "Newbold College Historic Park and Garden "	Further modification which is a factual amendment to the text.
Figure 2.2	13	Check Wykery Copse area. Figure 2.2 extent of '6 – Wykery Copse' amended on map.	Agree with minor modification.
Figure 2.2	-	The extents of the SA6, SA7 and SA8 have been amended to reflect the land allocated in the Site Allocations Local Plan.	Further modification which is a factual amendment to the map.
2.18	13	The text should read Figure 2.5 not Figure 2.4. Text amended to read: "Figure 2.4 2.5 below shows the number..."	Agree with minor modification.
2.20	-	Sub-paragraph numbering incorrect. Sub-paragraph numbering amended read '2.20.1 – 2.20.2'	Further modification which is a factual amendment to the text.

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
3.2	13	<p>Before “these strategic” insert “For the purposes of the Neighbourhood Plan”</p> <p>Text amended to read: <u>“For the purposes of the Neighbourhood Plan</u> these strategic...”</p>	Agree with minor modification.
4.8	1	<p>Insert new paragraph after 4.8:</p> <p><u>“The development of safe pedestrian and cycle routes serving the Blue Mountain development should be achieved through positive and constructive engagement with the existing community to identify key routes and opportunities.”</u></p>	<p>The paragraph formerly in Policy TC1 relates to community engagement and is not a land use policy.</p> <p>BFC consider that the modification recommended by the Examiner to move this wording to supporting text is necessary to ensure that Policy TC1 meets the basic conditions, for the reasons the Examiner expressed.</p>
TC1	1	<p>In Policy TC1:</p> <ul style="list-style-type: none"> • In the first paragraph after “parish shall” insert “where practical be designed to” and delete “into” and insert “towards” • Replace the second paragraph with “In particular proposals for the Blue Mountain strategic development should be formulated alongside school travel plans and provide for safe access for pedestrians and cyclists to new schools including access points from any wider school designated area beyond the strategic development.” • Delete the third paragraph and transfer to supporting text • Replace the fifth paragraph with “Where possible, developments should include segregated footways and cycleways” • In the final paragraph after “cycle access” delete “to” and insert 	<p>Elements of Policy TC1 are not consistent with the NPPF (e.g. paragraphs 35 and 17) and required modification because the Neighbourhood Plan can only apply to land within the Neighbourhood Area. The third paragraph formerly in Policy TC1 relates to community engagement and is not a land use policy.</p> <p>BFC consider that the modifications recommended by</p>

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<p>“towards”</p> <p>Policy TC1 amendments:</p> <p>POLICY TC1: PROVISION FOR CYCLING AND WALKING Strategic developments in Binfield parish shall <u>where practical be designed to</u> provide dedicated footways and cycleways which will provide access for pedestrians and cyclists into <u>towards</u> the existing built-up areas of Binfield, including Binfield village.</p> <p>In particular, safe access to new schools as part of the Blue Mountain strategic development for pedestrians and cyclists should be provided. This should provide such access for those in the existing community that will be within the designated areas of the new education facilities. This should be developed alongside a school travel plan. <u>In particular proposals for the Blue Mountain strategic development should be formulated alongside school travel plans and provide for safe access for pedestrians and cyclists to new schools including access points from any wider school designated area beyond the strategic development.</u></p> <p>The development of safe pedestrian and cycle routes serving the Blue Mountain development should be achieved through positive and constructive engagement with the existing community to identify key routes and opportunities.</p> <p>Non-strategic developments sites² that make direct improvements to cycling and walking will be strongly supported, subject to other material considerations and compliance with the Community Infrastructure Levy Regulations.</p> <p>Where possible, footways and cycleways should be designed so that</p>	<p>the Examiner are necessary to ensure that Policy TC1 meets the basic conditions, for the reasons the Examiner expressed.</p>

² All sites outside of Land at Amen Corner (North), Land at Blue Mountain and Land at Amen Corner (South) are non-strategic sites

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<p>pedestrians and cyclists do not have to share space. <u>Where possible, developments should include segregated footways and cycleways.</u></p> <p>Proposals to improve dedicated cycle access to towards Bracknell Town Centre and Bracknell Railway Station will be strongly supported.</p>	
TC1.1	2	<p>In Policy TC1.1:</p> <ul style="list-style-type: none"> • Delete “existing” and replace with “historic” • Delete “, and an important aspect the Binfield historic rural character,” • Add historic footpaths and bridlepaths to the Policies Map <p>Policy TC1.1 amendments:</p> <p>POLICY TC1.1: ENHANCING HISTORIC PROVISION FOR CYCLING AND WALKING</p> <p>Proposals that protect and enhance existing historic footpaths and bridlepaths as part of a network of routes for cycling and walking, and an important aspect the Binfield historic rural character, will be supported.</p>	<p>Elements of Policy TC1.1 are not sufficiently precise to provide a framework for consistent decision making as required by paragraph 17 of the NPPF.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy TC1.1 meets the basic conditions, for the reasons the Examiner expressed.</p>
Policies Maps in Section 9	2	<p>Add historic footpaths and bridlepaths to the Policies Map.</p> <p>Information showing the historic footpaths and bridlepaths has been added to the Policies Map in Section 9 and also to a new Figure 4.2.</p>	<p>BPC provided information to show the historic footpaths and bridlepaths which has been added to the Policies Map and a new Figure 4.2. These have been agreed by BFC.</p>
4.10 (4.11)	13	<p>Adjust sub paragraph numbering.</p> <p>Sub-paragraph numbering of paragraph amended read ‘4.11.1 – 4.11.5’ and consistent punctuation added.</p>	<p>Agree with minor modification. BFC also agreed a further modification related to punctuation which improves clarity in the Plan.</p>

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
TC2	3	<p>In Policy TC2:</p> <ul style="list-style-type: none"> • Delete “Any strategic scale development will be” and insert “Any development that generates significant amounts of movement” • After “transport impact on” delete “the” and after “pinchpoints” delete “identified on the Policies Map” <p>Policy TC2 amendments:</p> <p>POLICY TC2: IMPROVEMENTS TO KEY LOCAL JUNCTIONS AND PINCHPOINTS Any strategic scale development will be <u>Any development that generates significant amounts of movement will be</u> required to consider through a transport assessment the cumulative transport impact on the key local junctions and pinchpoints. Identified on the Policies Map.</p> <p>Where there is a potential severe impact on these local junctions and pinchpoints, including in relation to pedestrian safety, suitable mitigation measures will be required.</p>	<p>An element of Policy TC2 is not sufficiently precise to provide a framework for consistent decision making as required by paragraph 17 of the NPPF, and no evidence has been established to justify identified local junctions and pinchpoints.</p> <p>In addition the words “will be” have been retained to aid readability of the sentence; it is considered this was a grammatical error in the recommendation.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy TC2 meets the basic conditions, for the reasons the Examiner expressed.</p>
4.12 (4.13)	-	Amend text to read: “...difficult to get around. The Bracknell Forest Local Transport Plan <u>3 2011-2026</u> (LTP <u>3</u>) recognises this and aims...”	Further modification which is a factual amendment to the text.
4.14 (4.16)	4	<p>Insert new paragraph after 4.14 (new paragraph 4.16):</p> <p>“In putting together a package of public transport improvements, planning applications related to strategic developments in the Neighbourhood Plan area must <u>are strongly encouraged to</u> demonstrate that the applicants have engaged with the existing local community of Binfield to specifically ascertain</p>	<p>The paragraph formerly in Policy TC3 relates to community engagement and is not a land use policy.</p> <p>BFC consider that the</p>

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		and, where possible, facilitate improvements to services that will be of greatest benefit in terms of bus patronage.”	<p>modification recommended by the Examiner to move this wording to supporting text is necessary to ensure that Policy TC3 meets the basic conditions, for the reasons the Examiner expressed.</p> <p>A further modification has been made to include the word “strongly”. This is reflective of the desire of the community to add value to the process and the outcome, as set out in the NPPF para. 188 and the Planning Practice Guidance ref ID: 20-009-20140306.</p>
TC3	4	<p>In Policy TC3:</p> <ul style="list-style-type: none"> • In line 1 after “towards” insert “physical” • Delete the second paragraph and include in supporting text substituting “are encouraged to” for “must” <p>Policy TC3 amendments:</p> <p>POLICY TC3: BUS AND COMMUNITY TRANSPORT PROVISION New development proposals that contribute towards physical improvements in the quality of public and community transport services and/or supporting infrastructure serving the Neighbourhood Plan area will be strongly supported.</p> <p>In putting together a package of public transport improvements, planning applications related to strategic developments in the Neighbourhood Plan area must demonstrate that the applicants have engaged with the existing local</p>	<p>An element of Policy TC3 is not sufficiently precise to provide a framework for consistent decision making as required by paragraph 17 of the NPPF.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy TC3 meets the basic conditions, for the reasons the Examiner expressed.</p>

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		community of Binfield to specifically ascertain and, where possible, facilitate improvements to services that will be of greatest benefit in terms of bus patronage.	
5.5	-	Text amended to read: "Whilst the existing golf clubhouse is <u>was considered</u> capable of refurbishment to provide for the needs to a primary healthcare facility, <u>Binfield Surgery and more recent feasibility work have concluded the building is not suitable for a primary healthcare facility in terms of its layout and there being limited parking available at the site.</u> It is <u>It does however remain</u> important that the potential for possible..."	Further modification which is a factual amendment to the text based on latest information.
5.6	-	Amend text to read: "Whilst <u>strategic developments shall where practical be designed to provide</u> pedestrian and cycle access <u>towards the existing built-up areas, including Binfield Village</u> is expected to be provided to the <u>and the</u> community hub at Blue Mountain under Policy TC1..."	Consequential modification required due to recommended amendments to Policy TC1.
CF1	5	<p>In Policy CF1: Replace the second paragraph with "Primary healthcare facilities provided as part of a strategic development should be designed to allow for the latest assessment of needs arising from the strategic development concerned when it is completed."</p> <p>Policy CF1 amendments:</p> <p>POLICY CF1: PROVISION OF NEW PRIMARY HEALTHCARE FACILITIES AND ASSOCIATED CAR PARKING Development in the Neighbourhood Plan area that provides new primary healthcare facilities must ensure that these are sited in an accessible location such that they can support the healthcare needs of the existing community as well as the new population.</p> <p>Any provision of primary healthcare facilities should be designed to allow for</p>	<p>The term "potential future capacity needs" in Policy CF1 was considered by the Examiner to be imprecise and open ended.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy CF1 meets the basic conditions, for the reasons the Examiner expressed.</p>

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<p>potential future capacity needs. This is particularly the case if provision as part of a strategic development is proposed. <u>Primary healthcare facilities provided as part of a strategic development should be designed to allow for the latest assessment of needs arising from the strategic development concerned when it is completed.</u></p> <p>Any provision of primary healthcare facilities must ensure that adequate parking provision in line with adopted Bracknell Forest parking standards is made to directly serve the facility.</p>	
5.9	-	Text amended to read: "As well as an <u>the possible</u> expanded primary healthcare facility identified in Policy CF1 paragraph 5.5...."	Further modification which is a factual amendment to the text as a result of changes to Policy CF1 and paragraph 5.5.
CF2	6	<p>In Policy CF2: Delete "convenience retail store" and insert "local shop".</p> <p>Policy CF2 amendments:</p> <p>POLICY CF2: PROVISION OF A COMMUNITY SHOP AND CAFÉ The provision of a convenience retail store <u>local shop</u> and café at the Blue Mountain strategic site will be strongly supported. Such provision must be of a scale that is ancillary to the main uses on the site.</p>	<p>The Policy was considered to be consistent with the sequential test set out in NPPF paragraph 24, but the use of "convenience retail store" in Policy CF2 was considered by the Examiner to require modification in accordance with paragraph 17 of the NPPF.</p> <p>BFC consider that the modification recommended by the Examiner is necessary to ensure that Policy CF2 meets the basic conditions, for the reasons the Examiner expressed.</p>

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
5.13	-	<p>Amend paragraph to reflect revised Policy reference.</p> <p>Text amended to read: "...as a local green space under Policy ENV4 ENV3 of this Neighbourhood Plan...."</p>	Further modification which is a factual amendment to the text.
CF3	7	<p>In Policy CF3: Delete "permitted" and insert "supported"</p> <p>Policy CF3 amendments:</p> <p>POLICY CF3: ALLOTMENT SPACE Proposals that would result in the loss of all or part of existing allotment spaces will not be permitted supported unless alternative and equivalent allotment space is provided.</p> <p>Alternative allotment provision proposed as part of such proposals will be required to meet the following criteria:</p> <ol style="list-style-type: none"> 1. the scale of the alternative site must be of an equivalent scale to the existing allotment provision; and 2. the quality of the alternative site must be of equivalent standard in terms of layout and soil character to the existing allotment provision; and 3. the location of the alternative provision must be generally accessible by foot and within or adjacent to the defined settlement area of Binfield, as shown in the Bracknell Forest Policies Map. <p>Proposals to provide new allotment space as part of development will be strongly supported, subject to it being provided in an appropriate accessible location.</p>	<p>Planning policies cannot stipulate whether or not planning permission will be permitted, because in accordance with NPPF paragraph 196 the basis for decision making should be the Development Plan unless material considerations indicate otherwise.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy CF3 meets the basic conditions, for the reasons the Examiner expressed.</p>
6.2	-	Amend text to read: " <u>It is considered important to ensure</u> that development sustains...."	Further modification which is to improve the readability of the

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
			supporting text.
6.3 – 6.5	13	<p>This general text should be revised in order to more accurately reflect the approach in the ‘conserving and enhancing the natural environment’ element of the Framework. In particular paragraph 6.5 should be amended to refer to significant not potential harm, and that compensation may be necessary if mitigation cannot be achieved.</p> <p>Text amended to read:</p> <p>6.3 There are a number of natural habitats and species within the Neighbourhood Plan area that need to be protected and enhanced. Equally, the amount of development allocated in the Bracknell Forest Site Allocations Local Plan does create the risk that some habitats will be lost or significantly altered. As a rural community, the people of Binfield recognise that such habitats and species should be protected from significant harm. As required by the National Planning Policy Framework, if this is not possible then the harm caused should be adequately mitigated or, as a last resort, compensated for.</p> <p>6.4 The primary goal of protecting biodiversity is seen as particularly important in Binfield, being a parish that is rich in both flora and fauna. This is protected by its network of Local Wildlife Sites and Local Nature Reserves, largely made up of a series of copses and meadows. Many of these are also ancient woodlands. They serve to allow a wide variety of species to thrive. This includes badgers and bats.³</p> <p>6.5 It is therefore imperative that any potential significant harm arising from proposed development is, where possible, avoided or where possible reduced. If it is not possible to avoid or reduce such harm, then it will be necessary to identify and ensure that appropriate mitigation strategies are put</p>	Agree with modification to supporting text, which is necessary to reflect the NPPF.

³ Source: Thames Valley Environmental Records Centre (2015) *Binfield CP Biodiversity Report*

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		in place, <u>or as a last resort compensate for any loss through habitat creation or species translocation.</u> If it is not possible to put in place the necessary mitigation, then development should not be permitted.	
6.6	13	<p>Supporting text should refer to relocation of species as well as habitat being only undertaken as a last resort and that this should not be in a location that would damage existing habitats or species.</p> <p>Text amended to read:</p> <p>“Well-designed developments should be able to properly establish the location of habitats and the movement patterns of animals and wildlife such that development does not impact on these. The <u>creation</u> relocation of any habitat <u>or species translocation</u> should only be undertaken as a last resort when it is proven that a scheme cannot be designed to accommodate them in their existing location (including consideration of whether a reduced quantum of development would provide a solution). In order to reduce the impact of any such <u>habitat creation or species translocation</u> relocation, this should be at an appropriate location as close to the existing site as possible, but not in a location that would damage existing habitats <u>or species</u> of value. Such locations should be identified in partnership with any appropriate wildlife body operating in the area.”</p>	Agree with minor modification.
ENV1	8	<p>In Policy ENV1: Replace Policy ENV1 with “Development proposals that would result in significant harm to a Local Nature Reserve or Local Wildlife Site will not be supported unless the applicant can demonstrate the proposal cannot be located on an alternative non-designated site with less harmful impacts, and adequate mitigation, or failing that compensatory, measures are proposed. Where as a last resort compensatory measures involving creation of off-site habitat and/or relocation of species are agreed by the Local Planning Authority these should be implemented in partnership with an appropriate nature</p>	Planning policies cannot stipulate whether or not planning permission will be permitted, because in accordance with NPPF paragraph 196 the basis for decision making should be the Development Plan unless material considerations indicate otherwise. In addition, the

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<p>conservation body.”</p> <p>Policy ENV1 amendments:</p> <p>POLICY ENV1: PROTECTION OF DESIGNATED BIODIVERSITY SITES</p> <p>Development proposals that would result in either the loss of or unacceptable harm to a Local Nature Reserve or Local Wildlife Site as shown on the Policies Map will not be permitted unless:</p> <ol style="list-style-type: none"> 1. the applicant agrees measures for the relocation of the existing habitat both during and after construction, and agrees appropriate management arrangements with the local planning authority and the appropriate management body; or 2. if relocation is not possible then adequate mitigation or, failing that, compensation measures are proposed that would result in an effective solution to ensure that the integrity of the habitat continues during the construction phase and following completion of the development. <p><u>Development proposals that would result in significant harm to a Local Nature Reserve or Local Wildlife Site will not be supported unless the applicant can demonstrate the proposal cannot be located on an alternative non-designated site with less harmful impacts, and adequate mitigation, or failing that compensatory, measures are proposed. Where as a last resort compensatory measures involving creation of off-site habitat and/or relocation of species are agreed by the Local Planning Authority these should be implemented in partnership with an appropriate nature conservation body.</u></p>	<p>Examiner considered modification to Policy ENV1 necessary in order for it to more clearly reflect national policy, in particular with respect to avoidance of significant harm to biodiversity through locating on an alternative site with less harmful impacts.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy ENV1 meets the basic conditions, for the reasons the Examiner expressed and to ensure Policy ENV1 reflects the mitigation hierarchy.</p>
6.16	-	Amend text to read: “..for each of the local green spaces.”	Further modification which is a factual amendment to the text.
ENV3	9	<p>In Policy ENV3</p> <p>Delete the text following “Meadow” and insert “New development is</p>	Planning policies cannot stipulate whether or not planning

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification										
		<p>inappropriate in these areas which shall be kept permanently open except in very special circumstances, for example to accommodate essential utility infrastructure that cannot be located elsewhere.”</p> <p>Policy ENV3 amendments:</p> <p>POLICY ENV3: PROTECTION AND MAINTENANCE OF LOCAL GREEN SPACES</p> <p>The following areas and as shown on the Policies Map are designated as Local Green Spaces:</p> <table border="0"> <tr> <td>1. Ryehurst Lane</td> <td>6. Farley Wood Centre</td> </tr> <tr> <td>2. Farley Copse</td> <td>7. York Road play area</td> </tr> <tr> <td>3. Knox Green</td> <td>8. Red Rose Allotments</td> </tr> <tr> <td>4. Wicks Green/Silver Jubilee Field</td> <td>9. Foxley Fields</td> </tr> <tr> <td>5. Nash Pond</td> <td>10. Pope’s Meadow</td> </tr> </table> <p>Proposals for built development on these Local Green Spaces should not be permitted unless:</p> <p>a. it is an exception permitted by national planning policy as contained in the NPPF; and</p> <p>b. the proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space.</p> <p><u>New development is inappropriate in these areas which shall be kept permanently open except in very special circumstances, for example to accommodate essential utility infrastructure that cannot be located elsewhere.</u></p>	1. Ryehurst Lane	6. Farley Wood Centre	2. Farley Copse	7. York Road play area	3. Knox Green	8. Red Rose Allotments	4. Wicks Green/Silver Jubilee Field	9. Foxley Fields	5. Nash Pond	10. Pope’s Meadow	<p>permission will be permitted, because in accordance with NPPF paragraph 196 the basis for decision making should be the Development Plan unless material considerations indicate otherwise. In addition, the Examiner considered modification to Policy ENV3 necessary in order for it to more clearly reflect national policy approach set out in paragraphs 76 to 78 of the NPPF.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy ENV3 meets the basic conditions, for the reasons the Examiner expressed.</p>
1. Ryehurst Lane	6. Farley Wood Centre												
2. Farley Copse	7. York Road play area												
3. Knox Green	8. Red Rose Allotments												
4. Wicks Green/Silver Jubilee Field	9. Foxley Fields												
5. Nash Pond	10. Pope’s Meadow												
6.18 (6.19)	10	<p>Insert new paragraph after 6.18:</p> <p><u>“Applicants are strongly encouraged to comprehensively engage with the community in order to ascertain what types of public open space are</u></p>	<p>The paragraph formerly in Policy ENV4 relates to community engagement and is not a land use policy.</p>										

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<u>required and how they can best be laid out to ensure ease of access by non-car modes of transport.</u>	BFC consider that the modification recommended by the Examiner to move this wording to supporting text is necessary to ensure that Policy ENV4 meets the basic conditions, for the reasons the Examiner expressed.
ENV4	10	<p>In Policy ENV4: Delete paragraph 2 which should be transferred to supporting text.</p> <p>Policy ENV4 amendments:</p> <p>POLICY ENV4: PUBLIC OPEN SPACE Proposals to provide public open space, both for passive and active recreation, at the Blue Mountain strategic site will be welcomed. Applicants are strongly encouraged to comprehensively engage with the community in order to ascertain what types of public open space are required and how they can best be laid out to ensure ease of access by non-car modes of transport.</p>	<p>The paragraph formerly in Policy ENV4 relates to community engagement and is not a land use policy.</p> <p>BFC consider that the modification recommended by the Examiner to move this wording to supporting text is necessary to ensure that Policy ENV4 meets the basic conditions, for the reasons the Examiner expressed.</p>
CO1	-	Amend text to read: "...through consultation with Next Generation Access (NGA) Network providers..."	Further modification which is to provide clarity in the Plan.
8.8	-	Amend text to read: " When assessing applications against the criteria in Policy BF1, the particular issues that must be considered in demonstrating that a backland or infill scheme is acceptable are as follows include the following: "	Further modification which is to improve the readability of the text and to address the modification recommended for paragraphs 8.9 to 8.15 of the Plan.
8.9 – 8.15	13	Paragraphs 8.9 to 8.15 should be adjusted to reflect the wording of Policy BF1.	Agree with modification to

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<p>Paragraph 8.8 has been amended to incorporate the links between Policy BF1 and this supporting text. Text amendments to paragraphs 8.9 to 8.15 are listed below:</p> <p>8.9 Plot width – plots must be of sufficient width to allow a building(s) to be sited with adequate separation between dwellings. The width of the remaining and the new plot should be similar to that prevailing in the immediate area.</p> <p>8.10 Building line – where the established building line of existing dwellings is a feature of the area, new development should respect that building line.</p> <p>8.11 Visual separation – new dwellings must have similar spacing between buildings to that commonly found on the street frontage. Where houses are terraced the new development should normally adjoin the adjacent property(s).</p> <p>8.12 Building height – new buildings should reflect the height of existing buildings. Where existing buildings are of a uniform height, new buildings should respect that height and vice versa.</p> <p>8.13 Daylight and sunlight – new buildings should not adversely affect neighbouring properties by seriously reducing the amount of daylight available through windows or by obstructing the path of direct sunlight to a once sunny garden or window. Blocking direct sunlight from reaching neighbouring properties can cause overshadowing and is not acceptable.</p> <p>8.14 Parking and access arrangements – satisfactory arrangements will be required for parking and access, <u>both for new development and existing properties where they would be affected.</u> Generally parking areas to the front of the property using the front garden will not be acceptable unless, this is the prevailing pattern of parking in the locality.</p> <p>8.15 Boundary treatment – boundary treatment along the frontage should reflect that prevailing in the area. Proposals for open frontages or the use of the frontage for parking will not be acceptable in areas where enclosed front boundaries prevail.</p>	<p>supporting text, which provides clarity in the Plan. A further modification has been made to paragraph 8.8, which is linked to this recommended modification.</p>
8.16	-	Text amended to: "... in the Green Belt ..."	Further modification which is a

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
			factual amendment to the text.
8.17	-	Text amended to: "... in the Bracknell Forest Character Areas <u>Area Assessments</u> Supplementary Planning Document..."	Further modification which is a factual amendment to the text.
BF1	11	<p>In Policy BF1</p> <ul style="list-style-type: none"> • Delete footnote 10 • In 5 delete "or window" and insert "to windows" <p>Policy BF1 amendments:</p> <p>POLICY BF1: INFILL AND BACKLAND DEVELOPMENT</p> <p>All infill and backland development shall (including extensions and out-buildings) protect the amenity of neighbours, and reflect the scale, mass, height and form of neighbouring properties. Development proposals must demonstrate how they address the recommendations and contribute positively to the features of the respective character areas identified in the Bracknell Forest Character Areas <u>Area Assessments</u> Supplementary Planning Document⁴.</p> <p>In particular, development proposals shall:</p> <ol style="list-style-type: none"> 1. retain historic buildings that contribute to the distinctive character and historic and architectural interest of the village; and 2. ensure that they do not lead to over-development of a site; and 3. avoid the appearance of cramming; and 4. have a similar form of development to properties in the immediate surrounding area; (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property); and 5. ensure that new buildings do not adversely affect neighbouring properties by seriously reducing the amount of daylight available 	<p>The modification to the title of the Character Area Assessments SPD was recommended in paragraph 145 of the Examiner's Report, though not listed in modification 11. The inclusion of footnote 10 in Policy BF1 was considered by the Examiner to require deletion in accordance with paragraph 17 of the NPPF.</p> <p>The Policy was considered to seek to shape and direct sustainable development and to promote and reinforce local distinctiveness.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy BF1 meets the basic conditions, for the reasons the Examiner expressed.</p>

⁴ Or any successor Bracknell Forest or Binfield Parish document that relates to character areas in the Binfield Neighbourhood Plan area

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<p>through windows or by obstructing the path of direct sunlight or window to windows; and</p> <ol style="list-style-type: none"> 6. ensure that it does not unacceptably reduce the level of existing private amenity space provision for existing residential properties; and 7. provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected; and 8. reflect the prevailing boundary treatments. 	
8.18	12	<p>In the supporting text add definition of heritage asset set out in Annex 2 to the Framework.</p> <p>Text amended to read:</p> <p><u>“Heritage assets are defined as a “building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)” (Annex 2, NPPF).</u></p> <p>With major strategic development proposed in the Neighbourhood Plan area, it is important that its heritage assets are protected. These developments have...”</p>	Agree with minor modification.
8.19	-	Amend text to read: “...in respect of Newbold College, a <u>registered Historic</u> Park and Garden...”	Further modification which is a factual amendment to the text.
BF2	12	<p>In Policy BF2:</p> <ul style="list-style-type: none"> • Commence the policy with “Development proposals should demonstrate that negative impacts to the setting of heritage assets have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme is not justified by the public benefits that would be provided, it will not be supported.” • Delete “and should create frontages that provide an attractive interface 	The modifications were considered necessary by the Examiner to provide clarity in accordance with paragraph 17 of the NPPF, and to align with national policy in relation to the conservation and enhancement of

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
		<p>with areas of open landscape”</p> <ul style="list-style-type: none"> • Include the definition of heritage asset set out in Annex 2 to the Framework as supporting text <p>Amendments to Policy BF2:</p> <p>POLICY BF2: PROTECTION OF HERITAGE ASSETS <u>Development proposals should demonstrate that negative impacts to the setting of heritage assets have been either avoided or minimised. Where the harm of any residual impacts of a proposed scheme is not justified by the public benefits that would be provided, it will not be supported.</u> Development proposals will be required to sustain and enhance the setting of heritage assets in their vicinity, including views from historic parks and gardens, through the careful choice of building heights, layout and materials, use of landscape buffers and placement of green open space. These should avoid placing incongruous tall buildings in prominent locations in views that contribute to the significance of these heritage assets, and should create frontages that provide an attractive interface with areas of open landscape.</p>	<p>the historic environment.</p> <p>BFC consider that the modifications recommended by the Examiner are necessary to ensure that Policy BF2 meets the basic conditions, for the reasons the Examiner expressed.</p>
Policies Maps	13	<p>Add a note on the Policies Map to confirm Local Nature Reserves and Local Wildlife Sites are shown as at the time of preparation of the Neighbourhood Plan and subject to variation throughout the Plan period.</p> <p>Footnote added: <u>“Local Nature Reserves and Local Wildlife Sites are shown as at the time of preparation of the Neighbourhood Plan, and may be subject to variation throughout the Plan period.”</u></p>	Agree with minor modification.
Policies Maps	13	<p>Delete key local junctions and pinchpoints from the Policies Map.</p> <p>Map amended accordingly.</p>	Agree with minor modification.
Policies	13	Policies Map reference to ENV4 should read ENV3.	Agree with minor modification.

BNP Policy/ Para.	Examiner Modification reference	Modification Recommendation	BFC Consideration/ justification
Maps		Legend amended accordingly.	
Policies Maps	-	The extents of the SA6, SA7 and SA8 have been amended to reflect the land allocated in the Site Allocations Local Plan.	Further modification which is a factual amendment to the map.
Appendix A	-	The maps have been amended to correct a typographical error of “metres” on the scale bar.	Further modification which is a factual amendment to the map.
-	-	Add Glossary to the end of the Plan in a new ‘Section 10’ rather than it being a separate document.	Further modification which provides clarity in the Plan.
-	-	In the Glossary, amend the order of terms so that ‘Core Strategy’ appears alphabetically before ‘Development Plan’.	Further modification which provides clarity in the Plan.
-	-	Amend the definition of ‘Policies Map’ in the Glossary to add the word ‘spatial’ in front of ‘extent’. Amended text to read “A map which identifies the location and spatial extent of policies and proposals that are set out in the Development Plan.”	Further modification which provides clarity in the Plan.
-	-	Amend the definition of ‘Historic Parks and Gardens’ in the Glossary to reflect that Bracknell Forest has six designated Historic Parks and Gardens, but only one is in Binfield. Amended text to read: “A park or garden identified as having special historic character, and as such protected from inappropriate development by planning policies. Bracknell Forest contains six <u>one</u> Historic Parks and Gardens, <u>one of which is in Binfield Parish and is defined shown in Figure 2.1 and on the Bracknell Forest</u> Policies Map: <ul style="list-style-type: none"> • Moor Close (Newbold College), Binfield” 	Further modification which is a factual amendment to the text.