



Regulation 12 Consultation Statement

Planning Obligations Supplementary Planning Document

June 2026

1. Introduction

- 1.1 Regulation 12 of 'The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)' requires Local Authorities to prepare a statement prior to the adoption of a supplementary planning document (SPD) which sets out:
- Who was consulted
 - A summary of the main issues raised
 - How those issues have been addressed in the SPD
- 1.2 This Statement relates to the consultation which took place in relation to the Draft Planning Obligations SPD.
- 1.3 The role of the Planning Obligations SPD is to provide guidance on the application of Bracknell Forest Local Plan policies (as adopted in March 2024) in relation to the following policies:
- Policy LP 24 Infrastructure.
 - Policy LP 25 Transport principles.
 - Policy LP 26 Transport infrastructure principles.
 - Policy LP 27 Climate Change.
 - Policy LP 30 Green Infrastructure.
 - Policy LP 44 Protection of community facilities and services.
 - Policy LP 45 Play, open space and sports provision.
 - Policy LP 46 Standards for Open Space of Public Value.
 - Policy LP 57 Sustainable Drainage Systems (SuDS).
 - Policy LP 60 Assessing Transport Impacts and Requirements
 - Policy LP 61 Travel Plans
- 1.4 The purpose of the consultation was to seek the views of those living and working in the Borough, and those who submit planning applications on the approach to be taken to planning applications in relation to S106 Agreement planning obligation matters.
- 1.5 A four-week (plus two days to allow for public holidays) public consultation on the draft SPD took place between 25th March and 24th April 2026, and involved the following:
- Update of the 'Planning Obligation SPD' webpage on the Council's website [Planning Obligations Supplementary Planning Document | Bracknell Forest Council](#)
 - Publication of the consultation documents on the Council's consultation portal
 - Email (or letters to those without an email address) to those on the Council's planning policy consultation database which included:
 - Local residents
 - Developers
 - Adjoining local authorities
 - Parish/Town Councils

- Statutory consultees
 - Provision of a hard copy of the draft SPD during the consultation period at the Council office at Time Square, Bracknell and Bracknell Town library. Warfield and Crowthorne Parish Councils also requested hard copies.
 - Press release at the start of the consultation on the Council's web page
 - Information on the Council's Facebook page
 - Item in the 'Town and Country extra' (a Borough newsletter)
- 1.6 Fifteen individuals/organisations responded to the consultation. **Annexe A** provides a summary of the main issues raised and how they have been addressed in the final version of the SPD.

Annexe A – Summary of representations and Council’s response

Please note that all document references relate to the consultation draft SPD, and these may differ from the adopted version.

New text added to the SPD is shown in **bold and underlined**.

A ~~strikethrough~~ has been applied to text that is deleted from the SPD.

Relevant section in draft SPA SPD	Summary of comment	Council Response / Proposed Action
Representor 1: Historic England		
Whole Document	No comment	Noted with thanks.
Representor 2: Waverly Council		
Whole Document	No comment	Noted with thanks.
Representor 3: National Highways		
Whole Document	No comment	Noted with thanks.
Representor 4: Transport for London		
Whole Document	No comment	Noted with thanks.
Representor 5: Sport England		
Chapter 1 Introduction	The document should also cover playing fields and a range of sports facilities.	The SPD provides guidance to Local Plan Policy LP45 Play, open space and sports provision in its supporting text at paragraph 14.15 where for example, sports pitches form part of Active Open Space of Public Value. As defined. No changes required to the SPD
Chapter 2 OSPV	With reference to paragraph 2.3 Paragraph 103 of the National Planning Policy Framework states: Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Standards are not as robust as assessments. Therefore, Sport England does not support this element of the SPD.	This is disagreed, the standards for open space as referred to in paragraph 2.3 actually are in the sound local plan policy LP 46 Standards for Open Space of Public Plan. This policy was supported by a robust and up-to-date assessment for the need for open space, sports and recreation. It is not the purpose of the SPD consultation to re-open this debate as Sport England declined the opportunity to argue heir case at the examination into the local plan.

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	<p>Off-site mitigation is acceptable in certain circumstance for playing fields and sports provision with suitable infrastructure – whereas single pitch sites are not.</p> <p>We do support the 20year approach to maintenance in 2.17 But we cannot support the figures in Table 3 as do not take into account the individual circumstances of the sports provision.</p>	<p>If a development proposes the loss of provision then there will be an objection under a host of policies unless by a robust assessment it demonstrates otherwise.</p> <p>Off-site mitigation is essential as part of the offer for a range of development sites, for example many sites are allocated in Bracknell Town Centre which will be higher density apartments. The allocations were found to be sound. In these sites we cannot provide for large open space / sports pitches and so the strategy is to enhance the quality and capacity of OSPV areas including pitches capable of serving the sites. This approach was supported by evidence such as Play Open Space and Sports study which evidenced our policy approach.</p> <p>The maintenance amounts are those we charge for sites to be transferred to the Council for their on-going maintenance, so it is the council's prerogative on what it charges to do so. In the circumstance that the Council does not take on the management responsibilities of a an OSPV area such as a sports pitch then a obligation to maintain the land by a management company or other 3rd party body is required as stated in paragraph 2.20 of the SPD.</p> <p>No changes required to the SPD.</p>
Chapter 5 Education	Just a note that access to school sports facilities are limited and therefore do not replace the requirements for access to playing fields and sports halls etc, by new communities.	<p>Agreed and text to clarify this point is recommend. Add a new sentence at the end of paragraph 2.8 to read as:</p> <p><i>Any on-site provision will be required to be secured by S106 planning obligations which will include its ongoing maintenance with relevant monitoring fees. If a developer is genuinely unable to provide sufficient open space of public value in line with the relevant standards, the Council will require a financial contribution and / or in-kind provision of off-site mitigation. <u>It should be noted that school playing fields can only partly contribute to OSPV standard where they provide secured public access. The contribution accepted will be based on the proportion of public usage agreed.</u></i></p>

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Chapter 6 Community Facilities	This should include all sports typologies and playing fields.	<p>Disagreed as that is the function of Open Space of Public Value. The distinction between active and passive OSPV will allow the development of projects within those categories to deliver the need project for the particular area be it for example, a pitch, play area or allotment area within the active OSPV portfolio as defined in local plan Policy LP 45 in its supporting text at paragraph 14.15.</p> <p>No changes required to the SPD.</p>
Chapter 7 Other provisions and obligations	Also, all requirements for S106 and CIL should be backed up by sound robust evidence bases.	<p>Agreed, any planning obligations sought on application will be backed up by policy, guidance and evidence to meet the tests for s106 obligations in the Community Infrastructure Levy (CIL) regulations 2010, as amended, Reg 122. The Council as a matter of process produces a CIL Reg 122 compliance statement for all appeals where a s106 agreement or Unilateral Undertaking is required as specified in paragraph 1.11 of the SPD. We have routinely found that inspectors welcome such an approach and in 100% of cases (so far) we have been supported.</p> <p>To introduce a CIL Charging Schedule the Council had to undertake and examination which included evidence. The Council already has a sound CIL Charging Schedule in place.</p> <p>No changes required to the SPD.</p>
Representor 6: Local Resident		
General	<p>I feel we are overcompensating for the need for housing and not building what is required to meet the needs of the population. The number of people waiting for housing are not waiting to buy but waiting for social housing, yet the council continues to push for development of the country side. Warfield is unrecognisable and the infrastructure cannot support the developments proposed. On paper 235 extra homes for the area in reality it is only 35! It's time to look at what we are asking for and what we need.</p> <p>We need.</p>	<p>This comment is about the principle of development and a matter for a local plan policy and allocation process.</p> <p>For clarification:</p> <ol style="list-style-type: none"> 1. There is a housing and affordability need across the country including Bracknell Forest. 2. The Council's current strategy in its adopted local plan is focuses the majority of housing in Bracknell Town Centre as the most sustainable locations. 3. The Council's policy on affordable housing in in the local plan with supplementary guidance in the published Housing SPD

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	<ul style="list-style-type: none"> • Affordable rental homes for all ages. • More bungalows for an aging population. • Improved social links-hubs and health centres for community use. • Doctors and dentists. • Public transport for rural communities. • Food outlets for groceries. • Trees not open grasslands. • Cycle paths that are for cyclists to avoid confrontation with motorists. • Incentives and tax breaks for those who give back to the community. <p>Adult social care that is well managed and user driven. (should also be tax deductible in my opinion)</p>	<ol style="list-style-type: none"> 4. The SPD provides for community facilities and will include additional text for health as in the comments below from the NHS Thames Valley Integrated Care Board. 5. The provision of doctors and dentist is not a matter for development to solve as it is a function of the NHS. 6. The Council has designated shopping areas for food outlets across the Borough which the market reacts to. 7. The Council will ensure a range of green infrastructure and open space provision is provided. This SPD deal with the open space requirements for new development and the Biodiversity and Green Infrastructure SPD is for considering the protection, enhancement and mitigation for lost provision. Tree planting projects will be delivered. 8. The Council ensures new cyclepath links are provided when considering detail application designs. 9. The planning functions of the Council cannot provide for tax breaks. And adult social care is a separate function of the Council. <p>No changes required to the SPD.</p>
Representor 7: Local Resident		
General	<p>The Masterplans SPD should require every site masterplan to demonstrate, before approval, on-site provision of Open Space of Public Value at the adopted standard of 4.3 ha per 1,000 residents (2 ha Active, 2.3 ha Passive), with the Active allocation itemising equipped children's play provision separately from sports facilities. Financial contributions in lieu should be the exception for major sites, not the default.</p>	<p>This is generally agreed but, in some situations, it is not deliverable such as in smaller higher density sites in the town centre and therefore financial contributions towards improving the capacity and quality of nearby spaces is a sensible option. The Council over the years has delivered both significant new open space areas and many off-site projects.</p> <p>No changes required to the SPD.</p>
Representor 8: Bloor Homes (c/o Turley)		
Chapter 2	<p>The draft SPD sets out site thresholds for the provision of Open Space of Public Value (OSPV) (Table 1 of the SPD), alongside financial contributions (Table 2) where on-site provision is not achievable. We recognise that the Local Plan establishes Table 1's thresholds for OSPV through Policy LP46 and it is recognised that Policy LP46 also sets the principle of providing a contribution in lieu of on-site provision. However, the per-dwelling rates and maintenance sums identified by the SPD are not accompanied by sufficient information</p>	<p>The rates in the SPD are derived using the average of the costs of projects undertaken, their maintenance and the budget for staff which look after existing open space (excluding Suitable Alternative Natural Greenspaces). This has been applied to the number of persons per dwellings (as a multiplier) and then rounded. It is recommended that the SPD is amended to clarify this. Add a sentence to the beginning of paragraph which reads as:</p>

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	<p>explaining how these costs have been derived, nor evidence that they have been subject to up-to-date viability testing.</p> <p>The SPD should make clear how the proposed financial contributions relate to the Local Plan standards and to the Council's evidence base (including any underpinning cost information) and confirm that contributions will continue to be applied on a site-specific basis in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). These contributions should also be viability tested.</p> <p>We also note from Page 6 of the IFS that new OSPV is delivered through a combination of "S106 / CIL /Planning Conditions / Other" sources. The Council should clarify whether figures set out in Table 2 costs account for part funding and provide clear guidance on when OSPV mitigation will be sought through section 106 (including in-kind provision and commuted sums), and how this relates to wider CIL-funded open space projects, to ensure there is no duplication of funding for the same infrastructure need.</p> <p>Where the SPD seeks commuted sums for the transfer and long-term maintenance of on-site OSPV, it should be clear on the assumed maintenance period and the basis of calculation, and confirm that commuted sums will be calculated on a site-specific, costed basis (reflecting the nature of land/facilities to be maintained), rather than applied as a blanket charge.</p>	<p><u>New rates for OSPV financial contributions are provided based on the average costs of projects undertaken, their maintenance and the budget for staff which look after existing open space (excluding Suitable Alternative Natural Greenspaces). This has been applied to the number of persons per dwellings (as a multiplier) and then rounded. In terms of financial contributions in-lieu of mitigation for the additional pressure placed upon OSPV the following amounts apply:</u></p> <p>Further, the rates can be negotiable as a matter of course and alternative provision can be made such as a developer providing its own off-site provision and text should be added to clarify this. Add a sentence to paragraph 2.4 to read as:</p> <p><u>As an alternative a developer can purchase or create their own off-site provision provided it is:</u></p> <ul style="list-style-type: none"> • <u>in the Borough; and,</u> • <u>reasonably capable of serving the development site; and,</u> • <u>of the right type of provision required; and,</u> • <u>free to access and publicly available;</u> • <u>maintained in perpetuity.</u>
Chapter 3	<p>In line with Policy LP60 (Assessing transport impacts and requirements) and Policy LP61 (Travel Plans), the SPD includes a standard charge of up to £3,000 per Traffic Regulation Order (TRO) (index linked). Whilst we appreciate that the Council will incur costs in promoting TROs associated with development, the SPD should set out a clear basis for the figure (including what it covers) and confirm that it will only be sought where a TRO is necessary as a direct consequence of the development and meets Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).</p>	<p>The cost of a Traffic Regulation Order is set annually as part of the Council's charges and fees. It is usually increased by inflation so the "up to £3,000 figure" takes account of that for the next few years.</p> <p>TRO contributions are only sought as a direct result of the implications for each scheme and usually specify what it is for such as towards the provision of restriction measures including double yellow lines within a site or directly linking to the site. This is fully compliant with the tests for a s106 obligation in CIL Regulation 122.</p> <p>Add a new sentence to paragraph 3.3 which reads as:</p>

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		<p><i>Development which requires restrictions to be placed on the public highway will be required to pay a sum of up to £3,000 per Traffic Regulation Order (TRO) adjusted for inflation. <u>The Council will charge the current rate of a TRO which is currently around £2000 and inflated each year in accordance with its fees. This will be capped at £3000 (over the period of this SPD).</u> The Council will carry out the statutory process for undertaking a TRO including advertising, administration and any associated works such as yellow line painting or signage.</i></p>
Chapter 3	<p>The SPD also provides a schedule of Travel Plan fees and deposits, and a separate option for residential development to make a financial contribution in lieu of a Travel Plan in certain circumstances. In principle, we support the objective of securing effective Travel Plan implementation and monitoring in accordance with Policy LP61, and ensuring appropriate transport assessment and mitigation in line with Policy LP60. However, where the SPD introduces fixed fees, deposits or standard charges (including in relation to travel plan monitoring), it should clearly evidence how these have been derived, what they cover, and how they relate back to the policy requirement being imposed. The SPD should also confirm that the approach will be applied proportionately having regard to site-specific circumstances and viability.</p> <p>For transparency, the SPD should also include a direct link to, or append, the Council's Travel Plan Guide for developers and the monitoring fee/deposit schedule relied upon, so that applicants can clearly understand expectations and cost inputs at an early stage.</p>	<p>The Travel Plan sum is intended to provide the council with funding to implement Travel Plan measures if the owner/occupier fails to fully implement the Travel Plan as required. The deposit is made up of two elements:</p> <ul style="list-style-type: none"> • The cost of implementing site-wide TP measures over a 5-year period (e.g. Dr Bike events, pool bikes, QR codes at nearest bus stops to provide real time information) = £8,200 and, • The cost of implementing TP measures to each employee (e.g. bus taster ticket, travel information pack, cycle discount voucher). This cost is derived by using the number of employees per square metre for each use class, taken from Homes & Communities Agency Employment Density Guide -3rd edition, and multiplying it by the cost per employee, to create a cost per square metre. <p>The Travel Plan Fee is intended to cover staff costs associated with reviewing and commenting on early versions of the Travel Plan, and reviewing and commenting on Travel Plan reports during the lifetime of the Travel Plan. The number of hours of staff time is estimated based on the size and complexity of development (which explains why there are different fees for some use classes depending on size of development). The cost is calculated by multiplying the estimated staff time by the staff hourly rate.</p> <p>Additional text is required to the SPD for clarification. Amend the last sentence to paragraph 3.6 to read as:</p>

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		<p>.....<i>The agreement will also secure the associated fees and deposit required <u>which are calculated as follows:</u></i></p> <p><u>Deposit</u></p> <ul style="list-style-type: none"> • <u>The cost of implementing site-wide measures over a 5-year period (e.g. Dr Bike events, pool bikes, QR codes at nearest bus stops to provide real time information) = £8,200 and,</u> • <u>The cost of implementing measures for each employee (e.g. bus taster ticket, travel information pack, cycle discount voucher). This cost is derived by using the number of employees per square metre for each use class, taken from Homes & Communities Agency Employment Density Guide -3rd edition, and multiplying it by the cost per employee, to create a cost per square metre.</u> <p><u>Fee</u></p> <ul style="list-style-type: none"> • <u>To cover staff costs associated with reviewing and commenting on early versions of the Travel Plan; and reviewing and commenting on Travel Plan reports during the lifetime of the Travel Plan. The number of hours of staff time is estimated based on the size and complexity of development (including different fees for some use classes depending on size of development). The cost is calculated by multiplying the estimated staff time by the staff hourly rate.</u>
Chapter 4	In line with Policy LP57 (Sustainable Drainage Systems), the SPD introduces a SuDS monitoring fee of £10,000 (index linked), stated to cover the costs of monitoring for 80 years. Whilst we have no in-principle objection to the monitoring fee and acknowledge the need for SuDS to be maintained, the SPD should provide greater transparency on how this figure has been derived, including the assumptions made and what monitoring activity it is intended to fund. We also note from the IFS that SuDS	The Council has been securing payments for SUDs for a number of years. They are to ensure that the Council as a drainage authority can monitor new SuDS features across the Borough over the lifetime of a development which in this case is defined as 80 years. The money is pooled together and will pay for the monitoring element of the drainage officers role as detailed in paragraph 4.3. The Council has now built a significant amount of the funds to allow the confidence that it can now begin to draw down on part of this fund on an annual basis to ensure it is sustainable. The amount

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	<p>monitoring fees have historically been secured through section 106 agreements (for example, paragraph 14.2 of the IFS identifies 7 permissions in 2024/25 with a monitoring fee of £8,000 per site). The Council should therefore review the rationale for the level of fee set and ensure that it remains proportionate.</p>	<p>of £8,000 was based on an hourly rate of £100 and once a year for 80 years = £8,000. This was set in 2015 so in the 10 years since an inflationary increase is reasonable with a cost around £120 an hour.</p> <p>No changes required to the SPD.</p>
Chapter 4	<p>Where SuDS features are to be transferred to the Council (or another adopting body), any commuted sum for maintenance should be based on the agreed design, an identified maintenance regime and a defined maintenance period. The SPD should confirm that commuted sums will be derived on a site-specific basis rather than by default.</p>	<p>It is agreed that commuted sums for the Council to maintain SuDS should be agreed on a case-by-case basis and that is the intention of paragraph 4.4. Further clarification can be made by adding additional text to the last sentence of paragraph 4.4 which reads as:</p> <p><i>“The level of any commuted sum will be informed by the detailed design of the SuDS features on a site-by-site basis and the associated maintenance requirements and will be secured through a Section 106 obligation.</i></p>
Chapter 5	<p>In line with Policy LP24 (Infrastructure), the SPD sets out pupil yield assumptions and benchmark school place costs (set out in Tables 7 and 8 of the SPD). Paragraph 5.20 states that the Council has published a benchmark school cost report to underpin the costs identified in Table 8. However, the SPD does not reference the study (either via a footnote or hyperlink) which means we are unable to review where these costs have originated from or provide sufficient information to understand how the stated costs have been calculated and updated. The SPD should be amended to clearly reference the relevant cost report and any update mechanism (including indexation) so that applicants can robustly plan and appraise schemes.</p> <p>In addition, we note that page 8 of the IFS identifies education infrastructure as being funded through a combination of “S106 / CIL / Council Funds / Other” sources. The SPD should therefore provide clarity on whether the costs identified in Table 8 assumes part-funding from other sources and, importantly, how double counting will be avoided where CIL is also intended to support education provision.</p>	<p>This is the best information we have at this time, so we have simply inflated for the 2016 values to-date. The Council will not charge this automatically and it will be a matter for negotiation with need based on the Council’s up-to-date published assessment of need and capacity. Currently, for example there is capacity in existing primary schools so we are not charging for most schemes in the Borough this is because it would not meet the CIL Regulation 122 tests as in paragraph 1.10 of the SPD. However, as a general rule, given that applying CIL Regulation 122 and s106 obligations are negotiable, having a known cost calculator will help in the absence of more up-to-date information. It allows certainty for developments in the circumstance they need to provide for education financial contributions as detailed in paragraph 5.18. In the event more up-to-date and credible evidence comes forward further amendments should be added.</p> <p>Amend the last sentence to paragraph 5.18 to read as:</p> <p><i>These pupil yields are presented in Table 7 below although it should be noted that more up-to-date pupil yield evidence including credible</i></p>

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	<p>For transparency, the SPD should include a direct link to, or append, the benchmark school cost report (and any associated cost updates), so that applicants can clearly understand the evidence base being applied.</p>	<p><u>and robust evidence from a developer may supersede the data in this table.</u></p>
<p>Chapter 6</p>	<p>We do not object in principle to the Council seeking appropriate community facility provision and/or contributions, where justified. However, the SPD should ensure that its approach is clearly grounded in the adopted Local Plan policy framework. In particular, Policy LP44 is primarily concerned with the protection of existing community facilities and services, whereas wider requirements for securing infrastructure (including community infrastructure) are addressed through Policy LP24.</p> <p>The SPD introduces thresholds and standardised contribution rates for improving existing community facilities (Table 11) without clearly evidencing their derivation or demonstrating that they have been subject to up-to-date viability testing. We therefore request that the Council provides clearer reference to the evidence base underpinning the proposed thresholds and per-dwelling contribution rates and confirms that obligations will be sought only where they meet Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p>In addition, pages 8 and 9 of the IFS identify community infrastructure (including community hubs, library facilities, arts/culture and youth facilities) as being funded through a combination of “S106 / CIL / Council Funds / Other” sources. The SPD should therefore clarify whether the costs identified in Table 11 assume part-funding from other sources and, importantly, how double counting will be avoided where CIL is also intended to support community facilities provision.</p> <p>This obligation would also apply to all residential development from a net increase of 1 dwelling. This represents a material widening of scope and, if retained, should be clearly justified by reference to Policy LP24 (and evidence of impact on viability), and applied proportionately on a case-by-case basis to ensure</p>	<p>The need for local community facilities will depend on emerging need and projects in a particular area, for example there are new community facilities planned / required for Warfield and Bracknell Town Centre and many existing facilities across the borough need to be expanded or works to increase their usership / capacity. The Council will apply in its justification a consideration of local need, policy and guidance including the application of CIL Regulation 122 tests as detailed in paragraph 1.10 of the SPD.</p> <p>For example, the majority of allocated sites and a large amount of windfall sites are located in Bracknell Town Centre and there is a need for a new community facility although the location is not yet finalised. This means all development should contribute towards delivering this facility via a pooled fund. The site which provide the location may only need to provide the land and money to build it via other s106 receipts. As the majority of development in the area will be apartments of between 1 and 2 bedrooms the council needs to consider a fair and justified proportion hence the rates on a per bedroom basis.</p> <p>The costs have been derived using a combination of project costs and divided by the number of dwellings and apportioned by an assumed occupation rates.</p> <p>Amend the SPD so paragraph 6.15 should be amended to read as:</p> <p><u>There could be circumstances with a large/medium-scale development where the Council would prefer a developer to either contribute finance towards, or deliver in-kind, enhancements to an existing facility, rather than provide a new on-site facility. However, subject to localised need, all All residential developments normally and cumulatively place a need for community facilities and therefore all residential developments of net 1 dwelling or more (unless they</u></p>

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	<p>compliance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).</p>	<p><i>provide in-kind provision) will be required to pay a financial contribution towards community, youth and/or library and/or arts and culture facilities capable of serving the site. The costs have been derived using a combination of project costs, and divided by the number of dwellings and apportioned by an assumed occupation rates. The costs are as follows:.....</i></p> <p>There is no double counting because the CIL rates were not based on the community facility projects. Furthermore, for the majority of development allocated in the local plan which is in Bracknell Town Centre and located in a nil charging zone so developers cannot pay CIL and s106 towards the community facility to be provided.</p>
Chapter 7	<p><u>Built Sports</u> We welcome the clarity in the draft SPD that financial contributions for built sports facilities will not be secured through section 106, with strategic provision instead expected to be funded through CIL and other funding sources. However, where the SPD contemplates that section 106 may be used to secure land and/or in-kind provision (for example the safeguarding and transfer of land for future facilities, or the delivery and transfer of a facility to the Council or a third-party provider), clearer guidance is needed for applicants; in particular, the SPD should explain the circumstances in which land/building provision may be sought, any indicative thresholds, delivery triggers, transfer arrangements, and any commuted sums or reversion provisions. This will help ensure that requirements remain evidence-led and meet Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).</p>	<p>Unfortunately, it is not possible to define a threshold for a major built sports facility because as a general rule of thumb, they are brought wide. The Council is unlikely to require a large new site at the present, but a major application may change matters as the current focus is on expanding and enhancing the existing sports centre. If, for example, a very large scheme of a couple of thousand dwellings which are not currently allocated, then it would be reasonable to seek land for a new centre. It is very much a case-by-case basis and a matter for negotiation.</p> <p>It is agreed that any requirement must be in line with the Community Infrastructure Levy Regulation 122 tests as clearly set out in paragraph 1.10 of the SPD.</p> <p>No changes required to the SPD.</p>
Chapter 7	<p><u>Emergency service and other health facilities (including primary healthcare)</u> We note that the draft SPD does not seek section 106 financial contributions towards the operation of emergency services or healthcare, and we welcome this position. The SPD does, however, indicate that on larger schemes the Council may seek</p>	<p>Regarding health facilities, it is not possible to provide thresholds because the Council does not have any authority over wider health policy, for example, doctors surgeries, hospital and other health centres. It does however have the ability to work in partnership with the relevant health organisations. The current local plan strategy is focus the majority of its development in Bracknell Town Centre which obviously create a localised</p>

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	<p>the safeguarding and/or provision of land and buildings for emergency service and other health facilities. The SPD should therefore provide clear guidance on the circumstances in which on-site provision may be sought, including any indicative thresholds, the evidence that will be required from service providers, and how the statutory tests for planning obligations will be demonstrated on a site-specific basis.</p> <p>High Court judgments concerning NHS-related planning obligations (including <i>R (University Hospitals of Leicester NHS Trust) v Harborough District Council</i> [2023] EWHC 263 (Admin) and <i>R (Worcestershire Acute Hospitals NHS Trust) v Malvern Hills District Council & Ors</i> [2023] EWHC 1995 (Admin)) reinforce the need for robust, scheme-specific evidence to justify healthcare requirements through the planning process. In our view, this underlines the importance of the SPD making clear that any requirement for on-site healthcare provision must be supported by evidence demonstrating a direct and identifiable impact arising from the development, and that the scale and form of any provision sought is necessary and proportionate. The SPD should therefore avoid any implication that on-site healthcare provision will be required as a matter of course, and should instead confirm that requirements will be set out and justified on a case-by-case basis with clear evidence of need, specification and delivery arrangements.</p> <p>Further clarity would also be appreciated on what the Council may seek where on-site provision is required, including whether this would be limited to safeguarding and transferring serviced land, or whether a developer could be expected to deliver shell accommodation and/or fit-out, together with clear delivery triggers and transfer arrangements.</p>	<p>need for health facilities and as a result a new centre currently being built. The Council also has also worked in partnership to development a community centre and a health centre out of the same building in Binfield.</p> <p>The purpose of the text in the SPD is to allow for the possibility to react if for example, a large windfall site which requires health provision to be located within the site. By negotiation the developer could provide land and the health organisation via a s106 agreement.</p> <p>It is agreed that any requirement must be in line with the Community Infrastructure Levy Regulation 122 tests as clearly set out in paragraph 1.10 of the SPD.</p> <p>No changes required to the SPD but see the comment of the NHS Thames Valley Integrated Board which has sought additional text which has been agreed with.</p>
Representor 9: Town Councillor (Sandhurst Town Council)		
Chapter 1	Who decides what is “necessary”?	Taking each point in turn:

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	<p>Infrastructure related policies</p> <p>Define in-kind provision.</p> <p>What penalties are available to the council in the event of a developer failing to meet a specific condition such as a facility being available before X number of dwellings are completed/occupied?</p> <p>If that's what it costs, that's what they pay if they do not pay the full amount due then it falls to the local tax payer to pay which is wholly unacceptable.</p> <p>1.4 "Other areas of infrastructure such as secondary school contributions, public transport service subsidy and strategic transport measures are not secured by s106 but by the Community Infrastructure Levy)". Need clearer definition of what can be provided by S106 and/or CIL.</p> <p>Chapter 5 – how can CIL be used for secondary school provision in a Zero-rated area?</p> <p>1.5 where is the contribution towards Health mentioned where is there evidence of HIA being part of this or other SPD's as stated in the NPPF.</p> <p>1.9 There can be no exceptions or excuses for a developer to be given any form of dispensation or reduction in the S106 obligations required by the council. In the event of a concession by the council the value and assessed impact of the concession is to be recorded in the councils AMR so that the public can see how much was conceded to a particular developer at each application site, and in total across the borough in any one year.</p>	<ul style="list-style-type: none"> Officers and service areas decide what projects and facilities are required. In-kind means the developer provides the provision such as on-site open space or building a community centre. Further text should be added to the first bullet point of paragraph 1.3 to read as: <p><u>Set out what infrastructure will be secured through planning obligations including how much or any thresholds for in-kind provision which is where a developer provides facilities on-site such as open space or a building for a community facility;</u></p> If it is expedient the Council can take compliance action although this might ultimately be a legal route to ensuring obligations are fulfilled. Regarding the cost of infrastructure, it is more nuanced than just saying "if that is what it costs, that's what they pay" because of changing priorities or fixing a project costs years before it is delivered. Also, developers should only pay for the provision they need hence why in some cases they make a contribution towards a piece of infrastructure because they need for it is greater than that solely from the development. Regarding CIL and S106 that is a fair point . The Council originally when adopting its CIL charging schedule published a CIL Regulation123 List which undertook this process. However, the (then) Government deleted CIL Regulation 123 so there is a need to clarify the relationship between the two regimes. A schedule of all S106 and CIL matters will be published on the website following the publication of this SPD which sets out what topic is funded by s106 or CIL. CIL can be spent in any CIL charging zone although it cannot be charged from developments in the zone irrespective of their impact on secondary school provision. Regarding health provision, a integrated assessment of equality, climate change matters and health was undertaken on the draft of the SPD and reported alongside the approval report. Also, comments received to the consultation from the NHS Thames Valley Integrated Care Board have been considered in this statement.

Relevant section in draft SPA SPD	Summary of comment	Council Response / Proposed Action
	<p>S38 – development should not be allowed to create road(s) that cannot be adopted by the local authority</p>	<ul style="list-style-type: none"> The Council does not grant ‘concessions’ but it should be noted that s106 obligations are negotiable and have to be justified in line with the statutory tests in CIL Regulation 122. The NPPF also makes it clear that where there are viability matters with a development this must be considered. This usually means a loss or reduction on affordable housing provision. The sole purpose of the SPD in respect to S38 highways agreements is to require the developer to enter into the agreement rather than to specify its content. The matter of which roads and footpaths are adopted is a matter for the Local Highways Authority. For information, the circumstances the Council will adopt or otherwise is set out in the existing Streetscene SPD. The Council cannot force developers to adopt and in some circumstances the roads may not be suitable. The Council does try to ensure that non adopted roads are built to similar standards for longevity and a requirement to maintain them via the PAF provision in the Planning Obligations SPD applies.
Chapter 2	<p>2.6 Example should include Cemetery provision, Neighbourhood Recycling, EV points, crime and safety systems such as CCTV (24/7).</p> <p>How are town and parish councils consulted on what infrastructure should be included in S106 and CIL discussions.</p> <p>2.14 The reason for the need to provide a discount is not presented and no discount should be given.</p> <p>2.18 How will the parish or town council be notified and what happens if the town or parish does not wish to take on ownership and management responsibilities (see 2.20)?</p>	<p>Of the examples given, the Council has not received any representation of further cemetery space being required other than the scheme it intends to implement at the crematorium. The Waste and Recycling service no longer require recycling points because of changing rules over recycling collections from home. EV points and CCTV are not necessarily part of OSPV however CIL funding could be used to deliver these. The Parish and Town Council receive their own CIL proportion of either 15% or 25% of all CIL received in that area which it can spend accordingly.</p> <p>No changes required to the SPD.</p> <p>Council officers periodically meet with the Town and Parish clerks and put a call out for projects they would like to deliver. We assess them and if appropriate we grant them s106 money. There are many recent examples especially for open space improvements in Bracknell. Please engage with us on Implementation@bracknell-forest.gov.uk</p>

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		<p>Paragraph 2.14 is not entirely clear so additional text to the last sentence of paragraph 2.14 should be added to read as:</p> <p><i>For example, for a development which provides 50% of its active OSPV needs <u>on-site</u> and 20% of its passive OSPV requirements <u>on-site</u>, discounts of 50% and 20% will apply to the respective totals above.</i></p> <p>If a town or parish do not want to take on a facility then either it will be privately managed or the Council may take it over or a 3rd party manages the provision. It depends on each circumstance.</p>
Chapter 3	<p>3.2 Developers will be required to pay the full cost of a project part finance should not be an option.</p> <p>3.9 There are no circumstances that can provide dwellings in any area of the borough that do not need proper parking provision. Zero parking developments are not accepted. If a reduced parking provision is allowed than the developer must still pay for the parking that should have been provided so that it can be provided nearby</p>	<p>Disagreed because some pieces of infrastructure are provided to serve more than the development where we can pool sums of money to pay for it. This is a normal practice which has delivered many projects over the years.</p> <p>Regarding parking provision, this is a matter for the Parking Standards SPD which following an evidence-based process can seek to reduce the on-site parking provision through providing equivalent measures. It is difficult to envisage zero parking developments at this time but in the future and the evidence based suggests it can be achieved then that will be a matter for consideration of that particular development.</p>
Chapter 4	4.1 “Sustainable drainage systems are provided in relevant new developments” should say “Sustainable drainage systems are provided in <u>all</u> new developments”	<p>Disagreed as some developments do not provide SuDS. The drainage authority role of the Council determines which developments do require them.</p> <p>No changes required to the SPD.</p>
Chapter 5	<p>There is no mention of the funding or provision of adequate parking for staff and for drop-off and pick-up. No reductions or concessions to school parking should be allowed.</p> <p>5.23 Allow for inflation between the time of negotiation and final build out of the school.</p>	<p>Parking matters are a matter for other planning considerations and the Council as local highways authority. We have separate policies, guidance and statutory requirements placed on the Council in terms of highways. There is no need to include any such provisions in this document. The Council as a matter of course deal with school parking and drop off during the consideration of relevant applications.</p> <p>No changes required to the SPD.</p>

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		<p>When the Council secures financial contributions for any types of infrastructure is will be inflated by indexation as specified in paragraph 1.9 of the SPD.</p> <p>No changes required to the SPD.</p>
Chapter 6	6.2 “The Council is therefore aware of specific needs and capacity issues.” Where is this reported?	The specific need and capacity of existing centres is a service matter where they work with various partners and providers over these matters.
Chapter 6	6.3 “Where existing facilities are judged to be inadequate to meet the needs of future residents,”. Who will judge the adequacy of existing facilities.	<p>Using Implementation@bracknell-forest.gov.uk the enquiry can then be passed to the Community Development Manager can be contacted to answer any specific questions.</p> <p>No changes required to the SPD.</p>
Chapter 6	6.4 Table 10 How many dwellings would be required to provide an Adult Day centre or contribution to the enhancement of the nearest to the site?	<p>There is no specific number but it depends on matters such as current capacity, condition etc. If it is a specific centre, it also depends on if there is development nearby that it could serve. Not all facilities qualify for s106 such as general repairs or maintenance or particular functions. There may be alternative funding opportunities if not. Please contact Implementation@bracknell-forest.gov.uk</p> <p>No changes required to the SPD.</p>
Chapter 7	7.13 Where are the formulae for the to ensure a developer funds the provision of social services to those who will occupy the dwellings proposed and will be financial burden on the local authority care budgets? It is stated that “the council has a statutory duty to provide sufficient school places” the council also has a statutory duty to provide social services to people in assessed need and many of the new houses on the allocated and windfall sites will have occupants who will need care packages. Why is there no formula for calculating the likely number of service users of social care in a 50, 100, 200, 300 or 500 dwellings and obtaining a contribution towards their care. The NHS 10 year plan contains provision to assist with creating a healthy environment so why is there no section in this SPD dealing with how contributions will be sought from the NHS	<p>The funding for social services is not a matter for s106 considerations. It is difficult to see how social care could be considered under the regulations for justifying s106 matters such as what is wanted, when, how much and why. The Council in its planning roles considered social care in other ways such as approving applications for care homes or facilities for assisted living. This is a matter for other funding streams of the Council such as through Council tax revenue or even the Community Infrastructure Levy for specific built projects.</p> <p>Regarding the NHS services it is a point well-made and it is agreed that s106 or CIL should not directly fund those services. However, s106 and CIL can have a role in providing for new built facilities such as securing land or a shared building which the NHS funds that part of its delivery. An example is the Binfield Community / Health facility where a s106 secured</p>

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	towards children’s and adults social care needs. CIL should not be used to fund any facility or service the NHS should provide as this would amount to double taxation.	the land and community element. The Council used CIL/S106 to fund the community hub element and the NHS funding the other half of the building. It is a shining example of partnership working. No changes required to the SPD.
Representor 10: Borough Councillor (Bracknell Forest Council)		
Chapter 3	3.10 Travel Plan Guide for developers – provide a link, however I could not find it on the BFC website. Has it been replaced by the BFC ‘Residential travel planning for developers’ webpage?	Instead, it has been decided to refer to and link to the webpage for travel plans. Amend paragraph 3.10 to read as: <i>The Borough Council website Travel plans Bracknell Forest Council provides more guidance has produced a Travel Plan Guide¹ for developers, which includes mandatory content, monitoring requirements, possible sanctions and an explanation of the fees and deposit required. Applicants are encouraged to read the guide before submitting an application that is likely to need a Travel Plan.</i> Also delete Footnote 1
Representor 11: Comer Homes		
General	We acknowledge that the revised Planning Obligations SPD does not introduce new categories of infrastructure contributions. However, the shift towards standardised, non-negotiable contribution levels represents a fundamental change in approach, with significant implications for scheme viability. In particular: <ul style="list-style-type: none"> • Contributions that were previously assessed on a case-by-case, impact-led basis are now largely fixed through standardised tariffs. • This removes the ability to reflect the particular sustainability advantages of town centre sites, including accessibility to services, public transport and existing infrastructure. 	The amounts in the obligations are negotiable but do reflect a degree of certainty where the risk of providing for infrastructure is passed to the Council from the developer. The strategy for development is largely based on higher density developments in or close to Bracknell Town Centre. Rather than “removing the ability to reflect the particular sustainability advantages of town centre sites...” the contributions actually take away the burden of proving on-site provision of certain facilities thereby enabling sustainable development. It does not dilute the long-established principle that obligations should be proportionate because if there is sufficient provision capable of serving a site then a reduced or zero amounts will be charged. School provision is based on existing capacity serving the site so if there is capacity then no charge and so on. The Council will apply full considerations of policy,

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	<ul style="list-style-type: none"> The approach dilutes the long-established principle that planning obligations should be proportionate to impact, especially where marginal impacts are demonstrably lower. <p>These concerns are amplified by existing evidence on viability. The 2021 Bracknell Forest Local Plan Viability Testing Report prepared by BPS identified systemic viability weaknesses on town centre (urban, flatted) housing sites, concluding that:</p> <ul style="list-style-type: none"> All town centre allocations tested were unable to viably deliver the policy-compliant 35% affordable housing requirement alongside existing planning obligations on a baseline basis. Many town centre schemes only achieved viability at very low levels of affordable housing (often below 10%), or where all affordable provision was delivered as intermediate tenure. Viability outcomes were shown to be acutely sensitive to marginal cost increases, with a 10% uplift in build costs rendering almost all tested sites unviable. The study expressly warned that town centre sites were “challenged” and dependent on market uplift to come forward at all. <p>Since this evidence was prepared, construction costs have increased materially. Data from the Office for National Statistics (ONS) Construction Output Price Indices and BCIS suggests that general building costs rose significantly between late-2021 and late-2025 (approximately 20–30%), driven by labour shortages, materials inflation and regulatory change. In addition, the introduction of the Building Safety Regulator regime under the Building Safety Act 2022 has introduced new approval gateways, extended programme risk and additional professional, design and compliance costs for higher-risk residential buildings, particularly flatted town-centre schemes. Although the rate of construction cost inflation has moderated since its 2022 peak, BCIS data confirms that cost levels remain</p>	<p>guidance and lawful principles including CIL Regulation 122 as stated in paragraph 1.10.</p> <p>Viability is still a factor in delivery and provisions are in place to consider that process if necessary. What is unacceptable is to expect a zero rated CIL charging area in the town centre and also no contributions towards essential services and facilities. If it makes it easier for such developments then direct provision of facilities can be negotiated instead. The Council will consider all options available where necessary including viability claw back provisions where appropriate.</p> <p>It should be pointed out that Fitzwilliam House is not an allocated site but a windfall site so there must be some policies and guidance to help facilitate its sustainable development which the SPD will contribute towards.</p> <p>No changes required to the SPD.</p>

Relevant section in draft SPA SPD	Summary of comment	Council Response / Proposed Action
	<p>structurally higher than historic norms and are forecast to continue increasing over the medium term, with regulatory compliance costs now forming a permanent part of development appraisals. Whilst not directly applicable to Bracknell, the draft Towards a New London Plan acknowledges that, in seeking to accelerate housing delivery, “<i>the next London Plan will not increase the overall burden of planning policy requirements on development under the current circumstances,</i>” recognising the need to carefully manage cumulative policy costs to avoid undermining viability and delivery.</p> <p>In this context, the proposed standardisation and uplift of planning obligations risks compounding pre-existing viability deficits on town centre sites such as Fitzwilliam House, directly contrary to the plan-making requirement that policy burdens must not threaten deliverability.</p> <p>We consider that the SPD would benefit from the explicit re-introduction of town centre and highly accessible location modifiers, to ensure contributions remain proportionate and consistent with viability-led decision making under the NPPF.</p>	
Representor 12: Dandara (C/o Solve Planning)		
Chapter 1	<p>As noted in paragraph 1.4 of the draft SPD, it only covers the infrastructure elements that will wholly or in part be secured through planning obligations which are not covered in other SPDs. The draft SPD goes on to note that affordable housing, Thames Basin Heaths Special Protection Area, biodiversity, habitats and species mitigation are all covered in separate SPDs. Therefore, even though the draft SPD is entitled ‘Planning Obligations SPD’ it does not encompass all planning obligations that could be relevant to a development.</p> <p>Given that planning obligations span a range of SPDs, applicants will take longer to establish likely planning obligations triggered by a development from the outset and this could also mean that some planning obligations are overlooked. This is inefficient, presents an unnecessary burden and could also result in confusion for both the applicants and the Council. Given that</p>	<p>It is understood that there are multiple supplementary planning documents which relate to s106 obligations and the request to consolidate them is not achievable. However, an expanded table to that in paragraph 1.4 will be included on the main s106 page on the website with links to the relevant document for CIL and s106 matters to ensure there is a topic based comprehensive list.</p> <p>Create a table on the website showing all infrastructure topics, the relevant SPD or CIL regime.</p>

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	<p>planning obligations are an important factor in determining scheme viability, any overlooked planning obligations could have a significant impact on the viability and therefore deliverability of a development.</p> <p>As such, it would be beneficial if the Council consolidated all planning obligations into a single document to allow both applicants and the Council to establish the extent of the obligations required for all development types in a more efficient and effective way. In the current absence of this we request that at least a summary of planning obligations presented in the draft SPD is provided in an Appendix to the SPD, as per the existing Planning Obligations SPD (adopted 2015).</p> <p>We also request in the current absence of a consolidated SPD covering all planning obligations, that where planning obligations are covered in other SPDs these are cross-referenced in the draft SPD, with links provided to them for ease of reference to help simplify the process.</p> <p>The draft SPD currently does not provide sufficient reference to other relevant SPDs covering planning obligations.</p> <p>Paragraph 1.4 of the draft SPD refers to other areas of infrastructure that are secured by the CIL rather than planning obligations, stating: <i>“Other areas of infrastructure such as secondary school contributions, public transport service subsidy and strategic transport measures are not secured by s106 but by the Community Infrastructure Levy.”</i></p> <p>To ensure that applicants are given a clear distinction between infrastructure to be secured by CIL and by planning obligations, we request that more clarification is provided on the scope of infrastructure covered by CIL as stating ‘such as’ as per paragraph 1.4 of the SPD is not definitive. Whilst the draft SPD provides a summary table setting out the infrastructure contributions covered by planning obligations in the document, it would benefit from further clarification on the scope of CIL infrastructure contributions</p>	

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	which could perhaps be presented in a similar manner as a summary table.	
Chapter 2	<p>A comparison of Open Space of Public Value (OSPV) maintenance costs between the existing Planning Obligations SPD (adopted 2015) and the draft SPD currently out for consultation shows increased costs for several items as set out in the table extracts below from the SPDs.</p> <p>All items have significantly increased in price, for example the NEAP has increased by 56% and there is a lack of evidence / sources to justify the figures set out within these tables. It is therefore unreasonable of the Council to propose significant increases in contributions without any justification for applicants and developers.</p>	<p>In this case the costs have been indexed from the date of the previous Planning Obligations SPD (February 2015) to the date of the draft SPD, hence why a 56% increase. The Council are not forcing developers to accept these costs it is just if they want us to take the facilities on , that is what it will cost. Developers can always manage the facilities themselves or through a management company which the SPD allows.</p> <p>No changes required to the SPD.</p>
Chapter 3	<p>When compared to the travel plan costs in the Planning Obligations SPD (adopted 2015), costs have significantly increased, in some cases they have almost doubled, as set out in the examples below. This table is not exhaustive and includes some examples only.</p>	<p>The Travel Plan sum is intended to provide the council with funding to implement Travel Plan measures if the owner/occupier fails to fully implement the Travel Plan as required. The deposit is made up of two elements:</p> <ul style="list-style-type: none"> • The cost of implementing site-wide TP measures over a 5-year period (e.g. Dr Bike events, pool bikes, QR codes at nearest bus stops to provide real time information) = £8,200 and, • The cost of implementing TP measures to each employee (e.g. bus taster ticket, travel information pack, cycle discount voucher). This cost is derived by using the number of employees per square metre for each use class, taken from Homes & Communities Agency Employment Density Guide -3rd edition, and multiplying it by the cost per employee, to create a cost per square metre. <p>The Travel Plan Fee is intended to cover staff costs associated with reviewing and commenting on early versions of the Travel Plan, and reviewing and commenting on Travel Plan reports during the lifetime of the Travel Plan. The number of hours of staff time is estimated based on the size and complexity of development (which explains why there are different fees for some use classes depending on size of development). The cost is calculated by multiplying the estimated staff time by the staff hourly rate.</p>

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		<p>Additional text is required to the SPD for clarification. Amend the last sentence to paragraph 3.6 to read as:</p> <p><u>.....The agreement will also secure the associated fees and deposit required which are calculated as follows:</u></p> <p><u>Deposit</u></p> <ul style="list-style-type: none"> • <u>The cost of implementing site-wide measures over a 5-year period (e.g. Dr Bike events, pool bikes, QR codes at nearest bus stops to provide real time information) = £8,200 and,</u> • <u>The cost of implementing measures to each employee (e.g. bus taster ticket, travel information pack, cycle discount voucher). This cost is derived by using the number of employees per square metre for each use class, taken from Homes & Communities Agency Employment Density Guide -3rd edition, and multiplying it by the cost per employee, to create a cost per square metre.</u> <p><u>Fee</u></p> <p><u>To cover staff costs associated with reviewing and commenting on early versions of the Travel Plan, and reviewing and commenting on Travel Plan reports during the lifetime of the Travel Plan. The number of hours of staff time is estimated based on the size and complexity of development (including different fees for some use classes depending on size of development). The cost is calculated by multiplying the estimated staff time by the staff hourly rate.</u></p>
Chapter 3	Regarding Highways Projects, paragraph 3.3 of the draft SPD states that development which requires restrictions to be placed on the public highway will be required to pay a sum of up to £3,000 per Traffic Regulation Order (TRO) adjusted for inflation. To our knowledge this is a new cost that is not currently included	<p>The cost of a Traffic Regulation Order is set annually as part of the Council's charges and fees. It is usually increased by inflation so the "up to £3,000 figure" takes account of that for the next few years.</p> <p>TRO contributions are only sought as a direct result of the implications for each scheme and usually specify what it is for such as towards the</p>

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	<p>in the adopted Planning Obligations SPD (2015) and provides a further example of the additional financial burden for applicants.</p>	<p>provision of restriction measures including double yellow lines within a site or directly linking to the site. This is fully compliant with the tests for a s106 obligation in CIL Regulation 122.</p> <p>Add a new sentence to paragraph 3.3 which reads as:</p> <p><i>Development which requires restrictions to be placed on the public highway will be required to pay a sum of up to £3,000 per Traffic Regulation Order (TRO) adjusted for inflation. The Council will charge the current rate of a TRO which is currently around £2000 and inflated each year in accordance with its fees. This will be capped at £3000 (over the period of this SPD).The Council will carry out the statutory process for undertaking a TRO including advertising, administration and any associated works such as yellow line painting or signage.</i></p>
Chapter 5	<p>Regarding education, while the costs associated with school places has remained the same as those included in the 2015 SPD, our comments are focussed on the need to ensure that any requests for financial contributions towards the extension / refurbishment of existing schools to create additional capacity / towards additional capacity in general.</p> <p>The draft SPD outlines that a stepped approach will be followed in determining whether planning obligations will be sought from developments which includes reviewing pupil yields from the development; assessing existing school capacity and ability and cost of providing school places. This list does not however include an assessment of the delivery of new schools or school places from other development being delivered. It is important that this forms part of the stepped approach included within this draft SPD as any additional contribution / provision could very much affect whether there is any additional need arising for school places.</p>	<p>This is the best information we have at this time, so we have simply inflated for the 2016 values to-date. The Council will not charge this automatically and it will be a matter for negotiation with need based on the Council's up-to-date published assessment of need and capacity. Currently, for example there is capacity in existing primary schools so we are not charging for most schemes in the Borough this is because it would not meet the CIL Regulation 122 tests as in paragraph 1.10 of the SPD. However, as a general rule, given that applying CIL Regulation 122 and s106 obligations are negotiable, having a known cost calculator will help in the absence of more up-to-date information. It allows certainty for developments in the circumstance they need to provide for education financial contributions as detailed in paragraph 5.18. In the event more up-to-date and credible evidence comes forward further amendments should be added.</p> <p>Amend the last sentence to paragraph 5.18 to read as:</p> <p><i>These pupil yields are presented in Table 7 below although it should be noted that more up-to-date pupil yield evidence including credible</i></p>

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		<u>and robust evidence from a developer may supersede the data in this table.</u>
Chapter 6	<p>Regarding community facilities, there is a distinct change and a proposed new cost for developers when compared to the current Planning Obligations SPD (adopted 2015) with regard to financial contributions towards existing community facilities.</p> <p>The draft SPD provides further detail on the above, in saying that 'Large scale' (a net increase of 650 dwellings or more) and residential developments of between 350 – 650 dwellings are required to make a financial contribution towards off-site community facilities capable of serving the site (and / or in addition to physical community facilities on site). It also states that even small-scale residential development (defined as a net increase of 1 dwelling or more) will be required to make a financial contribution towards off-site community facilities capable of serving the site.</p> <p>The draft SPD therefore proposes the following additional charges towards improvements of existing community facilities by small-scale residential development, citing that all residential developments cumulatively place a need for community facilities and therefore all residential developments of net 1 dwelling or more (unless they provide in-kind provision) will be required to pay a financial contribution towards community, youth and/or library and/or arts and culture facilities capable of serving the site, as per the table below. This will evidently result in increased cost for developers and affect even small-scale new housing developments and makes no consideration of existing facilities that are located within the area of the proposed development and as such there may not be the need for additional community facilities. This also includes community facilities that are already accounted for within the CIL 123 list and therefore this would be</p>	<p>The need for local community facilities will depend on emerging need and projects in a particular area, for example there are new community facilities planned / required for Warfield and Bracknell Town Centre and many existing facilities across the borough need to be expanded or works to increase their usership / capacity. The Council will apply in its justification a consideration of local need, policy and guidance including the application of CIL Regulation 122 tests as detailed in paragraph 1.10 of the SPD.</p> <p>For example, the majority of allocated sites and a large amount of windfall sites are located in Bracknell Town Centre and there is a need for a new community facility although the location is not yet finalised. This means all development should contribute towards delivering this facility via a pooled fund. The site which provide the location may only need to provide the land and money to build it via other s106 receipts. As the majority of development in the area will be apartments of between 1 and 2 bedrooms the council needs to consider a fair and justified proportion hence the rates on a per bedroom basis.</p> <p>The costs have been derived using a combination of project costs and divided by the number of dwellings and apportioned by an assumed occupation rates.</p> <p>Amend the SPD so paragraph 6.15 should be amended to read as:</p> <p><u>There could be circumstances with a large/medium-scale development where the Council would prefer a developer to either contribute finance towards, or deliver in-kind, enhancements to an existing facility, rather than provide a new on-site facility. However, subject to localised need, all All residential developments normally and cumulatively place a need for community facilities and therefore all residential developments of net 1 dwelling or more (unless they provide in-kind provision) will be required to pay a financial</u></p>

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	double counting. Again there is no robust evidence to justify the significant increases in costs.	<i>contribution towards community, youth and/or library and/or arts and culture facilities capable of serving the site. <u>The costs have been derived using a combination of project costs, and divided by the number of dwellings and apportioned by an assumed occupation rates. The costs are as follows:.....</u></i>
Chapter 1	The applicant is concerned over the increased and additional costs proposed across various infrastructure topics within the draft SPD. Compared to the current Planning Obligations SPD (adopted 2015) there are many examples of increased costs, or new costs to applicants. Whilst some increase in costs is inevitable given that the Planning Obligations SPD (adopted 2015) was adopted some time ago (10+ years), we are concerned however that some of these costs have been unreasonably increased and, in some cases, have almost doubled with no justification. Some examples of these increases are provided	<p>It is understood regarding concerns over how much costs have risen but it is more than 10 years since the current Planning Obligations SPD was adopted so the costs will obviously increase significantly. Also, the delivery strategy has changed since then from allocated sites in largely green field locations with significant on-site provisions of community, schools and open space to largely a focus on Bracknell Town Centre. This means zero rated CIL income there and that development cannot deliver on-site provision to standards (for example, open space). To deliver the infrastructure needs, the Council has to have an effective strategy for delivery hence the revised and clarified amounts in the SPD.</p> <p>However, further text should also be provided to make it clear open space can instead be provided by development themselves off-site as an alternative. Add an additional sentence to paragraph 2.14 which reads as:</p> <p><u>As an alternative a developer can purchase or create their own off-site provision provided it is:</u></p> <ul style="list-style-type: none"> • <u>in the Borough; and,</u> • <u>reasonably capable of serving the development site; and,</u> • <u>of the right type of provision required; and,</u> • <u>free to access and publicly available;</u> • <u>maintained in perpetuity.</u>
General	<p><u>4. Concern over lack of detail on planning obligation phasing and trigger points</u></p> <p>The draft SPD contains very limited detail on the phasing of planning obligations in terms of their delivery and payment. It is important that flexibility is provided in terms of trigger points and deferred payments for planning obligations. Requiring</p>	<p>The Council is flexible regarding phasing and timing of planning obligations and it is a matter for negotiation. Further text will be added to the SPD to make this clear.</p> <p>Add a new paragraph 1.12 which reads as:</p>

Relevant section in draft SPA SPD	Summary of comment	Council Response / Proposed Action
	<p>contributions upfront and a lack of flexibility in this regard could result in developments being delayed or becoming unviable and as such not being delivered. This is a serious issue currently for developers whereby the government are looking to introduce flexibility into s106 agreements to ensure the delivery of developments, particularly those incorporating affordable housing provision.</p> <p>We therefore request that further detail, and importantly flexibility, is provided on these important matters</p>	<p>1.12 <u>Payments and the timing of provision will be phased as a matter of negotiation. This will help developers with the viability of their development and ensure the timely delivery of facilities commensurate with the progress of the development and ensure that financial contributions are appropriately timed.</u></p>
General	<p>5. Concern over lack of detail on when reduced obligations will be <u>accepted</u></p> <p>We request that the draft SPD provides clearer guidance on viability and when reduced obligations will be accepted for example due to site-specific costs such as remediation, utility provision and so on. It is also important that the draft SPD recognises the potential burden to applicants of obligations required by other SPDs, and the effect these have on overall viability.</p> <p>This could involve the draft SPD setting out certain criteria where contributions may be reduced. It is important that this is recognised and that flexibility is given in the SPD to avoid delays to development implementation and delivery.</p>	<p>This is disagreed because Housing SPD 2025 Appendix A - Housing SPD for adoption March.pdf provides comprehensive detail about viability matters.</p> <p>No changes required to the SPD</p>
Representor 13: Taylor Wimpey Strategic Land, RPG Property, and Syngenta Ltd		
Chapter 5	<p>As such, our clients are concerned that the contributions set out below have not been subject to proportionate viability testing.</p> <p>With respect to planning obligation fees for education, we raise concern on the lack of up to date information of the data used to inform Tables 7 and 8. The Council has used the Bracknell Forest Council Pupil Yield Survey, which was published in July 2013, and is subsequently coming up to 13 years old. The Office for National Statistics (ONS) maintain records of births in England and Wales¹ and their dataset displays the number of births in 2013 as 698,512 while the number of births in 2024 was recorded as 595,677. This is a decrease of approximately 100,000 which equates to a 14.7%</p>	<p>This is the best information we have at this time, so we have simply inflated for the 2016 values to-date. The Council will not charge this automatically and it will be a matter for negotiation with need based on the Council's up-to-date published assessment of need and capacity.</p> <p>Currently, for example there is capacity in existing primary schools so we are not charging for most schemes in the Borough this is because it would not meet the CIL Regulation 122 tests as in paragraph 1.10 of the SPD. However, as a general rule, given that applying CIL Regulation 122 and s106 obligations are negotiable, having a known cost calculator will help in the absence of more up-to-date information. It allows certainty for developments in the circumstance they need to provide for education</p>

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	<p>decrease. Based upon these statistics, we consider it unreasonable to use an out of date survey and so the Council should remove any reference to exact numbers and indicate any obligation fees will be appropriately discussed on a case by case basis, or provide updated pupil yield assessment information to inform the basis of education contributions.</p>	<p>financial contributions as detailed in paragraph 5.18. In the event more up-to-date and credible evidence comes forward further amendments should be added.</p> <p>Amend the last sentence to paragraph 5.18 to read as:</p> <p><i>These pupil yields are presented in Table 7 below although it should be noted that more up-to-date pupil yield evidence <u>including credible and robust evidence from a developer may supersede the data in this table.</u></i></p>
Chapter 2	<p>With respect to Open Space of Public Value (OSPV), Tables 2 and 3 of the draft SPD set out the different fee structures for different types of development uses. Having reviewed these figures and thresholds, our clients consider there is a lack of evidence or methodology published to justify those fees. Similarly, for Travel Plans Option 2 (Travel Plan Contribution), there is no publication of methodology and evidence which explains how the Council has reached their baseline fees. The points made above are also applicable to Table 11 of the draft SPD which discusses the provision of community facilities. In this light, our clients strongly require that the Council either publish their evidence base that underpins these figures, or remove reference to specific numerical values and indicate any obligation fees will be appropriately discussed on a case by case basis at the planning application stage.</p>	<p>The rates in the SPD are derived using the average of the costs of projects undertaken, their maintenance and the budget for staff which look after existing open space (excluding Suitable Alternative Natural Greenspaces). This has been applied to the number of persons per dwellings (as a multiplier) and then rounded. It is recommended that the SPD is amended to clarify this. Add a sentence to the beginning of paragraph which reads as:</p> <p><u>New rates for OSPV financial contributions are provided based on the average costs of projects undertaken, their maintenance and the budget for staff which look after existing open space (excluding Suitable Alternative Natural Greenspaces). This has been applied to the number of persons per dwellings (as a multiplier) and then rounded. In terms of financial contributions in-lieu of mitigation for the additional pressure placed upon OSPV the following amounts apply:</u></p> <p>Further, the rates can be negotiable as a matter of course and alternative provision can be made such as a developer providing its own off-site provision and text should be added to clarify this. Add a sentence to paragraph 2.4 to read as:</p> <p><u>As an alternative a developer can purchase or create their own off-site provision provided it is:</u></p>

Relevant section in draft SPA SPD	Summary of comment	Council Response / Proposed Action
		<ul style="list-style-type: none"> • <u>in the Borough; and,</u> • <u>reasonably capable of serving the development site; and,</u> • <u>of the right type of provision required; and,</u> • <u>free to access and publicly available;</u> • <u>maintained in perpetuity.</u>
Representor 14: West London Mental Health Trust		
General	<p><u>Evidence</u> The draft SPD notes that “The Council is therefore aware of specific needs and capacity issues”, but it does not specifically identify where or how this evidence will be made available, which we consider is critical in ensuring transparency in assessing whether existing facilities are inadequate to meet the needs of the future residents and ultimately whether contributions sought are justified.</p>	<p>There is plenty of evidence to seek and cost necessary infrastructure as required in the SPD including policy, guidance, the Infrastructure List, Infrastructure delivery plan and project development. Furthermore, as stated in paragraphs 1.10 and 1.11 the Council will ensure that all obligations are justified in accordance with CIL regulation 122. Further text to the first sentence in paragraph 1.11 should be added which reads as:</p> <p><i>1.11 Where planning obligations are sought the Council will fully justify them in line with the statutory tests in implementation comments provided to the individual planning application case officer including projects, costs and whether or not there is sufficient existing provision to serve the proposed development.</i></p>
Chapter 6	<p>Definition of Community Facilities We consider there to be a degree of confusion in the definition of community facilities. Page 27 provides a list of uses which the Council could expect within a ‘multi-functional community hub’. We note some inconsistencies with the following uses:</p> <ul style="list-style-type: none"> • Early Years and Childcare Facilities: The draft SPD identifies ‘early years and childcare facilities’ within <ul style="list-style-type: none"> • the type of uses and services that community facilities could provide. • Sports Hall: The long list also includes sports halls, however Chapter 7 notes “S106 agreements cannot be used to secure funds for new built sports facilities as this is a strategic matter for the Community Infrastructure Levy” at page 29. 	<p>There are many overlaps when it comes to community facilities, but some parts are where s106 contributions are valid such as the community centre element and others such as sports hall which should be funded by CIL. It does not mean all community facilities should be sought by s106 just that the elements listed can qualify and form part of a facility. Also, elements may be funded by 3rd parties. The Council seek community contributions on a proportionate basis outside of the CIL regime taking account of evidence and regulatory requirements such as detailed in paragraph 1.10 of the SPD. Further text should be added to clarify the matter.</p> <p>Amend paragraph 6.11 to read as: 6.11 <u>It should not be assumed that the funding of the facility will be solely from s106 obligations. Some elements can only be funded via the Community Infrastructure Levy (CIL) or from third party</u></p>

Relevant section in draft SPA SPD	Summary of comment	Council Response / Proposed Action
	<ul style="list-style-type: none"> Health Services: The draft SPD notes on page 26 that “Community facilities in the Borough are used for a variety of purposes to provide for health, welfare [...] needs of the community”. Chapter 7 notes, however, that “S106 financial contributions will not be secured to fund the operations of emergency services (police, fire and ambulance) and health provisions such as doctors surgeries. CIL, grants or other funding avenues will be the suggested routes to follow for these external operators.” <p>Clarification would be needed within Chapter 6 to either confirm that no community facilities contribution would be sought for health facilities, or to specify for which type of health / welfare uses community facilities contribution would be sought, if any.</p> <ul style="list-style-type: none"> Police: The long list includes ‘police point’ as a use to be incorporated within community facilities; clarity would be required to ensure this does not conflict with Chapter 7, in line with the commentary on health services. <p>We consider it key that there is clarity within the SPD on the above in order to ensure that there’s no double counting of contributions between community facilities contribution and education contributions (for early years) or CIL (for sports hall, health services, police).</p>	<p>funding such as health, police or parish/town councils. Therefore, Other other sources of funding will be a consideration in providing facilities. Opportunities will be sought to help fund facilities if funding becomes available, e.g. from the Council’s CIL, capital programme or government grants.</p>
<p>Representor 15: NHS Thames Valley Integrated Care Board</p>		
Chapter 6	<p>The Council is supporting the model of “co-location” of community services in a combined space, which is also known as a multi-functional “Community Hub”. This is in line with the 10 Year NHS Health Plan for England, which aims to shift care to communities. The provision of health facilities is considered to be one of the appropriate uses within a community hub. The ICB considers that paragraph 6.6 should include “Health Facilities”.</p>	<p>Agreed, amend paragraph 6.6 to include an extra bullet point which reads as:</p> <ul style="list-style-type: none"> <u>Health facilities</u>
Chapter 7	<p>The GP funding and delivery model is different from other emergency services and acute service. Therefore, the ICB</p>	<p>Agreed, the proposed text is welcomed but with some edits and should be new paragraphs be added to read as:</p>

Relevant section in draft SPA SPD	Summary of comment	Council Response / Proposed Action
	<p>considers that it is appropriate to have a separate sub-section for health facilities. The ICB suggest the following wordings for the new sub-section of health facilities:</p> <p>Health Facilities</p> <p><i>7.15 The delivery, commissioning and funding of health facilities operate under a different model from other emergency services. GP services are typically operating under national NHS contractual arrangements, with capital investment for premises funded through a combination of NHS capital programmes, developer contributions, grants and other agreed funding sources.</i></p> <p><i>7.16 S106 developer contributions will not ordinarily be used to fund the day-to-day operation or revenue costs of GP services. Where a development proposal results in a net increase in dwellings, the potential impact on health services will be assessed in partnership with the ICB. The scale and nature of any mitigation sought will be based on robust evidence of need, proportionate to the development, and directly related to making the development acceptable in planning terms.</i></p> <p><i>7.17 Consideration of health infrastructure requirements will follow a clear hierarchy:</i></p> <ul style="list-style-type: none"> • <i>Optimisation of existing health facilities, including improving utilisation, service reconfiguration or changes to models of care, where practicable;</i> • <i>Expansion or enhancement of existing premises, where this represents a deliverable and timely response to additional demand; and</i> • <i>Provision of new health facilities, where evidence demonstrates that neither optimisation nor expansion of existing provision would adequately mitigate the impacts of development.</i> <p><i>This approach ensures that new health facilities are only pursued where there is a justified and evidenced requirement supported and the new facility must be operationally and financially viable and is agreed by the ICB.</i></p>	<p><u>Health Facilities</u></p> <p><u>7.15 The delivery, commissioning and funding of health facilities operates under a different model from other emergency services. General Practitioner (GP) services are typically provided under national NHS contractual arrangements, with capital investment for premises funded through a combination of NHS capital programmes, developer contributions, grants and other agreed funding sources.</u></p> <p><u>7.16 Financial contributions will not be used to fund the day-to-day operation or revenue costs of GP or other health services. There may be circumstances when an in-kind facility or land is provided from s106 obligations. Where a development proposal results in a net increase in dwellings, the potential impact on health services will be assessed in partnership with the NHS Thames Valley Integrated Health Board (ICB). The scale and nature of any mitigation sought will be based on robust evidence of need, proportionate to the development, and directly related to making the development acceptable in planning terms.</u></p> <p><u>7.17 Consideration of health infrastructure requirements will follow a clear hierarchy:</u></p> <ul style="list-style-type: none"> • <u>Optimisation of existing health facilities, including improving utilisation, service reconfiguration or changes to models of care, where practicable;</u> • <u>Expansion or enhancement of existing premises, where this represents a deliverable and timely response to additional demand; and</u> • <u>Provision of new health facilities, where evidence demonstrates that neither optimisation nor expansion of existing provision would adequately mitigate the impacts of development.</u> <p><u>7.18 This approach ensures that new health facilities are only pursued where there is a justified and evidenced requirement. The</u></p>

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	<p>7.18 On-site provision of health facilities may only be required where a development is of a scale, nature or location that would justify direct provision and where this is supported by evidence from the ICB. Where appropriate, provision may be secured in kind, through the delivery of a “turnkey” facility at nil cost and transferred to the ICB. The following table summarises the number of new patients required to support a new practice as a guide:</p> <table border="0"> <thead> <tr> <th data-bbox="353 544 698 571">Demand for health facilities</th> <th data-bbox="869 544 1088 603">Number of patients required</th> </tr> </thead> <tbody> <tr> <td data-bbox="353 608 837 667">Branch Surgery (i.e., at least 4 consulting rooms and 1 treatment room)</td> <td data-bbox="869 608 1032 667">At least 6,000 patients</td> </tr> <tr> <td data-bbox="353 671 506 699">New Surgery</td> <td data-bbox="869 671 1048 730">At least 12,000 patients</td> </tr> </tbody> </table> <p>7.19 Notwithstanding the approach above, planning obligations may be used to secure land and/or buildings for health facilities where this is necessary to mitigate the impacts of development and is supported by the ICB. This may include co-located or integrated facilities, such as health provision within a wider community hub. The Council will work closely with the ICB to identify, safeguard and coordinate opportunities for future health provision in a manner consistent.</p>	Demand for health facilities	Number of patients required	Branch Surgery (i.e., at least 4 consulting rooms and 1 treatment room)	At least 6,000 patients	New Surgery	At least 12,000 patients	<p><u>new facility must be operationally and financially viable and is agreed by the ICB.</u></p> <p><u>7.19 On-site provision of health facilities may only be required where a development is of a scale, nature or location that would justify direct provision and where this is supported by evidence from the ICB. Where appropriate, provision may be secured in kind, through the delivery of a “turnkey” facility and transferred to the ICB. The following table summarises the number of new patients required to support a new practice as a guide:</u></p> <table border="0"> <thead> <tr> <th data-bbox="1164 639 1509 667"><u>Demand for health facilities</u></th> <th data-bbox="1765 639 2007 699"><u>Number of patients required</u></th> </tr> </thead> <tbody> <tr> <td data-bbox="1164 703 1682 762"><u>Branch Surgery (i.e., at least 4 consulting rooms and 1 treatment room)</u></td> <td data-bbox="1765 703 1928 762"><u>At least 6,000 patients</u></td> </tr> <tr> <td data-bbox="1164 767 1323 794"><u>New Surgery</u></td> <td data-bbox="1765 767 1951 826"><u>At least 12,000 patients</u></td> </tr> </tbody> </table> <p><u>7.20 Notwithstanding the approach above, planning obligations may be used to secure land and/or buildings for health facilities where this is necessary to mitigate the impacts of development and is supported by the ICB. This may include co-located or integrated facilities, such as health provision within a wider community hub. The Council will work closely with the ICB to identify, safeguard and coordinate opportunities for future health provision.</u></p>	<u>Demand for health facilities</u>	<u>Number of patients required</u>	<u>Branch Surgery (i.e., at least 4 consulting rooms and 1 treatment room)</u>	<u>At least 6,000 patients</u>	<u>New Surgery</u>	<u>At least 12,000 patients</u>
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