

Bracknell Town Neighbourhood Plan 2016 - 2036

Initial Comments of the Independent Examiner

Prepared by

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Introduction

1. As you will be aware I have been appointed to carry out the examination of the Bracknell Town Neighbourhood Plan. I have carried out my initial assessment of the Plan and all the accompanying documents that I have been sent. I have also spent two days last week, visiting Bracknell to re familiarise myself with the town and its neighbourhoods.
2. I wish to open my initial comments by acknowledging the huge amount of work that has gone into the neighbourhood plan and I would particularly point to the quality of the Character Assessments of the towns neighbourhoods. I also reflect that the Bracknell Town Neighbourhood Plan covers the largest town to have chosen to prepare its own neighbourhood plan.
3. Whilst it is normal practice for examinations to be dealt with just on the basis of the consideration of the written material, the legislation does allow for the holding of a public hearing if it would assist the examination.
4. I have concluded that a hearing, dealing with a range of specific issues, is needed to would help me come to a conclusion as to the whether the plan meets, in particular, three of the basic conditions, as well as legislative requirements. These are:
 - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan
 - The making of the plan contributes to the achievement of sustainable development
 - The making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority.
5. I have therefore identified the following issues that I would wish to explore further and debate at a public hearing and there are also a small number of more minor matters that I can deal with via an exchange of written material.

Matters to be deal with at a Public Hearing

The Documentation Submitted

6. I need to be satisfied that the plan document meets the expectations of the Secretary of State, in terms of how a neighbourhood plan should be written. This is set out in the following extract from the Planning Practice Guidance.

What should a plan look like?

While the content of plans will vary depending on the nature of the area and matters to be addressed, all plans need to be as focused, concise, and accessible as possible. The government encourages authorities to make use of digitally accessible plans and open data when publishing plans and the evidence base which underpins them.

Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development. Where a local plan contains both strategic and non-strategic policies, the non-strategic policies should be clearly distinguished from the strategic policies.

The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map. If the adoption of a local plan would result in changes to a previously adopted policies map, when the plan is submitted for examination, an up to date submission policies map should also be submitted, showing how the adopted policies map would be changed as a result of the new plan.

7. To meet the basic conditions in terms of having regard to national policy and advice, it is necessary that the plan document is focussed, concise and accessible to all users of the plan. The users could be residents looking at what policies affect their properties (or one they are looking to buy), decision makers such as planning officers, elected members and appeal inspectors using it to determine a planning proposal or developers and planning consultants needing to know how their schemes are likely to be affected by what the neighbourhood plan is proposing, as it will be part of the development plan.
8. The PPG states that:

A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

9. I need to come to a conclusion whether the way the plan has been prepared does meet these objectives. I have to be satisfied that the contents of the plan present the evidence in a proportionate way, that justifies the policies in a clear and convincing manner and is specific to the plan area.
10. I need to be satisfied that the plan covers only matters that can be used to determine planning applications. The referendum question will be along the lines of “Should Bracknell Forest Council use the Bracknell Town Neighbourhood plan to help it determine planning application in the town?”
11. It is therefore important that the policies within the document should be only cover the use and development of land and relate to matters solely to land within the Bracknell Town neighbourhood area. For example, Policy EV8 refers to allotments being provided within *or adjacent* to the defined settlement area of Bracknell Town. A plan cannot make policy for another area.
12. I have noted that some of the text addresses issues related to areas outside the neighbourhood area, such as matters of CIL receipts from outlying parishes. I would like to explore whether the plan could be rationalised, perhaps by transferring much of the supporting material, which is of historical and general interest from the development plan element of the plan and relocate it within an

evidence base document or a similar accompanying document or online resource. That could create a more concise, focussed plan document with a closer relationship between the planning policies and the evidence that justifies those policies.

13. I need to be satisfied that the document is “fit for purpose” to be part of the development plan, in that it should be easy to navigate and reference, with regard to paragraphs and page numbers and with a glossary of technical terms. I have to say that some of the documents that have been embedded in the submission version are impossible to read. Many of the maps are at a scale as to be impossible to determine with confidence whether an area of land is covered by a specific designation. On my site visit, I found it impossible to know whether a particular parcel of land is protected open space, for example or where the listed buildings are. The text of the plan needs to be relevant for the lifetime of the plan, rather than just describing the position when the text was being written.

Planning Policy

14. In terms of the policies in the plan, there are a number of topics, I wish to see explored at the hearing through representations and discussion beyond the consideration of the actual submission document. I will do that by setting out later a set of specific questions to guide the discussions.
15. In particular, I would like to explore the value of differentiating between active and passive open space and whether there would be benefits of having a combined open space policy, rather than being covered by separate Policies EV1 and EV2. I would also wish to understand the concerns of the Local Planning Authority in terms of its representations submitted relating to the need to make efficient use of land in the context of the protection of open space. Is there a relationship with what has been described as “low quality amenity land” in BFC’s response as corporate landlord? The policy refers to situations when there is considered to be a “sufficient quantity of existing provision”, I would like to understand how that would be assessed.
16. Regarding the proposed designations of Local Green Space, I would question whether it is appropriate to include buildings and their curtilage within the LGS designation as it appears to prevent works to enhance Easthampstead Park and also South Hill Park Arts Centre, contrary to the aspirations set out in Policy EV12.
17. I need to explore what role a planning policy (Policy HO6) has, in terms of ensuring the safety of tall buildings and why these matters are not dealt with by other legislation and regulations.
18. I would wish to understand the Town Council’s views in terms of the relocation of lost community facilities and whether the replacement could be anywhere in

the plan area or should it stipulate that it be within the vicinity of the area where the facility is to be lost.

19. I need to understand more fully what the expectations of the plan are in terms of development and air quality. Does the requirements of the policy only affect proposals for development within or adjacent to the Air Quality Management Area or does it cover all developments throughout the plan area and how would a decision maker know whether the proposal complied with Policy EV11? How would a planning decision maker know whether a development would result in a breach of EU or UK legislation limits for air pollution?
20. The policy context of Policy HO2 indicates that there are only 23 HMOs registered in the town. I note that the policy is written as a negative rather than positive policy, that “development will not be permitted unless” rather than planning positively “will be approved if”. I would like to promote a discussion of the role HMOs perform in terms of meeting a housing need in the town, and is it possible to differentiate between housing occupied by up to 6 persons living together as a household under Use Class C3 and a HMO, in terms of the criteria. What is the rationale for treating as an “over concentration” - 2 HMO units in a sequence of 20 properties and how defensible is that when considering the type of neighbourhoods found in Bracknell?
21. Does Policy HO8 only relate to developments within existing neighbourhoods, which have been particularly well described in the Character Assessments and how would new neighbourhoods, say through a local plan allocation be assessed when Policy HO9 refers to having regard to local character. I have to say that I was particularly struck by the quality of recent residential development that I saw at Jennets Hill and also the site of the former RAF Staff College.
22. Could the tree policies covered by Policy EV5, 6 and 7 be consolidated?

Matters to be dealt with by way of Written Submissions

23. In Policy EV13 what is expected by way of co-location of community facilities. Is it co location of community centres or the co locations of services serving the local community?
24. Policy HE3 refers to non-designated heritage assets. Does the plan propose to designate them or are there existing “locally listed buildings” in Bracknell already designated by the LPA?
25. Can examples be given as to how the connectivity of private gardens can be achieved to deliver the biodiversity of green infrastructure to link them with adjoining green infrastructure. Is there a particular form of fencing envisaged?
26. What is the difference between a micro and a small business as described in Policies EC1 and EC2?
27. What forms of new development within the Town Centre are expected to contribute to new and existing bus services?

28. In Policy EC6 regarding broadband, consultation with whom would be required to confirm that it is not possible, practical or economically viable”?
29. Should other uses be covered in the possible mix of uses appropriate in the town centre and if so which ones, apart from retail and residential ?

Concluding Remarks

30. I hope that this note is useful in explaining to the two principal parties, the areas I wish to look at, by way of a public hearing, as well as by additional written submissions to allow me to complete my examination. This hearing is an opportunity to explore in greater detail areas of either concern or ambiguity.
31. The next stage will be for me, over the next few days, to now discuss logistics with the two parties as to the date(s) and venue for the hearing. Once arrangements have been made, I will issue a further note setting out how the hearing will be conducted, which I envisage will just be for representatives of the Town Council and Bracknell Forest Council. I do not at this stage believe that I need to invite any third parties. It will also include the specific wording of the questions that I would wish to see dealt with at the hearing and I will also issue an agenda for the day. I will also set a timescale for the receipt of the written comments.

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