

Bracknell Forest Borough Limiting the Impact of Development

PLANNING



PLACES

PEOPLE

Supplementary Planning Document



Pre-Consultation

In October 2005, the Borough Council sent a letter to statutory consultation bodies and others inviting views on a review process related to the intended preparation of a Supplementary Planning Document (SPD) to provide new guidance on mitigating the impact of development. Eleven organisations replied and having regard to comments received, the Borough Council prepared "Limiting the Impact of Development Consultation Draft (November 2006) – A Draft Supplementary Planning Document".

Publicity and Consultation

This Supplementary Planning Document has been prepared in line with:

- (i) Town and Country Planning (Local Development) (England) Regulations 2004; and,
- (ii) the Bracknell Forest Borough Local Development Framework Statement of Community Involvement (adopted July 2006) which sets out the way in which the Borough Council will engage the local community and other stakeholders in the process of preparing supplementary planning documents.

Between 30 November 2006 and 8 January 2007, the Limiting the Impact of Development Consultation Draft (November 2006) plus supporting evidence and a Sustainability Appraisal were made available for public inspection at the Borough Council's offices, Parish Council offices and local libraries. All documents were publicised on the Borough Council's web site and a notice was placed in the local newspaper. Letters were also sent to a number of stakeholders informing them of the consultation.

During the 5½ week consultation period, 36 respondents made over 250 comments. Respondents included house builders, landowners, developers, developers agents, government agencies, local Councils, companies and individuals.

All duly made comments and representations were acknowledged, considered and where appropriate, changes were made to the SPD. In line with Town and Country Planning (Local Development) (England) Regulations 2004, the Borough Council has prepared:

- (i) a Statement of Issues, summarising all representations received during the publicity/consultation period, and the Borough Council's responses; and
- (ii) a Sustainability Appraisal Report for this document.

A Supplementary Planning Document

On 24 July 2007, this document was considered at a meeting of the Borough Council Executive and by resolution of the Executive, it was adopted as a Supplementary Planning Document forming part of the Bracknell Forest Borough Local Development Framework.

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Scope of Impact Mitigation and Contributions Sought

To deliver sustainable development and to support growth, the Borough Council will seek:

- | | |
|---------------------------------------|---|
| A. from Major/Large scale development | In-kind and on-site provision
off-site if more practical and of greater benefit |
| B. from Small site development | Payment contributions
to be pooled and used locally within 3km |

Towards providing, expanding, or improving (or compensating for loss/damage to) **one or more of the following:**

- Transport
(integrated transport measures, highway works and public transport facilities/services)
- Travel Plans
(preparation, adoption, implementation and monitoring)
- Open space and outdoor recreational facilities
(may include nature/landscape conservation and works to rights of way)
- Built sports facilities
- Education facilities
(Primary and Nursery, Secondary and Special Education facilities)
- Library facilities
- Community centres
- Youth facilities and children's centres
- Health and social services
- Thames Basin Heaths Special Protection Area
(implementing the Special Protection Area Avoidance and Mitigation Strategy)
- Natural environment
- Climate change
(may include sustainable construction, air pollution, flood risk management)
- Economic development
(may include employee training and services relating to labour supply impact)
- Public realm and environmental enhancements
(may include security measures and public art)
- Heritage
(may include archaeology and the historic environment)
- Waste management and recycling
- Premises for small businesses

For some of the above, standard contributions/formulae will be a starting point for others, contributions sought to reflect the circumstances of the development.

Some infrastructure to support development is delivered by others. Where that body can produce robust evidence of a need for facilities that are reasonably related and needed to serve development, contributions may be sought towards providing, expanding or improving one or more of the following:

- Local Parish and Town Council community facilities
- Public safety works and measures, e.g. emergency services infrastructure
- Health care facilities
- Works to mitigate adverse impact on drainage

I INTRODUCTION

Purpose of this Supplementary Planning Document

- 1.1 Development can create a need for infrastructure and local facilities including roads and public transport schemes, open spaces and community facilities. This document provides guidance to developers, applicants for planning permission and others on planning obligations that may be required to satisfy planning policies aimed at making development more sustainable. It will guide the determination of planning applications and will assist in achieving a consistent approach towards mitigating the impact of development.
- 1.2 Planning obligations are a delivery mechanism for matters needed to make a development acceptable in planning terms. Developers may enter into obligations to secure the provision of infrastructure and local facilities that are reasonably related and needed to serve the development and which will make it more sustainable.

Status of this Document

- 1.3 Supplementary Planning Documents (SPDs) expand on or provide further information on policies in Development Plan Documents (DPDs). SPDs are not part of the statutory development plan, but are part of the Local Development Framework and subject to community involvement and sustainability appraisal. They are also a material consideration in the determination of planning applications.
- 1.4 This SPD provides guidance on the interpretation of saved policies in the Bracknell Forest Borough Local Plan¹. It also expands upon and is consistent with emerging policy, in particular the Regional Spatial Strategy² and Core Strategy DPD³. Its relationship to both adopted and emerging policy therefore means that it can be prepared and adopted in parallel with the preparation of a Core Strategy DPD³.
- 1.5 It will replace existing Supplementary Planning Guidance (SPG) on Limiting the Impact of Development, adopted in October 2001. Other SPG on Affordable Housing⁴, adopted September 2003, will be reviewed at a later date following consideration of the findings of a Housing Market Assessment.

National Legislative and Policy Context

- 1.6 Under Section 106 of the Town and Country Planning Act 1990 (as amended), planning obligations may:
- restrict development or the use of land in a specified way;
 - require specified operations or activities to be carried out in, on, under or over land;
 - require land to be used in a specified way; and/or
 - require sums to be paid to the authority on a specified date or periodically.
- 1.7 Obligations may be conditional or unconditional and may impose restrictions or requirements for an indefinite or specified period. They can be secured:
- by agreement, for example signed by both the Borough Council and anyone else with an interest in the land; or
 - by a Unilateral Undertaking signed solely by those with an interest in the land.
- 1.8 Circular 05/2005⁵ on planning obligations sets out five tests that must all be satisfied where planning obligations are sought. These tests, which have been taken into account in the preparation of this SPD, state that obligations must be:
- necessary to make proposed development acceptable in planning terms;
 - relevant to planning;
 - directly related to proposed development;
 - fairly and reasonably related in scale and kind to proposed development;
 - reasonable in all other respects.
- 1.9 The Circular has been supplemented by practice guidance⁶ and an accompanying model Section 106 agreement, published in July 2006. Amongst the topics dealt with in the practice guidance are types of contribution, formulae and standard charges, standard agreements and undertakings and the implementation process.
- 1.10 Planning Policy Statement 1 (PPS1)⁷ stresses the need to encourage positive and proactive planning to achieve sustainable development objectives. It also recognises the fact that proposed development can have an adverse effect on people who do not benefit directly and suggests that it is reasonable to expect developers to contribute to the cost of infrastructure arising from the development.
- 1.11 This SPD has been prepared in accordance with PPS1 and Planning Policy Statement 12⁸, which deals with procedures to be followed in the preparation of documents contained within the Local Development Framework.

Possible Changes to the Planning Obligations System

- 1.12 The Government is currently reviewing the way in which the planning obligation system operates. An Audit Commission report⁹ states that possible future changes should not be used as a reason for delaying the development of Section 106 processes, as evidence collected by the Commission demonstrates that there are likely to be clear benefits for councils that act now to improve their approaches to Section 106. It is stated that "having a clear, detailed policy and good processes will improve the operation of the current, and any future, system and reduce delays".

Local Policy Context

- 1.13 Regional Planning Guidance 9 (RPG9)¹⁰ and the emerging Regional Spatial Strategy² set the context for providing facilities and services through new development. The general basis for the need for the provision of infrastructure is set out locally in Policy DP4 of the Berkshire Structure Plan¹¹. This policy also stresses the importance of the timing of the provision of any necessary infrastructure and mentions the possible need to seek contributions from landowners or developers.
- 1.14 The Bracknell Forest Borough Local Plan¹ contains an objective relating to the need to secure appropriate physical and social infrastructure. This is to be achieved through the implementation of Policy SC1 which deals with the provision of services and community facilities. The policy mentions the use of obligations to secure any necessary provision or, in some instances, planning conditions. Other policies in the Plan deal in more detail with specific issues that might be addressed through the use of planning obligations. The Borough Council's actions are also guided by the Sustainable Community Plan¹² which focuses on eight agreed priorities which help reinforce the need to use planning obligations to secure appropriate infrastructure and services.
- 1.15 Policies from a variety of sources, including those quoted above plus the Waste Local Plan for Berkshire¹³ and the Replacement Minerals Local Plan for Berkshire¹⁴ may lead to a requirement for planning obligations.

Emerging Policy

- 1.16 South East Plan² Policy CC5: Infrastructure and Implementation refers to the need to secure contributions from development to help deliver necessary infrastructure. Core Strategy DPD3 Policy CS1: Sustainable Development Principles deals with the principles that development must take into account in the interests of delivering sustainable development, thereby securing a similar quality of life for future generations. Core Strategy DPD³ Policy CS6: Limiting the Impact of Development recognises that development can result in adverse impacts on existing infrastructure and local facilities. To make development more sustainable, these impacts need to be mitigated by the developer making on-site provision, contributing to provision elsewhere or a mixture of both.
- 1.17 In accordance with Circular 05/2005⁵ and the practice guidance⁶, the Core Strategy DPD³ supporting text also makes reference to the Borough Council's expectations on the use and types of planning obligations. Some of these issues are dealt with below.

The Use of Planning Conditions as Opposed to Planning Obligations

- 1.18 Both Circular 11/95¹⁵ on the use of conditions and Circular 05/2005⁵ make it clear that permission cannot be granted subject to a condition that the developer enters into a planning obligation. Neither can a condition require the payment of a financial contribution. However, there are many situations where planning conditions can adequately deal with on-site works or the provision of works or facilities outside the application site. A condition may be imposed preventing occupation or commencement of development until the works or facilities have been provided (often known as a Grampian condition). This should only be done where there is reasonable evidence that the condition is able to be implemented, for example a letter from a relevant landowner confirming that there is no objection to any proposed works.

- 1.19 The use of planning conditions is further explored in a Planning Officers Society Best Practice Note¹⁶. When considering applications, the Borough Council will consider whether planning conditions can adequately control all the direct and indirect impacts of the development and secure the desired planning benefits.

The Need for Mitigation and Calculation of Contributions

- 1.20 Mitigation, whether in-kind or by a financial contribution towards local provision, will only be sought where there is evidence of need. If a need exists but there is an alternative proposal for funding that could remedy the need (such as a government grant), then the degree of certainty and adequacy of that funding will be relevant considerations. Financial contributions will be sought until such time as sufficient alternative funding is guaranteed.
- 1.21 When assessing the need for new provision, account will be taken of existing infrastructure and services including private facilities that perform a public service (for example a privately-run community hall located on a development and providing a facility for its residents).
- 1.22 Some contributions sought will differ in scale depending on the type of development proposed. For example, contributions may vary by the number of bedrooms in a proposed dwelling, because this may be an indicator of the level of impact. If a planning application is submitted that contains insufficient detail on these points, it may be possible to impose a condition regulating the number of bedrooms. If this cannot be achieved, contributions will be calculated on a worst-case scenario. The net impact of a development will be taken into account when calculating the contribution sought.

Standard Charges

- 1.23 In accordance with Circular 05/2005⁵ and practice guidance, standard charges and formulae are used to calculate contributions where possible. The circumstances where this applies are set out in this document.
- 1.24 The use of standard charges will increase the transparency of legal obligations and ensure that they are fairly and reasonably related in scale and kind to the development proposed. This approach will also give greater certainty to developers and should increase the speed of determining planning applications. Where the characteristics of a proposed development would justify negotiation on the level of standard charges, any supporting evidence will be taken into consideration.

Pooled Financial Contributions

- 1.25 The Borough Council accepts that in-kind provision is not necessarily practical for small, high density sites. Financial contributions can be an alternative approach towards meeting a need for infrastructure and local facilities in a way that is both fair and equitable. In some cases, individual developments will have some impact but not sufficient to justify the provision of a discrete piece of infrastructure. In these circumstances, a financial contribution is the best approach to meeting needs and making development more sustainable as the Borough Council is better placed and has the expertise to provide additional or expanded facilities. Contributions will only be sought where the impact of a development is not mitigated fully in-kind.

- 1.26 The supporting text to Core Strategy DPD³ Policy CS6 refers to the need to address the cumulative impact of developments. This is a particular issue in Bracknell Forest due to the number of small sites that come forward. Circular 05/2005⁵ states that where the combined impact of a number of developments creates the need for infrastructure or facilities, associated developer contributions can be pooled in order to provide the required infrastructure.
- 1.27 If the level of planned development in an area requires the provision of infrastructure before all developments have come forward, later developments will still be required to contribute a proportion of the costs, provided that the need for the infrastructure and proportionate contributions have been established beforehand. Need will be assessed by collecting data on the capacity of existing facilities. To ensure that financial contributions are an effective method of providing facilities, the Borough Council will group together or pool contributions and allocate funds towards providing, expanding or improving services and facilities, the need for which arises from the proposed development. The receipt and use of contributions can be tracked and information on spending made available, subject to the Borough Council's reasonable costs being met.

Cross-Border Contributions

- 1.28 Provision of some services does not necessarily coincide with local authority boundaries. Where a development creates extra demand for infrastructure or services in another local authority area, and the Borough Council is aware of evidence of a need for increased capacity in that area, it may be appropriate for any contributions arising from the development to be directed to the neighbouring local authority. Similarly, the Borough Council may receive contributions secured by other local authorities to mitigate impacts that arise in this Borough.

Payments for Maintenance and Wear and Tear

- 1.29 Circular 05/2005⁵ confirms that it may be appropriate to address the subsequent maintenance of facilities through planning obligations, where the facility is predominantly for the use of the occupiers of associated development. This will be done where an asset is provided in-kind rather than secured by a financial contribution. Where possible, this document sets out the scale of commuted payments due for maintenance and the time periods over which they apply. The extent of maintenance required, and thus its cost, may depend on the particular asset under consideration. In this circumstance, maintenance payments will be negotiated in light of site-specific circumstances.
- 1.30 Existing infrastructure and local facilities may have some spare capacity to cater for the needs of those occupying a development. Where, as a result of development, local infrastructure and facilities are likely to deteriorate more quickly than would otherwise be the case, due to the increased numbers and usage, the Borough Council will seek to negotiate proportionate contributions to compensate for increased "wear and tear" damage. Wear and tear contributions will only be sought where the development is close to an asset that would face challenging circumstances, whose use will be intensified by the development and where a programme exists for improvement to that asset. They will not be sought where there is in-kind provision of a new asset, as its maintenance will be secured as described in the paragraph above.

Cost Recovery

- 1.31 It is the Borough Council's approach to recover its costs associated with monitoring legal agreements. The mechanism for this is contained within the model agreement at Appendix B. By definition, legal obligations only exist to make acceptable development proposals which would otherwise be unacceptable. If obligations were not secured, the planning application would be refused and the Borough Council would incur no monitoring costs. Implementing the obligations therefore imposes costs on the Borough Council that it would not otherwise have had to bear, and it is reasonable to recover these costs from the developer.

Viability

- 1.32 If a development does not mitigate its impacts then planning permission will normally be refused unless there are other priority planning objectives to be met. This SPD seeks to ensure that possible obligations are set out at the outset so that costs can be factored into negotiations on land acquisition.
- 1.33 If it should be claimed that the cumulative impact of obligations affects the economic viability of a proposal, particularly for comprehensive development, it will be up to the developer to provide information regarding the viability of the scheme and reasons why the scheme should not satisfy all identified needs. Before reviewing the range and nature of the obligations, the Borough Council may require valuation advice and/or the use of an independent third party who may have access to financial information on a strictly confidential basis. All costs incurred by the Borough Council in validating viability information will have to be met by the applicant.

Repayment of Unused Contributions

- 1.34 There is sometimes a change of circumstances after a financial contribution is secured, that makes the proposed mitigation no longer necessary. To allow for this eventuality, the Borough Council will covenant in legal agreements to return any unspent financial contributions after a specified period of time as defined in the model agreement at Appendix B.

Forms of Agreement

- 1.35 Circular 05/2005⁵ acknowledges the fact that local planning authorities and developers will tend to finalise planning obligations by agreement. Whilst there may be circumstances where developers may wish to use unilateral undertakings, these are limited. Such a situation can only arise where (a) only the developer needs to be bound by the agreement with no reciprocal commitments by the local planning authority; and (b) it is possible to ascertain the likely requirements in advance. The Practice Guide⁶ expands on point (a) by stating that unilateral undertakings are unlikely to be appropriate where financial contributions are required, as in order to mitigate the impacts of a development a commitment is required by the local planning authority to spend the money on specified infrastructure.
- 1.36 The Borough Council has drawn up a standard form of agreement to cover straightforward financial contributions. The pre-application discussion process will indicate when it is considered appropriate to use this template. This is dealt with further in the procedures note at Appendix A.

- 1.37 Appellants may offer unilaterally to enter into planning obligations, in connection with appeals. If it is proposed to do this, the appellant should speak to the Borough Council to obtain the most up to date information about contributions and other obligations to be sought. The Borough Council may be able to assist in the wording of straightforward unilateral undertakings.
- 1.38 Up to date copies of title and drafts of unilateral undertakings should be referred to the Borough Council for review, in accordance with the requirements of Circular 05/2005⁵. The Borough Council will comment on whether the undertaking overcomes relevant reasons for refusal, including checking that the undertaking does not impose any obligations on the Borough Council.

Sustainability Appraisal

- 1.39 The Planning and Compulsory Purchase Act 2004 makes SPDs subject to Sustainability Appraisal. This process is intended to improve plan-making, taking greater account of sustainability in plan preparation. Sustainability appraisal is also required to incorporate the requirements of European Union Directive 2001/42/EC on Strategic Environmental Assessment.
- 1.40 A Sustainability Appraisal Scoping Report was produced and consulted upon in May 2006¹⁷. As the SPD developed, the plan options were appraised according to the methodology set out at the Scoping stage. The plan options with the most positive impacts were recommended, and in some cases mitigation was proposed to remove any negative impacts identified during the process.

This process was documented in the Final Sustainability Appraisal Report, which was consulted upon in November 2006¹⁸. Responses from the consultation process were used to further refine the SPD and any significant changes made as a result were assessed. The full process and findings is set out within the Final Sustainability Appraisal Report (July 2007)¹⁹, published alongside the plan.

Factual Updates

- 1.41 The figures included in this document are correct at the time of publication. They will be updated annually to take into account changes in the retail price index, other inflationary impacts and further technical studies.

Notes on Interpretation

- 1.42 Within this document:
- References to floorspace mean gross external area.
 - References to distance mean measurement in a straight line.
 - References to scale of development mean the netⁱ increase in dwellings or floorspace, as appropriate.
- 1.43 When a threshold for seeking contributions is exceeded, contributions are payable on the entire net increase dwellings or floorspace, not just the amount in excess of the threshold. For example, if the threshold is 5 dwellings and a scheme is proposed that has a net increase of 7 dwellings, contributions are calculated on the basis of 7 dwellings rather than 2.

ⁱ Takes account of number of dwellings or amount of floorspace that has been demolished

- 1.44 The Core Strategy DPD³ is a 20-year plan. Consequently, the costings in this SPD have also been drawn up on the basis of a 20-year time period starting in 2006, although the document itself will be regularly reviewed.
- 1.45 When preparing this document, impacts have been assessed and contributions calculated on the basis of a residential occupancy figure of 2.31 people per dwelling. This is an average figure for residential occupancy across the LDF period to 2026. As such it is an appropriate figure by which to calculate the impacts generated by developments implemented during the plan period.
- 1.46 Studies into the impact of new dwellings (for example pupil generation) are based on the number of bedrooms in the dwelling. Where a residential development contains flexible space capable of being used as bedroom (for instance a room described as a “study/third bedroom”), the true impact of the development may potentially be overlooked. To avoid this, obligations will be assessed on the basis of that floorspace being used as a bedroom.
- 1.47 Planning application figures and studies into worker floorspace density are specified in gross external area (GEA). Therefore it is appropriate to use GEA when assessing the mitigation required from a development proposal.
- 1.48 Within this document, “development” excludes small-scale development that is unlikely to give rise to impacts requiring mitigation, such as signs. Each section of this SPD defines the types of development to which it relates. These are sometimes expressed in terms of planning use classes, as defined in the Use Classes Order²⁰.
- 1.49 Various sections of this SPD contain thresholds for seeking contributions that relate to “major” development. The definition of major development is based on that contained in the Berkshire Structure Plan¹¹. It relates to development involving a net increase of more than:
- 100 dwellings,
 - 2,500m² retail floorspace,
 - 2,500m² office floorspace,
 - 4,600m² industrial floorspace,
 - 6,700m² storage and distribution floorspace.
- 1.50 For larger-scale residential developments involving the creation of new communities, a threshold of 650 dwellings has been set. This threshold is approximately equivalent to 1,500 residents and is considered to be the scale at which major new facilities are necessary to create sustainable communities. Dwellings are defined throughout this SPD as any residential unit including non-static housing.
- 1.51 Tables containing supporting information can be found at the end of each section of this SPD, and relate solely to the documents referenced in that section.

Table 1.1 Supporting Information (relevant as at July 2007)
Introduction

1. Bracknell Forest Borough Local Plan	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	Jan 2002
2. A Clear Vision for the South East: The South East Plan Core Document: Draft Plan for Submission to Government	South East England Regional Assembly www.southeast-ra.gov.uk	Mar 2006
3. Core Strategy Development Plan Document (submission) Bracknell Forest Local Development Framework	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	Nov 2006
4. Affordable Housing from Residential Development Supplementary Planning Guidance	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	Sept 2003
5. Circular 05/2005 Planning Obligations	Department of Communities and Local Government www.communities.gov.uk	Jul 2005
6. Planning Obligations: Practice Guidance	Department for Communities and Local Government www.communities.gov.uk	Jul 2006
7. Planning Policy Statement 1: Delivering Sustainable Development	Department for Communities and Local Government www.communities.gov.uk	Feb 2005
8. Planning Policy Statement 12: Local Development Frameworks	Department for Communities and Local Government www.communities.gov.uk	2004
9. Securing Community Benefits through the Planning Process	Audit Commission www.audit-commission.gov.uk	Aug 2006
10. Regional Planning Guidance for the South East (RPG 9)	Government Office for the South East www.go-se.gov.uk	Mar 2001
11. Berkshire Structure Plan 2001-2016	Berkshire Unitary Authorities' Joint Strategic Unit www.berks-jspu.gov.uk	Mar 2002
12. Bracknell Forest Sustainable Community Plan: Living Together Working Together	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	2005
13. Waste Local Plan for Berkshire	The Joint Strategic Planning Unit www.berks-jspu.gov.uk	Dec 1998
14. Replacement Minerals Local Plan for Berkshire	The Joint Strategic Planning Unit www.berks-jspu.gov.uk	2001

15. Circular 11/95 Use of Conditions in Planning Permission	Department of Communities and Local Government www.communities.gov.uk	2005
16. Best Practice Note on Highway/ Environmental Improvement Works and Affordable Housing Secured by Planning Conditions	Planning Officers Society www.planningofficers.org.uk	Mar 2005
17. Sustainability Appraisal Scoping Report Limiting the Impact of Development Supplementary Planning Document	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	May 2006
18. Final Sustainability Appraisal Report (Consultation draft) Limiting the Impact of Development Supplementary Planning Document	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	Nov 2006
19. Final Sustainability Appraisal Report Limiting the Impact of Development Supplementary Planning Document	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	July 2007
20. Use Classes Order Amendment 2005	Department for Communities and Local Government www.communities.gov.uk	Apr 2005

2 TRANSPORT

Table 2.1 Development Plan Policy

Adopted Policy	Policy References
Regional Planning Guidance for the South East (RPG 9)	Q6 Management and the provision of services T4 Walking and cycling T5 Public transport
Berkshire Structure Plan 2001-2016	DP4 Provision of infrastructure, services and amenities T4 Travel impacts
Bracknell Forest Borough Local Plan 1991-2006	SC1 Provision of services and community facilities M4 Highway measures expected in association with new development M6 Cycling and walking M8 Public transport
Emerging Planning Policy	
Draft South East Plan Core Document	CC5 Infrastructure and implementation
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6 Limiting the impact of development CS24 Transport and new development

Background

- 2.1 The Borough Council's Annual Report Review of 2006/07 and Plans for 2007/08¹ contains a number of corporate themes that guide its work. Corporate Theme 10 is to improve transport movement in and around the Borough. The Bracknell Forest Sustainable Community Plan² includes a priority of improving travel and transport. The Bracknell Forest Borough Local Transport Plan 2006-11 (LTP)³ aims to deliver an 'effective, efficient and sustainable transport system'. The LTP vision is supported by the following objectives:
- to continue to minimise the decline in the state of the road network;
 - to continue to improve road safety;
 - to reduce peak hour congestion;
 - to provide better access to essential services by means other than the car; and,
 - to improve public transport.

Provision for Highway Works and Integrated Transport Measures

- 2.2 The LTP includes a snapshot of the various integrated transport projects for the period to 2011. Projects involving all types of travel are covered including driving, public transport, cycling and walking. Examples of integrated transport projects listed include road improvements, footpath/cycleways, safety schemes and public transport. The projects relate to sites/areas across the Borough. A further project highlighted in the LTP is the development of a new traffic model which will be used to consider better use of the network, congestion management and to identify ways of improving the network. It will also be possible to use it to assess the impact of individual proposals. Developers are encouraged to enter into early discussions about the use of this model in respect of the preparation of planning applications and necessary Transport Assessments (TAs) and Transport Statements (TSs).
- 2.3 The Borough Council monitors progress on the implementation of the LTP (including schemes) so that strategies, plans and programmes can be monitored, evaluated and improved. Some of the data that is collected for monitoring purposes is published in an annual progress report, other information can be obtained on request, although a charge may be levied depending on the level of detail required. Further schemes may be developed depending on issues that arise. Developments may bring forward the need for existing proposals or result in the need for new schemes.
- 2.4 To help deliver the Borough Council's overall approach to transport, it is important to ensure that transport infrastructure can adequately support development and that measures are taken to reduce reliance on the car and encourage more environmentally friendly means of travel. Any new development must therefore deal with its highway and transport implications. Some of these may be addressed by undertaking works on the site and adjacent to the site, for example new street lighting, junctions and signage. These works may require S278ⁱ and/or S38ⁱⁱ Agreements under the Highways Act 1980. Other impacts might involve increased pressure on the wider transport network such as pedestrian routes, cycleways and public transport facilities. Such impacts may need to be addressed through integrated transport measures.

Trip rates

- 2.5 All development falling above the specified thresholds will be assessed for its impact on transport by looking at the number of trips that are likely to be generated. Account will be taken of the number of trips generated by existing development on the site. For the purposes of this document, the term 'trips' applies to vehicular trips associated with varying types of development. Trip rates associated with particular uses will be extracted from the Transport Information Computer System⁴ (TRICS) which is a computerised database and trip rate package managed by an independent consultant.
- 2.6 Where a development is located in a highly sustainable location, it is likely that a larger proportion of the movements will be made by modes other than private vehicles. However, it is unlikely that the total number of movements will be lower than those relating to development in other locations. Consequently, there will still be an impact on the highway network and infrastructure and a contribution will be required.

ⁱ Works funded by a developer carried out on the existing public highway by agreement.

ⁱⁱ The adoption, by agreement, of a road built by a third party.

Transport Assessments

- 2.7 PPG13 Transport⁵ requires the preparation and submission of transport assessments alongside planning applications where developments are likely to have significant transport implications. The DfT's guidance on transport assessments⁶ gives advice on when assessments are required and the level and scope of an assessment ie a TS or a TA. Where a TA is required, this should include data on movements and a section on possible mitigation which should focus on sustainable transport measures. In cases where the Borough Council requires a TA (as set out in the Bracknell Forest Borough Parking Standards SPD⁷), and its content is considered robust, regard will be paid to the suggested impact and any mitigation measures planned, in calculating the contribution.

Table 2.2 Contributions

Development Type	Proposal	Contribution
All development including: - New build - Redevelopment - Changes of use - Conversions - Mixed use schemes	1. Net increase of 1 or more dwellings or 2. Net increase of more than 100m ² of non residential floorspace ⁱ	£320 per net additional trip per week day or as modified following the review of a TS/TA towards local highway improvement works, and integrated transport measures, schemes and/or programmes

Contribution Calculation

The LTP process

- 2.8 The methodology used to determine the contribution in Table 2.2 draws upon the estimated cost of implementing the approved integrated transport programme as set out in the LTP at March 2006. Whilst the Borough Council is able to secure an element of funding for the programme from Government through the LTP³ process, there is a significant difference between the amount allocated to Bracknell Forest and the total cost of implementation. The shortfall in the funding for the period 2006-11 amounts to £8,298,000 which is the equivalent of £1,659,600 per year. Current funding will not support the early implementation of the majority of schemes set out in the LTP³. Depending on the location and nature of the development proposed, certain schemes may be required to help mitigate the impact of the development. The only means of progressing projects may be through contributions. The pooling of contributions may be necessary in respect of major transport schemes, bearing in mind the fact that the contribution must be related to the scale of the proposed development.

Predicting future growth

- 2.9 The calculation requires an assessment of what is likely to be the predominant type and scale of development to be built in Bracknell Forest over the LTP³ period (2006-11). The assumptions made about employment- related development are based on property reports and data set out in the annual survey of employment commitments⁸ and reflects the average rate of completions over a five year period. The figures for the number of dwellings are drawn from Policy WCBV3 of the draft South East Plan Core Document⁹ which sets out the number of dwellings required in Bracknell Forest for the period 2006-2026.

ⁱ No TRICS data is available below this level

Policy CS15 of the Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)¹⁰ makes phased provision of the overall requirement. The first phase covers the period 2006-2012 which is similar to the period covered by the LTP. An annual average of 572 dwellings is planned for this period.

Predicting trip rate generation

- 2.10 The TRICS⁴ database has been interrogated to identify the daily trips rates associated with the forecast types of development. Information on trip rates has been taken from an overall weekday profile for England (excluding Local and London) due to the limited number of sites within areas close to this Borough. Figures for residential trip rates are an average of the TRICS categories "houses privately owned" and "mixed private houses" ie 6.69 trips per household per week day. This represents a typical scenario in terms of trip generation. A figure of 13.05 trips per 100 m² per day has been used in respect of business (B1 Use Class)ⁱ development.
- 2.11 This helps calculate the proportion of the shortfall to be attributed to residential and business development and then figures per dwelling and per m² of business floorspace. The cost of mitigating development is independent of any time period. In this instance, due to the use of the TRICS⁴ database which provides data on the basis of trips per day, it has been necessary to calculate the costs of mitigating impact on a daily basis. The overall cost of mitigating impact represents an average cost per trip which is to be applied to all development unless it can be argued that the characteristics of a particular development are so different as to justify an adjustment of the figure (this might be done through the TS/TA process). Contributions will only be sought if schemes can be identified that are reasonably related in scale and location to the development.

	Calculation elements	Figures
A	Annual shortfall in cost of funding the LTP	£1,659,600 per year
B	Annual housing requirement	572 net dwellings per year
C	Annual average amount of B1 floorspace	10,553 m ² net per year
D	Number of trips generated by housing requirement B x 6.69	3,827 trips per day
E	Number of trips generated by B1 development C/100 x 13.05	1,377 trips per day
F	Total number of trips generated by forecast development	5,204 trips per day
G	Proportion of trips attributed to residential development D/F	74%
H	Proportion of trips attributed to B1 development E/F	26%
I	Shortfall in LTP funding attributed to residential development G x A	£1,228,104 per year
J	Shortfall in LTP funding attributed to B1 development H x A	£431,496 per year
K	Shortfall in LTP funding attributed to each dwelling I/B	£2,147 per dwelling
L	Shortfall in LTP funding attributed to B1 development J/C	£41 per m ²

ⁱ Defined as 'office' in the TRICS database.

Cost of mitigation for residential	K/6.69	£321 per trip per day
Cost of mitigation for B1	(L x 100)/13.05	£314 per trip per day
Overall cost of mitigation (rounded)		£320 per trip per day

Other Provision

S278/S38 Agreements and integrated transport initiatives

- 2.12 Should a situation arise where a developer is proposing to carry out works under a S278 and/or S38 Agreement which directly contribute to the achievement of integrated transport initiatives, account may be taken of these in calculating the contribution sought.

Provision for the Trunk Road Network

- 2.13 In accordance with the provisions of the Town & Country Planning (General Development Procedure) Order 1995 (as amended), local planning authorities are obliged to consult the Secretary of State for Transport in respect of any development likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a trunk road. As a result, additional provision may be sought by the Highways Agency for any development that is considered to place unacceptable pressure on the trunk road network. Where justified, the Borough Council will seek to address this matter in partnership with the Highways Agency through planning obligations.

Provision for additional maintenance

- 2.14 Where works involve alterations to an existing highway, S278 of the Highways Act 1980 makes provision for the payment of commuted sums in respect of the future maintenance of the works. However, for new adoptable highway, generally constructed under S38 of the Highways Act 1980, this is not the case.
- 2.15 The Government is encouraging developers and local authorities to think more creatively about street design and has produced a design guidance document known as Manual for Streets¹¹. It is now recognised that more thought should be given to the street scene in the context of the character and location of a site. Such challenges will inevitably result in additional areas of planting and the use of innovative materials and street furniture that go beyond the normal specification. In such cases, maintenance costs are likely to be higher than those associated with materials/items that are more commonly used across the Borough.
- 2.16 In cases where it is proposed to transfer this additional responsibility to the Borough Council, a one off maintenance payment will be sought under a combined S106/38 Agreement. In calculating the scale of such a contribution, regard will be paid to the expected life of the material or item and the Borough Council's fees and costs.

Table 2.3 Supporting Information (relevant as at July 2007)
Transport

1.	Annual Report Review of 2006/07 and Plans for 2007/08	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	June 2007
2.	Bracknell Forest Sustainable Community Plan: Living Together, Working Together	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	2005
3.	Local Transport Plan 2006-2011	Bracknell Forest Borough Council (Planning and Transport Policy) www.bracknell-forest.gov.uk	Mar 2006
4.	Transport Information Computer System (version 2007 (a))	www.trics.org	
5.	Planning Policy Guidance 13: Transport	Department of Communities and Local Government www.communities.gov.uk	Mar 2001
6.	Guidance on Transport Assessment	Department of Transport Department of Communities and Local Government www.dft.gov.uk	Mar 2007
7.	Bracknell Forest Borough Parking Standards Supplementary Planning Document	Bracknell Forest Borough Council (Planning and Transport Policy) www.bracknell-forest.gov.uk	Jul 2007
8.	Commitments for Employment Uses in Bracknell Forest: Series 2001/02 onwards	Available from: Bracknell Forest Borough Council and the Joint Strategic Planning Unit www.berks-jspu.gov.uk	2007
9.	A Clear Vision for the South East: The South East Plan Core Document: Draft Plan for Submission to Government	South East England Regional Assembly www.southeast-ra.gov.uk	Mar 2006
10.	Core Strategy Development Plan Document (submission) Bracknell Forest Local Development Framework	Bracknell Forest Borough Council www.bracknell-forest.gov.uk	Nov 2006
11.	Manual for Streets	Department of Transport Department of Communities and Local Government www.dft.gov.uk	Mar 2007

3 TRAVEL PLANS

Table 3.1 Development Plan Policy

Adopted Policy	Policy References
Regional Planning Guidance for the South East (RPG9)	T2 Travel awareness and travel plans
Berkshire Structure Plan 2001-2016	T4 Travel impacts
Emerging Planning Policy	
Draft South East Plan Core Document	T5 Mobility management S7 Travel plans and advice
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS23 Transport CS24 Transport and new development

Background

- 3.1 In addition to the planning policies listed above, the Bracknell Forest Borough Local Transport Plan 2006-11 (LTP)¹ encourages developers, existing and new employers, and schools to develop and implement Travel Plans on occupation of development. These may also be known as Green Transport Plans, Commuter Plans or Company Travel Plans. They comprise a package of measures tailored to the needs of individual sites aimed at:
- reducing reliance on the car;
 - encouraging more environmentally-friendly forms of travel; and,
 - delivering sustainable transport.
- 3.2 They are seen as a means of helping to achieve one of the LTP's objectives of reducing peak hour congestion. To support the implementation of the above policies and approach, the Borough Council has produced a guidance note for applicants who need to produce Travel Plans².

Travel Plan Provision

- 3.3 Planning Policy Guidance 13 (PPG13)³ sets out guidance on when Travel Plans should be sought in connection with planning applications. The Borough Council has used the thresholds suggested in PPG13³ as a basis for developing its own set of thresholds. These are set out in Table 3.2 on page 20.

Clarification of circumstances for seeking a Travel Plan

- 3.4 Where planning applications involve the extension of existing floorspace (which would result in an increase in the number of employees or trips to a site), the Borough Council may seek an agreement to implement a Travel Plan if the extension plus retained floorspace results in the total floorspace exceeding the thresholds set out in Table 3.2. In these circumstances, the Travel Plan should apply to the extension and all associated existing floorspace to be effective and ensure a comprehensive approach.

The use of obligations to secure Travel Plans

- 3.5 The DfT's best practice guide: Using the Planning Process to Secure Travel Plans⁴ (chapter 10) deals with the most effective legal means of securing travel plan elements. In view of the advice given and the nature of provision that the Borough Council seeks in respect of Travel Plans, the latter will normally be secured through planning obligations created by agreement.

Content of a Travel Plan

- 3.6 A Travel Plan must include the following elements.
- Background – site location, number of employees, parking provisions, etc.
 - A survey of employees – to include their travel choices and potential for change.
 - Objectives – what the occupier/developer is trying to achieve from the Travel Plan.
 - Scope – identification of the travel elements that the Plan is to address.
 - Actions – list of proposed measures to be implemented aimed at achieving the stated objectives.
 - Targets – identification of targets to be used to establish whether or not the objectives are being achieved. The Travel Plan targets are concerned with the modal share to and from the site during the time that the Travel Plan remains in force.
 - Monitoring – how it is proposed to monitor the effectiveness of the Plan.
 - Marketing – how the Plan is to be marketed.
 - Dissemination – how the results and success of the Plan are to be conveyed to others.

Matters covered by planning obligations

- 3.7 In support of the above components, planning obligations will be used to define terms, responsibilities (actions and triggers in respect of progress with the development and occupation) and liabilities. Although the form and content of a Travel Plan may vary with the nature of the development proposed, generally, obligations will address the matters listed below.
- A definition of the term 'Travel Plan'. This will clarify whether or not a staged approach is required in respect of non residential proposalsⁱ ie the need for an Interim Travel Plan in addition to a Final Travel Plan. This is likely to be the case where a development is speculative or phased and the occupier is not known at the time of application. The Interim Travel Plan (which is to be attached to any Agreement) will include measures that can be implemented prior to occupation and cover key elements likely to be covered in the Final Travel Plan. The developer will also be required to make any subsequent occupier aware of the need for a Travel Plan whether the occupier rents, leases or buys all or part of the development. The preparation and implementation of the Final Travel Plan will be the responsibility of the occupier.

ⁱ For residential developments, the Final Travel Plan must be agreed at the planning application stage.

- A definition of the term 'occupier'. This is likely to include all future occupiers.
- Require information on the identity of the Travel Plan Co-ordinator who will be responsible for the Travel Plan in terms of the promotion of components of the Plan, the implementation of various measures in the Plan and the monitoring and review of the Plan. It will usually be necessary to provide information on the identity of this person at least a month before occupation. In the case of residential developments, whilst the developer will be responsible for delivering the Travel Plan through its initial stages, there will be a need to specify a stage at which responsibility for the Plan is passed to residents/management committees. The DfT publication Making Residential Travel Plans Work⁵, suggests that the point of handover should be related to the achievement of key targets identified in the Plan.
- Specify the date by which a Travel Plan must be submitted. This will usually be within 4 months of occupation.
- Cover the need for a travel survey which will provide the baseline figure upon which the occupier's Travel Plan targets will be based (see above).
- Specify the timescales for the implementation of measures in the Travel Plan by the occupier.
- Cover the need to undertake annual surveys and submit annual reports on the implementation and effectiveness of the Plan.
- Seek provision for a Travel Plan fee to cover the Borough Council's costs in helping set up and monitor the Plan.
- Seek a Travel Plan deposit to enable the Borough Council to implement previously agreed measures to secure the Travel Plan targets in the event that these are not met.

3.8 The Borough Council has developed a number of model clauses to cover the above matters. Applicants are encouraged to request and review these clauses before submitting an application that is likely to need a Travel Plan.



Table 3.2 Contributions

Development Type	Threshold from and above which a Travel Plan may be sought	Contribution
All development including: • New build • Redevelopment • Changes of use • Conversions • Mixed use schemes	1. 100 dwellings or all zero car development 1,500m² of business or industrial floorspace 3,000m² of distribution floorspace 1,000m² of retail or leisure floorspace or 1,500 seats in respect of stadia 2,500m² of health related floorspace Care establishments of i) 15 bedrooms, or, ii) 2,500m² of floorspace Hotels with 100 rooms/suites All proposals involving higher/ further education floorspace <u>and below these thresholds if:</u> a. a development is forecast to generate more than 1,000 vehicular trips per day and is in, or close to, any Air Quality Management Area that might be designated, or, b. where the development is likely to create harmful transport impacts, or c. where there is poor accessibility by non-car transport modes.	Upon the development being occupied, or as soon as possible thereafter: A Travel Plan that will • reduce car reliance and usage • encourage more environmentally friendly modes of travel, and, • deliver sustainable transport and At least 14 days before occupation pay a Travel Plan Fee of £10,000 towards the costs of setting up and monitoring the Travel Plan and On approval of the Travel Plan pay a Travel Plan Deposit of £5,000 to enable the Borough Council to implement measures should non-compliance be an issue
	2. New and expanded schools	A School Travel Plan (to include the promotion of safe cycling and walking routes, restrictions on parking and vehicular access at and around schools, and on-site changing and cycle storage facilities)

Note: Floorspace figures quoted are gross floorspace figures for the purposes of this table

Costs

Establishment and monitoring of a Travel Plan

- 3.9 The DfT's document Making Residential Travel Plans Work⁵ suggests that contributions may be secured from developers to enable the Borough Council to play a role in the future monitoring and review of Travel Plans. On this basis, the Borough Council seeks a one-off Travel Plan fee of £10,000 in respect of all Travel Plans, to be paid by the occupier/developer not less than 14 days prior to occupation. The Borough Council will use this money to help recoup the costs of time spent by the Borough Council on assessing Travel Plans and in reviewing the ongoing Final Travel Plan over the lifetime of the development.
- 3.10 The occupier will be required to monitor and review the Travel Plan on an annual basis from its implementation. The monitoring strategy must be included as part of both the Interim and Final Travel Plan. The annual review to be submitted to the Borough Council will consist of, but not be limited to, a travel survey, a review of actions, a review of progress against each target, revised targets, and any additional measures to be introduced. Revisions required as a result of monitoring will need to be agreed with the Borough Council's Travel Plan Adviser.
- 3.11 The monitoring work overseen by the Travel Plan Co-ordinator will be used to amend and update the Plan in the light of the monitoring findings. In cases where objectives and targets are consistently being met, there may be scope for negotiating changes to the time periods to be covered by monitoring reports.

Compliance with Travel Plan terms

- 3.12 The DfT's publication: Using the Planning Process to Secure Travel Plans⁴ (chapter 11) deals with the enforcement of Travel Plans and any necessary sanctions. It is accepted that sanctions may be necessary to ensure that any failure to deliver agreed measures or meet specified outcomes is remedied. The Practice Guidance on Planning Obligations also refers to performance bonds as an effective tool in respect of under or non delivery of obligations.
- 3.13 To help address this issue, upon approval of the Final Travel Plan, the Borough Council will require the occupier/developer to pay the Borough Council a Travel Plan Deposit of £5,000. This deposit will be returned, with standard interest, to the occupier/developer after a period of three years, provided the following conditions have been satisfied:
- The occupier/developer has implemented the measures set out in the Final Travel Plan within the timescales set out in the Final Travel Plan.
 - The occupier/developer has conducted regular (at least annual) travel surveys and submitted annual reports.
 - The occupier/developer has been successful in effecting an agreed reduction in single occupancy car journeys as a means of travelling to and from the site over the three-year period (when compared to the baseline travel survey).
- 3.14 Should the Borough Council need to take action to achieve the agreed outcomes and the cost exceed the Travel Plan Deposit, the occupier/developer will be expected to fund the difference. Any monies kept by the Borough Council as a result of non-compliance with the above conditions will be used for promoting sustainable transport alternatives.

Table 3.3 Supporting Information (relevant as at July 2007)
Travel Plans

1. Local Transport Plan 2006-11	Bracknell Forest Borough Council (Planning and Transport Policy) www.bracknell-forest.gov.uk	Mar 2006
2. Guidance on Travel Plans	Available from Bracknell Forest Borough Council (Streetcare – Transport) www.bracknell-forest.gov.uk	Jul 2007
3. Planning Policy Guidance 13 Transport	Department of Communities and Local Government www.communities.gov.uk	Mar 2001
4. Using the Planning Process to Secure Travel Plans – Best Practice Guidance for Local Authorities, Developers and Occupiers	Department of Transport www.dft.gov.uk	Jun 2005
5. Making Residential Travel Plans Work	Department of Transport www.dft.gov.uk	Jan 2006



4 OPEN SPACE AND OUTDOOR RECREATIONAL FACILITIES

Table 4.1 Development Plan Policy

Adopted Policy	Policy References
Berkshire Structure Plan 2001-2016	DP4 Provision of infrastructure, services and amenities
Bracknell Forest Borough Local Plan 1991-2006	R4 Provision of open space of public value R5 Publicly useable open space for small sites R8 Public rights of way SC1 Provision of services and community facilities
Emerging Planning Policy	
Draft South East Plan Core Document	CC5 Infrastructure and implementation S7 Cultural and sporting activity
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6 Limiting the impact of development CS8 Recreation and culture

Background

- 4.1 All who live and work in the Borough need access to recreational open space and outdoor play/sporting facilities. The Borough Council aims to ensure that the amount of open space available meets the Borough Council's Development Plan standard of 4.3ha of open space of public value, per 1000 people.

Outdoor Recreational Facilities Provision

- 4.2 Open space will be provided in line with the Development Plan standard to meet the recreational need of those occupying a development. It must be laid out to the satisfaction of the Borough Council and include as appropriate to its size, function and location, the provision of:
- landscaping works and necessary tree surgery;
 - biodiversity habitats for flora and fauna;
 - equipped and/or informal play areas;
 - equipment such as lighting, litter bins, benches, information boards etc;
 - safe public access, path networks, fencing, maintenance access;
 - car parking;
 - ancillary buildings and structures;
 - allotment plots for rent;
 - playing pitches and other kick-about areas including levelling, grading; top soiling, seeding and drainage;
 - ancillary changing facilities, where sports pitches or courts are provided.

- 4.3 It is accepted that once a development is completed, a developer may not wish to retain an interest in facilities provided directly as part of the development. The Borough Council will consider other ownership and/or management arrangements if they include sufficient funding to secure ongoing and long-term maintenance of the facility.
- 4.4 The design, layout, quality, timing and future management/maintenance of open space must be approved by the local planning authority and discussions should take place at the earliest opportunity.

Study of open space, sports, recreational and leisure facilities (PPG17) 2006

- 4.5 A comprehensive study¹ of open space and recreational facilities in the Borough has been carried out in line with the companion guide to Planning Policy Guidance 17². This (PPG17) local assessment and audit study reviewed: the quantity, quality and accessibility of recreational facilities; local needs; and the need for new facilities where appropriate. It proposed that the quality of existing provision be progressively enhanced.

Quality of provision

- 4.6 With regard to using planning obligations Planning Policy Guidance on Planning for Open Space, Sport and Recreation³ (paragraph 33), states:

“Planning obligations should be used as a means to remedy local deficiencies in the quantity or quality of open space, sports and recreational provision. Local authorities will be justified in seeking planning obligations where the quantity or quality of provision is inadequate or under threat, or where new development increases local needs.”

- 4.7 The (PPG17) study¹ shows the quality of open spaces and the facilities provided thereon varies from very poor to excellent, and suggests that an across-the-board and progressive improvement in the quality of existing recreational facilities is needed. The ‘Plus One Principle’ as suggested in the Borough Council’s (PPG17) study is an achievable, realistic and reasonable approach to improving quality. It is based on improving each existing open space from its assessed quality rating (in the PPG17 study) into a higher quality category, as shown in the following table:

Table 4.2 Plus One Principle Approach to Raising the Quality of Open Spaces

PPG17 study ¹ - open space quality category	Plus One improvement in quality
Very poor, poor or average quality	Good quality
Good quality	Very good quality
Very good quality	Excellent
Excellent	Maintain excellent

Contributing to provision

- 4.8 The Borough Council’s (PPG17) study also provides evidence of need and a method of calculating mitigation contributions, where those occupying a development would have an adverse impact and increase the pressure on local Open Space of Public Value (OSPV).

- 4.9 Mitigation contributions will be applied to meet recreational need and any need to remedy local deficiencies. See paragraph 1.25 for the Borough Council's approach to pooled financial contributions. When seeking contributions, the physical condition, facilities provided, accessibility, capacity and quality of the local OSPV will be taken into account by the Borough Council, together with any need to realise other priority planning objectives.

Table 4.3 Contributions

Development Type	Proposal	Contribution
Residential development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing excluding: • Residential institutions • Communal housing for special needs or the elderly	1. Sites over 2ha	In kind OSPV at 4.3ha/1000 residents <i>(99m²/dwelling - for an av household of 2.31 persons)</i>
	2. A. Sites between 1ha and 2ha <u>AND</u> B. Mixed use schemes with 30 or more dwellings	30m ² dwelling of in kind OSPV AND £1,400/net additional dwelling with 2 or more bedrooms £700 /net additional dwelling with 1 bedroom towards providing, expanding, or improving local open space and/or recreational facilities
	3. Sites below 1ha Net increase of 1 or more dwellings	£2,000/net additional dwelling with 2 or more bedrooms £1,000 /net additional dwelling with 1 bedroom <i>(reduced to reflect any on-site OSPV provided as part of the development)</i> towards providing, expanding, or improving local open space and/or recreational facilities

Contribution Calculation

- 4.10 Contributions need to be in proportion to the proposed development and sufficient to mitigate adverse impacts. The contributions in Table 4.3 are based on the method and calculation of financial contributions set out in the Borough Council's 2006 study of open spaces, sports, recreational and leisure facilities¹ prepared in line with Government guidance². The contribution calculation for mixed use schemes will vary according to the residential element.

	Calculation elements	Figures
	Bracknell Forest Borough Local Plan, January 2002	
	• Policy R4 open space provision on residential sites >1ha	4.3ha/1000 people
	Borough Council open space and outdoor recreational provision	
A	• (BFBC Budget Book 2006/07) Annual cost 2006/07 - estimate	£4,046,000
B	• over next 20 years, estimated increase in costs	3.5% per year
C	• accumulated cost over 20 years estimate $(A/B \times [(1+B)^{20} - 1])$	about £114.5m
D	Total no of dwellings in the Borough by 2026 - estimate ⁴	57215
E	Adjustment for 1 bedroom units, to reflect lower occupancy	50%

(C/D)	Overall cost of mitigating residential impact for 20 years	£2000/dwelling
(C/D x E)	Cost of mitigating impact of a 1 bedroom unit for 20 years	£1000/dwelling

In-Kind OSPV Calculation

- 4.11 Outdoor recreational provision includes play/sporting facilities and all open spaces used for leisure purposes. Open Space of Public Value (OSPV) may be divided into two broad categories of provision namely:
1. Active OSPV (for example, tennis and other courts, sports pitches, kick-about areas, children's play areas and allotments)
 2. Passive OSPV (for example, country parks, natural and semi-natural open space, green corridors, amenity open space, woodlands and recreational paths/trails)
- 4.12 As part of a comprehensive, mixed development, school playing fields may have some dual- use potential and thereby wider public value. If commitments are made to provide such open space regardless of a school being built and by the school to make its playing fields available to the community in perpetuity and at a reasonable cost, then such in-kind provision may be considered as OSPV.

Other open land provision

- 4.13 OSPV to meet passive recreational needs is not the same as open land to mitigate any adverse impacts upon bird species protected by the Thames Basin Heaths Special Protection Area (SPA) designation (see paragraph 11.14). Each serves a different purpose and provision for each is sought and calculated on a different basis. The SPA mitigation strategy requires the provision and management of open land at a level above and beyond the recreational open space to serve and make a new development more sustainable, and which is needed to make a scheme acceptable regardless of its location in relation to the SPA. The provision of open land to mitigate impact upon protected bird species is in addition to providing OSPV and any open land so provided will be excluded in assessing whether in-kind open space is sufficient to meet recreational needs arising from a development.

4.14 The Borough Council does not consider, and will not normally take into account, the following when assessing the adequacy of in-kind open space provision:

- Storm water drainage ponds and surrounding 25-year flood margins
- Highway verges and visibility sight lines
- Residual and unusable landscaping strips
- Areas of planting to screen development
- Areas subject to excessive noise levels

Responsibility for Maintaining OSPV

4.15 Rather than retaining responsibility, a developer may want to set up a management company or community trust. If this is the case, the Borough Council will need assurance that such an organisation has the necessary skills and resources. If a developer requests, and the Borough Council confirms it is willing to accept transfer of OSPV, the location, design, layout, quality standards, timing and future maintenance must be agreed with the Borough Council before development commences. Also, the Borough Council's reasonable transfer costs and costs of inspecting works in progress are to be met by the developer.

4.16 Maintenance of any transferred OSPV will be needed on a regular basis, but rather than meeting such costs by regular but relatively small payments, the Borough Council considers that a one-off commuted sum secured by planning obligation is a better approach.

4.17 On transfer to the Borough Council, a commuted sum is to be paid to fund future maintenance of the OSPV for a 20-year period. The Council will not normally accept the transfer of boundary fences or buildings, structures, drains, storm water balancing ponds or other drainage infrastructure within an open space area. Where by agreement, commuted sums are paid to the Council, information on expenditure will be made available on request subject to the Council's reasonable costs being met.

Table 4.4 Supporting Information (relevant as at July 2007)
Open Space and Outdoor Recreational Facilities

1. Bracknell Forest Borough - Study of open space, sports, recreational and leisure facilities (PPG17) Final Report (with 4 supporting documents)	Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Oct 2006
2. Assessing needs and opportunities: a companion guide to PPG17 September 2002	Department for Communities and Local Government www.communities.gov.uk	Sep 2002
3. Planning Policy Guidance 17: Planning for open space, sport and recreation	Department for Communities and Local Government www.communities.gov.uk	Jul 2002
4. Housing provision, Bracknell Forest Borough Local Development Framework, Fact Pack and Core Strategy DPD (Submission) Policy CS15	Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Sep 2006 and Nov 2006

5 BUILT SPORTS FACILITIES

Table 5.1 Development Plan Policy

Adopted Policy	Policy References	
Berkshire Structure Plan 2001-2016	DP4	Provision of infrastructure, services and amenities
Bracknell Forest Borough Local Plan 1991-2006	SC1	Provision of services and community facilities
Emerging Planning Policy		
Draft South East Plan Core Document	CC5	Infrastructure and implementation
	S7	Cultural and sporting activity
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6	Limiting the impact of development
	CS8	Recreation and culture

Background

- 5.1 To participate in sport, all who live and work in the Borough need access to sports halls, gyms, swimming pools and other indoor facilities. A Borough Council aim is to ensure built facilities provision is sufficient to sustain sport in the Borough. Sport England has published a good practice guide¹ on providing for sport through new development and has also developed a Sports Facility Calculator² to help with developing local standards of provision and estimating the built facilities required to meet local needs, as well as to assist in calculating contributions towards built sports facilities.

Built Sports Facilities Provision

- 5.2 To support growth, the Borough Council wants to see the provision of built sports facilities to meet the needs of residents living in new developments and also for non-residents working in new business developments in the Borough. Where those occupying a development would lead to increased pressure on local facilities, that adverse impact should be mitigated by the provision of additional facilities that are reasonably related and needed to serve a new development and which will make it more sustainable.

Indoor sport and recreation facilities background information paper July 2006³

- 5.3 In line with Sport England's suggested approach¹ and applying its Sports Facility Calculator², the Council's leisure service in partnership with Sport England, prepared the Indoor Sport and Recreation July 2007³ paper, looking at the need for sports hall and swimming pool

facilities in the Borough over the next 20 years. This study suggested that: all additional housing should contribute towards provision; the approach could also be applied to employment development; and the study should be reviewed regularly with Sport England to take account of any new information leading to changed circumstances.

Contributing to provision

- 5.4 The background paper³ looking at the need for sports hall and swimming pool facilities in the Borough provides evidence of impact and a method of calculating mitigation contributions, where those occupying a development would have an adverse impact and increase pressure on local facilities. It also suggests that the contributions derived from the methodology should not only be directed to quantitative improvements but also qualitative and accessibility enhancements to the existing provision (qualitative enhancements having the ability to provide a better user experience as well as increasing the capacity available at existing facilities).
- 5.5 Mitigation contributions will be applied to meet the need for built sports facilities. See paragraph 1.25 for the Borough Council's approach to pooled financial contributions. When seeking contributions, the physical condition, facilities provided, accessibility, capacity and quality of the local sports hall and swimming pool will be taken into account by the Borough Council, together with any need to realise other priority planning objectives.

Table 5.2 Contributions

Development Type	Proposal	Contribution
Residential development including: • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing excluding: Residential institutions Communal housing for the elderly	1. Net increase of 5 or more dwellings	£670/net additional dwelling with 2 or more bedrooms £335/net additional dwelling with 1 bedroom towards the cost of providing, expanding or improving local built sports facilities capable of serving the development.
Business B1 development all employment uses within planning Use Class B1 including: • Redevelopment • Changes of use • Mixed use schemes	2. Net increase of more than 2,500m ² floorspace	£335/100m ² of net additional business floorspace towards the cost of providing, expanding or improving local built sports facilities capable of serving the development.

Contribution Calculation

- 5.6 Contributions need to be in proportion to the proposed development and sufficient to mitigate adverse impacts. The contributions in Table 5.2 draw upon the good practice¹ published by Sport England. They are derived from the method and calculation of financial

contributions set out in the 2006 study entitled “Indoor Sport and Recreational Facilities– Background Information Paper”³ prepared in partnership with Sport England, as varied to reflect the most up-to-date version (January ‘07) of its Sports Facilities Calculator².

- 5.7 To support growth and mitigate adverse impact on communities, it is reasonable to seek contributions from major employment proposals that will be occupied by enough employees to have a significant impact on built sports facilities. Gross floorspace is an accepted proxy for numbers employed. In Table 5.2 the need for mitigation relates to additional employment floorspace over and above any already present and the cost of mitigation relates to the net increase in (not total) gross floorspace.

	Calculation elements	Figures
A	Bracknell Forest Borough av household size 2026 estimate ⁴	2.21 persons per dwelling
B	Total no of dwellings in the Bracknell Forest Borough by 2026 ⁵	57215
C	[Using (A x B) the 2026 Borough population estimate] Sport England Sports facility calculator ²	version: January ‘07
C1	• Pool facilities - calculator cost requirement	£13,161,586
C2	• Hall and Courts facilities - calculator cost requirement	£24,929,798
D	Adjustment for 1 bedroom units, to reflect lower occupancy	50%
E	Employee impact from business development estimate	1/5 th of resident impact
F	Bracknell Forest Borough business employment density	18m ² per person

$(C1 + C2)/B$	Cost of mitigating residential impact	£670/ net additional dwelling
$[(C1 + C2)/B] \times D$	Cost of mitigating impact of a 1 bedroom unit	£335/ net additional dwelling
$[(C1 + C2/A \times B) \times E] \times (100/F)$	Cost of mitigating employment impact	£335/net additional 100m ²

Table 5.3 Supporting Information (relevant as at July 2007)
Built Sports Facilities

1.	Good Practice Guide – Providing for sport and recreation through new housing development.	Sport England www.sportengland.org	Feb 2001
2.	Sports Facility Calculator	Sport England www.sportengland.org/calculator	Regularly updated
3.	Limiting the Impact of Development Indoor Sport and Recreational Facilities – Background Information Paper	Bracknell Forest Borough Council (Environment and Leisure) www.bracknell-forest.gov.uk	Jul 2006
4.	Unpublished ODPM 2003 based household projections [showing average household size in Bracknell Forest reducing from 2.39 in 2006 to 2.21 by 2026]	Available from: Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Mar 2006
5.	Housing provision, Bracknell Forest Borough Local Development Framework Fact Pack and Core Strategy Development Plan Document (Submission) Policy CS15	Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Sep 2006 and Nov 2006

6 EDUCATION FACILITIES

Table 6.1 Development Plan Policy

Adopted Policy	Policy References	
Regional Planning Guidance for the South East (RPG9)	Q6	Management and the provision of services
Berkshire Structure Plan 2001-2016	DP4	Provision of infrastructure, services and amenities
Bracknell Forest Borough Local Plan 1991-2006	SC1	Provision of services and community facilities
Emerging Planning Policy		
Draft South East Plan Core Document	CC5	Infrastructure and implementation
	S5	Education and skills
	WCBV6	Infrastructure
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS1	Sustainable development principles
	CS6	Limiting the impact of development

Background

- 6.1 New residential development has the potential to result in additional children in an area who will require educational facilities. If facilities are already under pressure, it may be necessary to provide new buildings/extensions or undertake refurbishment and improvement works to increase capacity.
- 6.2 Where there is evidence of need, development shall make provision for, or a contribution towards, primary education, secondary education and special needs education. Provision shall also be made for pre-school or nursery education where there is evidence of need arising from a development.
- 6.3 Special Educational Needs (SEN) are defined according to DfCSF statistics, based on School Census data. They are examined in more detail later in this section.
- 6.4 Aside from training needs generated by new employment development, which are addressed in Section 14 of this SPD, evidence currently only exists to establish a direct link between residential development and the need for school and nursery places. Therefore this section of the SPD is concerned only with children's education.

Pupil Data and Forecasts

- 6.5 Primary and secondary schools have “designated areas” for admissions or “catchment areas”. These are clearly defined geographical areas surrounding schools. Pupils (apart from those with SEN) are normally expected to attend the school in their designated area. Information on designated area boundaries is available on the Borough Council’s website.
- 6.6 The Borough Council produces an annual document called Pupil Data and Forecasts (PDF)¹, which appears in place of the former School Organisation Plan. The document sets out conclusions on the need for school places within Bracknell Forest Borough during the five-year period that it covers. Information is available on pupil generation from new housing (see below) and existing housing. This information, along with school census figures, population projections and information about planned housing developments, is used to produce annual pupil forecasts. The boundaries of designated areas may be reviewed periodically to make efficient use of capacity.
- 6.7 Whilst the PDF is a useful starting point, its application is limited by the fact that it simply provides a picture of the situation at a particular point in time. It may therefore be necessary to take account of other data. For example, planning policies directed at encouraging the redevelopment of previously developed land for housing are resulting in a number of new sites coming forward. They can have a considerable impact on the demand for local services and may need to be taken into account if they have not been included in the PDF.
- 6.8 Furthermore, it should be noted that apparently surplus places at a school do not necessarily equate to there being sufficient capacity at that school, as it is generally accepted that schools should not operate at 100% of their capacity. The Audit Commission² wrote that, “It is unrealistic and probably undesirable to aim for a perfect match of pupils and places at each school. Some margin of capacity is necessary to allow parents choice ... Not all unfilled places are surplus”.
- 6.9 If a residential development lies within the designated area of a local school that has insufficient capacity, the Borough Council will look for that development to make provision for education facilities. Provision will also be sought where the designated number of surplus places is 3% or less of the local school capacity at the time which the development is expected to be occupied.
- 6.10 Aside from SEN funding, projects that are eligible for funding through Section 106 contributions usually relate, either wholly or in part, to increasing the capacity of the designated area school to cope with the expected demand arising from the development. The planning obligation will normally stipulate the area within which the contribution can be spent, to ensure that it funds schemes that are related to the development.

Pupil Generation (Pupil Product Ratio)

- 6.11 Research has been undertaken on the number of children likely to be generated by residential development (called Pupil Product Ratio: PPR). The most recent study³ took place in February March 2005 and examined new housing only, as this is the type of development that is subject to planning obligations. It included a survey of 590 new dwellings in the Borough and established how many children of each age were resident in each dwelling. The data was further analysed by the number of bedrooms in each dwelling.

- 6.12 The count of children recorded their age on 1 September 2004 (the beginning of the academic year). The results of the study showed that there were no children of school age living in 1 bedroom dwellings. Consequently, this size of dwelling is excluded from any further assessment of mitigation. 569 of the 590 dwellings involved in the study had 2 or more bedrooms and in total they accommodated 452 children. Survey results showed that the occupancy characteristics of flats and houses were very similar, so no differentiation is made between dwelling types in the following analysis.

Making Provision

- 6.13 The scale of a proposed development will determine the type of mitigation it is appropriate for it to make. A financial contribution for the provision of additional capacity at a school near the development site will normally be appropriate. However, where a large scale housing development is proposed (650 or more dwellings), major new educational facilities are likely to be required to serve residents' needs. Such facilities will need to be provided by the developer through the reservation of part of the development site for a school(s) plus provision for construction and fitting out costs.
- 6.14 In seeking to ensure that any development that increases local need makes provision for additional educational facilities, the physical condition, the facilities provided, accessibility, capacity and quality of existing facilities will be taken into account. The determination of whether or not additional capacity is needed will be based on the number of children that a development is likely to generate and the capacity and nature of existing schools in the area (as defined by the Borough Council's Education Department).
- 6.15 Financial contributions will be calculated according to Tables 6.2 to 6.4 and relate to the cost of extending or improving existing schools. Where new school accommodation is needed to serve a large development, the contribution sought may differ from these figures. This will be considered and determined through the preparation of a Planning Brief or other planning framework document for the development. Building costs will vary depending on the characteristics of the site and the school, so any financial contribution will be negotiated on a site-by-site basis. Where there is a requirement for additional land, the developer will be expected to provide either a suitable site, in line with the latest site size guidance from the DfCSF, or sufficient funding to acquire such a site.



Table 6.2 Contributions – Primary Education

Development Type	Proposal	Contribution	
Residential development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing excluding: • Residential institutions • Communal housing for special needs or the elderly	1. Net increase of 650 or more dwellings	Land and provision for the construction of primary school accommodation with nursery provision and for its fitting out, including furniture, fixtures and ICT equipment.	
	2. Net increase of 1 or more dwellings with more than 1 bedroom	A. IF the local school has no nursery class	B. IF the local school has a nursery class
		£750 / net additional dwelling with 2 bedrooms	£940 / net additional dwelling with 2 bedrooms
		£2,825 / net additional dwelling with 3 bedrooms	£3,295 / net additional dwelling with 3 bedrooms
		£4,235 / net additional dwelling with 4 bedrooms	£4,990 / net additional dwelling with 4 bedrooms
		£4,330 / net additional dwelling with 5 or more bedrooms	£4,800 / net additional dwelling with 5 or more bedrooms
towards providing, expanding or improving local primary educational facilities.			

6.16 Schools with a nursery class at the time of publication are:

- Birch Hill Primary
- Broadmoor Primary
- College Town Infant
- Crown Wood Primary
- Fox Hill Primary
- Great Hollands Primary
- Harmans Water Primary
- Holly Spring Infant/Nursery
- Meadow Vale Primary
- New Scotland Hill Primary
- Owlsmoor Primary
- The Pines
- Sandy Lane Primary
- Wildridings Primary
- Wooden Hill Primary

Table 6.3 Contributions – Secondary Education

Development Type	Proposal	Contribution
Residential development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing excluding: Residential institutions Communal housing for special needs or the elderly	1. Net increase of 650 or more dwellings	Provision for the construction of secondary school accommodation and for its fitting out, including furniture, fixtures and ICT equipment.
	2. Net increase of 1 or more dwellings with more than 1 bedroom	£1,470 / net additional dwelling with 2 bedrooms £1,765 / net additional dwelling with 3 bedrooms £4,415 / net additional dwelling with 4 bedrooms £6,180 / net additional dwelling with 5 or more bedrooms towards providing, expanding or improving local secondary educational facilities.

Table 6.4 Contributions – Special Educational Needs

Development Type	Proposal	Contribution
Residential development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing	Net increase of 100 or more dwellings with 3 or more bedrooms	£945/ net additional dwelling with 3 or more bedrooms towards providing, expanding or improving special educational needs facilities.

Contribution Calculation

6.17 The Department for Children Schools and Families (DfCSF) produces information on cost issues and floorspace provision for schools (eg Building Bulletins⁴ and Education Building Projects⁵) and, having regard to this information has provided need and building cost data, upon which the contributions in Tables 6.2 and 6.3 are based. The Borough Council has been advised by the DfCSF of the following floorspace requirements and average building costs for extending schools⁶:

- extended Primary/Nursery school: 4.5 m² per pupil gross floorspace
£1,884 per m² gross floorspace
- extended Secondary school: 6.7 m² per pupil gross floorspace
£1,979 per m² gross floorspace

- 6.18 These building costs are average costs and recognising that there are regional variations, the DfCSF produces information on cost adjustments to reflect location. In the latest DfCSF information (October 2006 location factors), costs in Bracknell Forest are 11% higher than average and this is reflected in Tables 6.2 and 6.3.
- 6.19 In addition to Primary/Nursery and Secondary school provision, major housing development should make provision to mitigate any adverse impact on SEN facilities. Drawing on published DfCSF data, (Building Bulletin 77, and Area and Cost Guidance and special school schedules⁷) the Borough Council will apply the following floorspace requirements and building costs (which include +11% cost adjustment to reflect location) when there is need to expand or improve SEN as a result of housing development:
- Special educational needs provision: 40m² per pupil gross floorspace
 - Special educational needs provision: £2,360 per m² gross floorspace

Pupil Yield – Primary Education

- 6.20 By law, children must start full-time education when they are of statutory school age, which is no later than the beginning of the term following their fifth birthday. At the beginning of their last academic year in primary school, children are aged 10 years old. Consequently, children who were 4–10 years old on 1 September 2004 have been included in the pupil yield for the primary education stage.
- 6.21 Some infant and primary schools in Bracknell Forest Borough have nursery classes (see list at paragraph 6.16) and are able to offer part-time early education places to children before they reach statutory school age. Consequently, these schools cater for children who are 3–10 years old on 1 September 2004.

Pupil Yield – Secondary Education

- 6.22 The Borough Council has a statutory responsibility to provide secondary education for children up to the age of 16. However, many pupils choose to remain at school until the age of 18. Secondary education is therefore provided for the 11-16/18 age range and, consequently, children who were 11–17 years old on 1 September 2004 have been included in the pupil yield for this stage. The figures for 16 and 17 year olds have been adjusted to take account of the sixth form stay-on rate in the Borough Council's schools, which is 37%.

Pupil Yield – Special Educational Needs

- 6.23 2.8% of pupils in the Borough have statements of special educational needs (DfCSF Schools' Census January 2006). Other estimates of SEN exist, however this figure is published externally and may be compared nationally, regionally and with other local authorities. It is therefore considered to be the most appropriate and justifiable figure to use when assessing the impact of a development.
- 6.24 The Borough Council maintains one special school (Kennel Lane), three special resource units and one language and literacy unit. Children with SEN are, wherever possible, educated in the location that best meets their specific needs. In many cases a mainstream school is able to meet a child's needs, as long as additional support is available. In other cases there may be a need for a school with special provision for a particular disability. The pupil yields for mainstream schools have been adjusted downwards to take account of the fact that separate pupil yields have been calculated for children with SEN.

6.25 As indicated above, the PPR study included an analysis of pupil yield by size of dwelling on the basis that properties with more bedrooms are likely to yield more children.

Table 6.5 Pupil yield per dwelling
(Pupil Product Ratio Research Study³ Tables 10a and 17a)

Dwelling type \ School	Primary	Primary with nursery class	Secondary	Special Educational Needs
2 bedrooms	0.08	0.10	0.10	0
3 bedrooms	0.30	0.35	0.12	0.01
4 bedrooms	0.45	0.53	0.30	0.01
5 or more bedrooms	0.46	0.51	0.42	0.01

6.26 Note that 1 bedroom dwellings are excluded from assessment of mitigation. A developer may provide evidence that a proposed development is likely to have markedly different pupil yield characteristics than those given above, for instance a development may be designed to be attractive to the elderly. If this is done, an appropriate contribution may be negotiated for that development.

6.27 Residential development to make provision towards expanding and improving local educational facilities at designated area schools, is calculated on the following basis:

	Calculation elements	Figures
A1	Primary and Nursery school gross floorspace (see para 6.17)	4.5m ² per pupil
A2	Primary school average building cost (see para 6.17)	£1,884 per m ²
B1	Secondary school gross floorspace (see para 6.17)	6.7m ² per pupil
B2	Secondary school average building cost (see para 6.17)	£1,979 per m ²
C	Location factor adjustment to reflect higher building costs in Bracknell Forest Borough (DfCSF see para 6.18)	1.11
D1	Special Educational Needs gross floorspace (see para 6.19)	40m ² per pupil
D2	Special Educational Needs building cost (see para 6.19)	£2,360 per m ²

Primary School – Cost of mitigating residential impact:

•	2bedroom dwelling (A1 x A2 x C x Pupil Yield 0.08)	£750 / dwelling
•	3 bedroom dwelling (A1 x A2 x C x Pupil Yield 0.30)	£2,825 / dwelling
•	4 bedroom dwelling (A1 x A2 x C x Pupil Yield 0.45)	£4,235 / dwelling
•	5 or more bedroom dwelling (A1 x A2 x C x Pupil Yield 0.46)	£4,330 / dwelling

Primary School with Nursery – Cost of mitigating residential impact:

•	2 bedroom dwelling (A1 x A2 x C x Pupil Yield 0.10)	£940 / dwelling
•	3 bedroom dwelling (A1 x A2 x C x Pupil Yield 0.35)	£3,295 / dwelling
•	4 bedroom dwelling (A1 x A2 x C x Pupil Yield 0.53)	£4,990 / dwelling
•	5 or more bedroom dwelling (A1 x A2 x C x Pupil Yield 0.51)	£4,800 / dwelling

Secondary School – Cost of mitigating residential impact:		
• 2 bedroom dwelling	(B1 x B2 x C x Pupil Yield 0.10)	£1,470 / dwelling
• 3 bedroom dwelling	(B1 x B2 x C x Pupil Yield 0.12)	£1,765 / dwelling
• 4 bedroom dwelling	(B1 x B2 x C x Pupil Yield 0.30)	£4,415 / dwelling
• 5 or more bedroom dwelling	(B1 x B2 x C x Pupil Yield 0.42)	£6,180 / dwelling
Special Educational Needs School – Cost of mitigating residential impact:		
• 3 or more bedroom dwelling	(D1 x D2 x Pupil Yield 0.01)	£945 / dwelling

Table 6.6 Supporting Information (relevant as at July 2007)
Education Facilities

1. Pupil Data and Forecasts	Available from: Bracknell Forest Borough Council (Education, Children's Services and Libraries) www.bracknell-forest.gov.uk	Regularly updated
2. Trading Places Update– A Review of Progress on the Supply and Allocation of School Places	Audit Commission www.audit-commission.gov.uk	Jan 2002
3. Pupil Product Ratio Research Study – Bracknell Forest Borough Council, by efeedback Ltd.	Available from: Bracknell Forest Borough Council (Education, Children's Services and Libraries) www.bracknell-forest.gov.uk	Jul 2005
4. Building Bulletin Nos. 98 and 99 (2nd Edition) Briefing Framework for Secondary School Projects Briefing Framework for Primary School Projects	Department for Children, Schools and Families www.teachernet.gov.uk	Apr 2004
5. Education Building Projects: Information on Costs and Performance Data	Department for Children, Schools and Families www.teachernet.gov.uk	Feb 2003
6. Unpublished information obtained from DfCSF on Building costs per pupil for Bracknell Forest [area per primary & per secondary pupil - extended school primary & secondary av. cost/m ² gross - extended school]	Available from: Bracknell Forest Borough Council (Planning and Transport Policy) www.bracknell-forest.gov.uk	Jun 2006
7. Update of Building Bulletin No. 77 (of April 2005) Designing for Pupils with Special Educational Needs and Disabilities in Schools	Department for Children, Schools and Families www.teachernet.gov.uk	Jul 2006

7 LIBRARY FACILITIES

Table 7.1 Development Plan Policy

Adopted Policy	Policy References
Berkshire Structure Plan 2001-2016	DP4 Provision of infrastructure, services and amenities
Bracknell Forest Borough Local Plan 1991-2006	SC1 Provision of services and community facilities
Emerging Planning Policy	
Draft South East Plan Core Document	CC5 Infrastructure and implementation
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6 Limiting the impact of development

Background

- 7.1 As a Public Library Authority, the Borough Council seeks to provide public library facilities for all who live, study and work in the Borough and aims to provide a service that meets the Government's Public Library Standards¹ and the Borough Council's own standards set out in its Library and Information Service Strategy². As evidenced from library service information showing 90% of the members of Bracknell (Central) Library live in the Borough, library provision in Bracknell Forest Borough is primarily to meet the needs of local residents.
- 7.2 To support growth, the Borough Council wants to see the provision of library facilities to meet the needs of residents living in new developments and also for non-residents working in new business developments in the Borough. Where those occupying new development would lead to increased pressure on local libraries, that adverse impact should be mitigated by the provision of additional facilities that are reasonably related and needed to serve a new development and which will make it more sustainable.
- 7.3 For library provision, the Museums, Libraries and Archives (MLA) South East³ propose that Local authorities adopt a guideline minimum (based on 2nd quarter 2006 figures) of £92.13 person from new housing in the south east region and that it should apply to all new housing from 1 unit upwards.
- 7.4 MLA South East also suggest that contributions from small sites be combined so that meaningful provision can be made for additional library facilities to serve all contributing developments. See paragraph 1.25 for the Borough Council's approach to pooled financial contributions.

Library Facilities Provision

- 7.5 In seeking provision for additional library facilities, the physical condition, the facilities provided and the capacity of the local library will be taken into account as will any need to realise other priority planning objectives.

Table 7.2 Contributions

Development Type	Proposal	Contribution
Residential development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing • Communal housing for the elderly excluding: • Residential institutions	1. More than 650 or more dwellings	New library facility Land and provision for the construction of library facilities and their fitting out, including ICT equipment and initial book stock
	2. Net increase of 1 or more dwellings	£220 /net additional dwelling towards the cost of providing, expanding or improving local library, (or mobile library) facilities
Business B1 development all employment uses within planning Use Class B1 including: • Redevelopment • Changes of use • Mixed use schemes	3. Net increase of more than 2,500m ² floorspace	£53 /100m ² of net additional business floorspace towards the cost of providing, expanding or improving local library facilities

Contribution Calculation

- 7.6 Contributions need to be in proportion to a proposed development and sufficient to mitigate adverse impacts. The method used to determine the standard contribution in Table 7.2 above is based on and consistent with the evidence and advice published by MLA South East^{3,4}, with appropriate variations to reflect local circumstances.
- 7.7 To support growth and mitigate adverse impact on communities, it is reasonable to seek contributions from major employment proposals that will be occupied by enough employees to have a significant impact on local library facilities. Gross floorspace is an accepted proxy for numbers employed. In Table 7.2 the need for mitigation relates to additional business (B1) employment floorspace over and above any already present and the cost of mitigation relates to the net increase in (not total) gross floorspace.

	Calculation elements	Figures
A	Museums, Libraries and Archives South East January 2007 ³	
A1	• minimum standard - new library space per 1000 people	30m ²
A2	• construction and initial equipment cost (2nd quarter 2006)	£3,071.00 per m ²
A3	• 2006/2007 inflation estimate	3.5%
B	mid 2007 construction and initial equipment cost (A2 x A3)	£3,178.49 per m ²
C	Bracknell Forest Borough average household size ⁵	2.31 persons per dwelling
D	Employee impact from business development estimate	1/10th of resident impact
E	Bracknell Forest Borough business employment density	18m ² per person
(A1/1000 x B x C)		Cost of mitigating residential impact
(A1/1000 x B x D) x (100/E)		Cost of mitigating employment impact
		£220/net additional dwelling
		£53/net additional 100 m ²

Table 7.3 Supporting Information (relevant as at July 2007)
Library Facilities

1	Public Library Service Standards	Department for Culture, Media & Sport www.culture.gov.uk	Mar 2006
2	Library and Information Service Strategy 2005-2008	Available from: Bracknell Forest Borough Council (Education, Children's Services & Libraries Dept.)	May 2005
3	The South East Public Library Tariff (revised edition)	Museums, Libraries & Archives – MLA South East www.mlasoutheast.org.uk	Jan 2007
4	Paying for growth - Final Report	SEMLAC (now Museums Libraries & Archives - MLA South East www.mlasoutheast.org.uk	Nov 2005
5	Unpublished ODPM 2003 based household projections [average household size in Bracknell Forest reducing from 2.39 in 2006 to 2.21 by 2026]	Available from: Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Mar 2006

8 COMMUNITY CENTRES

Table 8.1 Development Plan Policy

Adopted Policy	Policy References	
Regional Planning Guidance for the South East (RPG9)	Q6	Management and the provision of services
Berkshire Structure Plan 2001-2016	DP4	Provision of infrastructure, services and amenities
Bracknell Forest Borough Local Plan 1991-2006	SC1	Provision of services and community facilities
Emerging Planning Policy		
Draft South East Plan Core Document	CC5	Infrastructure and implementation
	CC11	Supporting an ageing population
	S8	Community infrastructure
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6	Limiting the impact of development

Background

- 8.1 The Government stresses the importance of building cohesive communities in its document called Strong and Prosperous Communities – the Local Government White Paper¹. The Borough Council's Annual Report Review of 2006/07 and Plans for 2007/08² contains a number of corporate themes that guide its work. Corporate Theme 3 is to help create a safer stronger community which is socially cohesive. This theme is supported by the Borough Council's strategy for promoting community cohesion called All of Us³. This strives to achieve community leadership and sustained partnerships. The Borough Council's Cultural Strategy Life is for Living⁴ emphasises the need for a sense of belonging and community spirit.
- 8.2 Community centres play an important role in bringing local people together and promoting healthy, active and inclusive communities. This is particularly important due to the challenges encountered as society becomes more diverse.

Provision of Community Centres

- 8.3 A number of community centres (including some privately run halls which are made available to the public) are located across Bracknell Forest and are used for a variety of purposes such as pre-school playgroups, senior citizens lunch clubs and social events. The Borough Council works closely with the community associations/organisations that run

these centres. Information on the utilisation of centres is available and the condition of centres is assessed on an annual basis in order to priorities required works. The Borough Council is therefore aware of specific needs and capacity issues.

- 8.4 An increase in the local population arising from new development has the potential to increase demand for such facilities. Where existing facilities are judged to be inadequate to meet the needs of future residents, it may be necessary to meet the additional demand through the provision of:
- New facilities
 - Extension/refurbishment of existing facilities
 - Mobile facilities
 - Incentives to assist in the rationalisation of existing facilities
- 8.5 Whilst major residential development may need to provide new facilities (on site), smaller developments will be expected to contribute to the cost of providing enlarged or improved facilities.

Table 8.2 Contributions

Development Type	Proposal	Contribution
Residential development including: • New build • Redevelopment • Changes of use • Conversions • Mixed use schemes excluding • Residential institutions	1. Net increase of 650 dwellings or more	New community centre facility Provision for the construction of a community centre and for its fitting out
	2. Net increase of 1 dwelling or more	£600/net additional dwelling towards the cost of providing, expanding or improving local community centres

Contribution Calculation

In kind provision

- 8.6 Proposals involving a net increase of more than **650 dwellings** are likely to be required to provide a new multi-purpose community centre (often as part of a neighbourhood centre) for use by the community.
- 8.7 If a new facility is required, developers may be expected to supply the land and centre together with on-site car parking in accordance with the Borough Council's guidelines. In some cases, it may be acceptable for this to be shared with an adjoining use.

Payment Contribution

- 8.8 The determination of whether or not a contribution will be required from smaller developments will depend on whether or not existing facilities have adequate spare capacity to deal with the proposed development. The assessment will involve looking at the use and condition of the centre that is closest to the development. If a problem is identified and a contribution is sought, this is likely to be spent on the extension/refurbishment of the centre.

- 8.9 Contributions are based on past experience of the cost of providing accommodation. The figure will include a start-up fee to cover the cost of supporting the development of community activities and services over a period of 2 years from the completion of the community facility. This is critical to the development of a sense of community in new neighbourhoods and will assist the integration of new residents into existing local communities in respect of smaller developments.

	Calculation elements	Figures
A	Cost of provision of a community centre	£1,700 per m ²
B	Amount of floorspace sought per dwelling	0.33 m ²
C	Cost per dwelling	B/A £600
	Cost of mitigating residential impact	£600/net additional dwelling

Table 8.3 Supporting Information (relevant as at July 2007)
Community Centres

1.	Strong and Prosperous Communities - the Local Government White Paper	Department of Communities and Local Government www.communities.gov.uk	Oct 2006
2.	Annual Report Review of 2006/07 and Plans for 2007/08	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	Jun 2007
3.	All of Us Strategy for Promoting Community Cohesion	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	May 2004
4.	Life is for Living: Local Cultural Strategy for the Borough of Bracknell Forest	Bracknell Forest Borough Council (Culture and Vision) www.bracknell-forest.gov.uk	Jul 2002



9 YOUTH FACILITIES AND CHILDREN'S CENTRES

Table 9.1 Development Plan Policy

Adopted Policy	Policy References	
Regional Planning Guidance for the South East (RPG9)	Q6	Management and the provision of services
Berkshire Structure Plan 2001-2016	DP4	Provision of infrastructure, services and amenities
Bracknell Forest Borough Local Plan 1991-2006	SC1	Provision of services and community facilities
Emerging Planning Policy		
Draft South East Plan Core Document	CC5 S8	Infrastructure and implementation Community infrastructure
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6	Limiting the impact of development

Background

- 9.1 The Borough Council's Annual Report Review of 2006/07 and Plans for 2007/08¹ contains a number of corporate themes that guide its work. Corporate Theme 6 includes improving the outcomes for children and young people in the Borough.

The Provision of Children's Centres

- 9.2 As part of the Government's commitment to ensuring the best start in life for every child, better opportunities for parents, affordable, good quality childcare and stronger and safer communities, the Government is promoting Children's Centres. Each centre will have the capacity to serve up to 800 children under 5 years old. Six centres are planned in Bracknell Forest between 2006/07 and 2007/08, the first opening in Autumn 2007. By 2010, there will be one in every community. The services provided in each centre will vary depending on local needs. For this reason, each centre will be different and will not always have a central building. Whilst developers cannot be expected to fund the establishment of these centres, should further development proposals come forward that would result in the capacity of a nearby centre being exceeded or should a development be of such a scale as to justify the provision of a new centre, it may be necessary to seek additional provision. At this early stage in the process of the development of Children's Centres, it is not possible to provide standard charges/a formula and therefore the need for any additional provision will be considered on a case-by-case basis.

The Provision of Facilities for Young People

- 9.3 The Youth and Community Service operates facilities that provide social education for young people, focusing upon 13–19 year olds. Each facility must provide a range of spaces ie social/meeting areas as well as activity spaces.
- 9.4 Youth work in Bracknell Forest currently takes place in youth centres, through a youth counselling service in Bracknell Town, Infoactive (double decker bus, mobile IT and other activities) and a Street Work Project . The Borough has a fairly high percentage of youths in the specified age range compared with other adjoining Authorities. As an indication of this, the 2001 Census showed that 13% of the Borough’s population were between 10 and 19 years old. The use of facilities is documented. Additional development has the potential to impose a considerable burden on existing facilities and resources. Where Youth Services provide evidence that a particular centre has no spare capacity, a contribution will be sought towards improvements/extensions. Where significant residential development is proposed, a new facility may be needed (see below).
- 9.5 The Government in Transforming Youth Work – Resourcing Excellent Youth Services² encourages provision for young people in line with standards recommended by the National Youth Agency. This includes ensuring that 85% of the youth population are within a safe 30 minute journey time of youth work provision. Assuming that the easiest form of travel will be on foot, it is considered reasonable to equate this to a distance of 2 kilometres.
- 9.6 The Pupil Product Ratio Research Study³ commissioned by Bracknell Forest and four of the other Unitary Authorities in Berkshire, provides data on the number of children/teenagers falling within the 13-19 age group who are likely to live in new development. Although there were no children/teenagers within this age group living in new one bedroom dwellings, there were on average 0.17 children/teenagers living in housing with more than one bedroom. This data has informed the “proposal” set out in Table 9.2 below.
- 9.7 The determination of whether or not a contribution will be required will be based on looking at the capacity of the youth facility that would serve the occupiers of the proposed development (this would normally be the closest facility). If there is no spare capacity or if existing deficiencies will be compounded by the new development, a contribution will be sought.

Table 9.2 Contributions

Development Type	Proposal	Contribution
Residential development including: - New build - Redevelopment - Changes of use - Conversions - Mixed use schemes - Communal housing for special needs excluding: - Residential institutions - Communal housing for the elderly	1. More than 650 or more dwellings	Provision for the construction of a youth facility and for its fitting out
	2. Net increase of 5 or more dwellings, with 2 or more bedrooms	£40/net additional dwelling with 2 or more bedrooms towards the cost of providing, expanding or improving local youth facilities

Contribution Calculation

In-kind provision

- 9.8 Where development is proposed involving 650 or more dwellings, it is likely that some form of new facility will be sought. If this is the case, a developer may be expected to provide land and the building (including fittings). Consideration will be given to other facilities to be provided and whether or not a youth facility can be provided in combination or alongside.

Payment contribution

- 9.9 In the event of a contribution being sought, the calculation will be based on the cost of providing youth facilities being similar to the cost of providing a community centre. However, account will be taken of the fact that only a proportion of the occupants of a household will require youth facilities. The number requiring access to youth facilities is based on the number of youths aged 13-19 who were residing in dwellings that were surveyed as part of the Pupil Product Ratio Research Study³.

	Calculation elements	Figures
A	Contribution towards all-purpose, community centre facilities	£600 per dwelling
B	Average no. of 13-19 year olds in all new dwellings ³	0.16 youths per dwelling
C	Bracknell Forest Borough average household size ⁴	2.31 persons per dwelling
(AxB) / C	Cost of mitigating residential impact	£40/net additional dwelling

Other Considerations

Church and other local organisations

- 9.10 The Borough Council may seek to channel an element of the above contributions to partner organisations in the voluntary sector. This provision is intended to ensure the availability of sites and/or buildings for youth and community groups (such as scouts, guides and churches), which cannot easily be accommodated in multi-purpose community centres or youth centres.

Table 9.3 Supporting Information (relevant as at July 2007)
Youth Facilities and Children's Centres

1.	Annual Report Review of 2006/07 and Plans for 2007/08	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	Jun 2007
2.	Youth Work – Resourcing Excellent Youth Services	Department for Children, Schools and Families www.everychildmatters.gov.uk	Dec 2002
3.	Pupil Product Ratio Research Study (efeedback)	Bracknell Forest Borough Council (Education and Libraries) www.bracknell-forest.gov.uk	Jul 2005
4.	Unpublished ODPM 2003 based household projections [showing average household size in Bracknell Forest reducing from 2.39 in 2006 to 2.21 in 2026]	Available from: Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Mar 2006

10 HEALTH AND SOCIAL SERVICES

Table 10.1 Development Plan Policy

Adopted Policy	Policy References
Regional Planning Guidance for the South East (RPG9)	Q6 Management and the provision of services
Berkshire Structure Plan 2001-2016	DP4 Provision of infrastructure, services and amenities
Bracknell Forest Borough Local Plan 1991-2006	SC1 Provision of services and community facilities
Emerging Planning Policy	
Draft South East Plan Core Document	CC5 Infrastructure and implementation SC11 Supporting an ageing population S4 Promoting sustainable health services S8 Community infrastructure
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS1 Sustainable development principles CS6 Limiting the impact of development

Background

- 10.1 The Borough Council and Berkshire East Primary Care Trust are responsible for delivering social care and health facilities in Bracknell Forest. The way in which these services are being delivered is currently under review, a public consultation having taken place on the commissioning of services during the first few months of 2007.
- 10.2 The Borough Council's Annual Report Review of 2006/07 and Plans for 2007/08¹ contains a number of corporate themes that guide its work. Corporate Theme 5 includes protecting and improving public health in the Borough. The Bracknell Forest Sustainable Community Plan² includes a priority of improving health and wellbeing.

Provision for Health and Social Services

- 10.3 Development has the potential to impact on health in terms of environmental implications and the additional pressure that new development can place on existing infrastructure. Depending on local circumstances, there may therefore be a need to seek a contribution to additional provision.

- 10.4 Residential developments involving a net increase of 650 or more dwellings are likely to require on-site facilities for use by social services and their partners such as voluntary organisations and those operating at the health/social care delivery interface such as voluntary organisations and those delivering health/social care services. These facilities might be integrated into existing or proposed community centres where practical. Facilities to meet the social needs of residents could include a need to accommodate voluntary groups, family support services and community health practitioners.
- 10.5 The Borough Council will consult the appropriate organisations (including the Berkshire East Berkshire Primary Care Trust) with regard to the need for social and health care provision as a direct consequence of development. For large scale development, it is likely that any provision required will be determined through the preparation of a planning brief or other planning framework document for the development.

Table 10.2 Contributions

Development type	Proposal	Contribution
Residential development including: • New build • Redevelopment • Changes of use • Conversions • Mixed use schemes	Net increase of 650 or more dwellings	New health/social services facility Provision for the construction and fitting out of a new health/social services facility A contribution towards the cost of providing, expanding or improving local health/social service facilities

Contribution Calculation

- 10.6 Until such time as further guidance and standards are developed by social and health care services to justify and quantify standard charges/formulae based on:

- (i) the demand for facilities attributable to development,
- (ii) the facilities needed after taking into account any existing capacity, and,
- (iii) the cost of providing facilities adapted for local conditions,

contributions (in kind and payment) will be sought on a case-by-case basis, having regard to the circumstances of the site and the proposed development.

**Table 10.3 Supporting Information (relevant as at July 2007)
Health and Social Services**

1. Annual Report Review of 2006/07 and Plans for 2007/08	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	Jun 2007
2. Bracknell Forest Sustainable Community Plan: Living Together Working Together	Bracknell Forest Borough Council (Corporate Services Department) www.bracknell-forest.gov.uk	Oct 2005

II THAMES BASIN HEATHS SPECIAL PROTECTION AREA

Table 11.1 Development Plan Policy

Adopted Policy	Policy References
Regional Planning Guidance for the South East (RPG 9)	E1 Areas of International and National Importance for Nature Conservation, Landscape and Cultural Value E2 Biodiversity
Berkshire Structure Plan 2001-2016	EN3 Biodiversity
Bracknell Forest Borough Local Plan 1991-2006	EN3 Nature conservation
Emerging Planning Policy	
Draft South East Plan Core Document	NRM4 Conservation and improvement of biodiversity WCBV9 Thames Basin Heaths Special Protection Area
Bracknell Forest Borough Local Development Framework - Core Strategy DPD (Submission) - Proposals Map DPD (Submission)	CS6 Limiting the impact of development CS14 Thames Basin Heaths Special Protection Area Proposal Map SPA and 400m & 5km SPA Zones

Background

- 11.1 The Thames Basin Heaths Special Protection Area (SPA) is a network of heathland sites which are designated to protect the habitat of the internationally important bird species of woodlark, nightjar and Dartford warbler. This area is protected by the Habitats Directive¹, the Wild Birds Directive² and the Habitats Regulations³. Guidance on these provisions is provided, nationally, in ODPM Circular 06/2005, which should be read in conjunction with Planning Policy Statement 9⁴ and by the EU Commission in the document Managing Natura 2000⁵.
- 11.2 The SPA covers over 8,000ha of land in Surrey, Hampshire and Berkshire spread across 9 local authority areas. Within Bracknell Forest, the designated area covers over 1,300ha and includes Crowthorne Woods, Wildmoor Heath, Broadmoor Bottom and Broadmoor to Bagshot Heaths and Woods (the area to the south of the Look Out Discovery Centre), as shown on the Bracknell Forest Borough LDF Proposals Map.
- 11.3 In line with advice from Natural England, Core Strategy DPD (Submission)⁶ Policy CS14 states that a significant effect on the SPA is likely from additional residential development

“within a straight-line distance of 5km from the SPA boundary”. A straight-line rather than travelling distance is used because this is the premise in Natural England’s impact research (more detail can be found in the Borough Council’s Report⁷ on Thames Basin Heaths SPA – section 14.12). The approach takes into account assumptions made in collating the evidence base and that access points and travelling routes to the SPA may change over time.

Report on Thames Basin Heaths SPA – October 2006⁷

11.4 The legal provisions set out in the previous section require a specific approach to be taken to approvals which includes the following:

- There must be an assessment by the competent authority (here, the Borough Council) as to whether a project is likely to have “a significant effect” on a Natura 2000⁴/ European Siteⁱ (providing it is not directly connected with or necessary to the Site’s management) whether in combination with other plans or projects or alone. This is carried out on a precautionary basis. The trigger for assessment does not presume that the plan or project considered definitely has such effects, but rather follows from the mere possibility that such effects attach to the plan or project, so that an assessment is required if there is a probability or risk that the plan or project will have an effect on the site concerned.
- If there is likely to be such a significant effect, the competent authority must carry out an ‘Appropriate Assessment’.
- The appropriate assessment must consider the implications for the European Site “in view of that site’s conservation objectives”. Where a plan or project has an effect on a site, but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned but, conversely, where a plan or project is likely to undermine the conservation objectives, it must be considered as likely to have a significant effect on the site concerned.
- The competent authority must have regard to the manner in which the project is proposed to be carried out or to any conditions or restrictions subject to which it is proposed that the consent, permission or other authorisation should be given.
- In the light of the conclusions of the assessment, the competent authority may agree to the project only after having ascertained that it will not adversely affect the integrity of the European Site. This imposes a stringent requirement and the European Court has held that the plan or project in question may only be authorised where the competent national authority is “convinced that it will not adversely affect the integrity of the site concerned”ⁱⁱ.

11.5 Since the threshold of significance was met, an Appropriate Assessment of the Core Strategy Development Plan Document⁸ has been carried out pursuant to Article 6(3) of the Habitats Directive¹.

11.6 Therefore, as background to support its Core Strategy DPD (Submission), the Borough Council prepared a Report on the consequences of SPA designation: the SPA Technical Background Document to the Core Strategy DPD. The Document⁷ includes:

1. an Appropriate Assessment of the Core Strategy DPD (Submission)⁸
2. an Avoidance and Mitigation Strategy⁹

ⁱ Natura 2000 sites are an ecological network of sites (SPAs and SACs) which were established under the Wild Birds and Habitats Directives to provide strong protection for Europe’s wildlife areas. They are “European Sites” as defined by ref 10 of the 1994 Habitats Regulations.

ⁱⁱ See *Landelijke Vereniging tot Behoud de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij* (2004).

11.7 The Appropriate Assessment of the Core Strategy DPD (Submission) establishes that:

1. all developments within 400m of the SPA boundary (see Table 11.2 below), and
2. residential developments within 5km of the SPA boundary

will not lead to an adverse effect on the integrity of the Thames Basin Heaths SPA, if carried out together with appropriate measures to avoid and mitigate the identified effects. These 400m and 5km zones are shown on the Bracknell Forest Borough LDF Proposals Map. Within this document these distances should be interpreted as distance outwards from the SPA boundary.

11.8 It is recognised that there is a need to review and amend the Technical Background Document⁷ if the supporting evidence base changes and/or the monitoring information collected indicates that the avoidance and mitigation measures should be altered. Any such review will be carried out by the Borough Council in consultation with Natural England.

Proposed development within 400m of the SPA boundary

11.9 The following developments, when within 400m of the SPA boundary have been identified as having the potential for specific adverse effects:

Table 11.2 Applications for Development within the 400m Zone

Within a straight-line distance of 400m from SPA boundary	<i>Unless screening under Regulation 48(1) of the Habitats Regulations³ concludes no significant effect on the integrity of the SPA.</i>
Including applications for approval of reserved matters pursuant to an outline planning permission, all Applications for: • Net increase of 1 or more dwellings • Material changes of use or intensification • Employment and commercial development including business, industrial, distribution and storage (BIDS) uses • Mixed use schemes	Bespoke avoidance and mitigation measures must be identified through an Appropriate Assessment. These must satisfy the Borough Council, in consultation with Natural England, that adverse effects can be removed otherwise planning applications will be refused. <i>Payment contributions towards measures in the Avoidance and Mitigation Strategy⁹, are unlikely to remove adverse effects and therefore will not be accepted.</i>

11.10 Unless such developments projects can be screened out on a case-by-case basis (i.e. proven to have no significant effect), a project-level Appropriate Assessment is necessary for each proposal. Within the 400m zone, financial contributions towards measures in the Borough Council's Avoidance and Mitigation Strategy⁹ are not likely to remove any adverse effects because the impact on the SPA, in particular from residential development, cannot normally be mitigated at this short distance. The rationale for a straight-line distance of 400m is set out in Borough Council's Report⁷ on Thames Basin Heaths SPA – section 23.1.

Residential developments between 400m and 5km from SPA boundary

- 11.11 The vast majority of overall housing provision 2006-2026 (identified in Policy CS15 of the Borough Council's Core Strategy DPD)¹⁰ will be within 5km of the SPA and adverse impacts are to be dealt with by a package of strategic measures as set out in the Avoidance and Mitigation Strategy⁹. These measures are:
- new, semi-natural areas of open space provided by developments in major growth locations identified in the Core Strategy DPD (Submission);
 - enhancements to existing open spaces listed in Appendix C;
 - visitor access management on the SPA (e.g. parking management or dogs on leads);
 - education and interpretative materials;
 - ensuring no net loss of supporting habitats close to the SPA boundary;
 - restrictions on pet ownership within appropriate developments.
- 11.12 Each additional dwelling within 5km of the SPA is likely to have a significant impact either alone or in combination with others falling within the 5km zone. Consequently, every proposal for net additional dwellings must make provision to avoid and/or mitigate the impact. If developments contribute towards these measures, they can avoid the effects of the development proposal and a project-level Appropriate Assessment is not required.

SPA – Avoidance and Mitigation Measures

- 11.13 For developments between 400m and 5km from the SPA boundary, where SPA avoidance and mitigation measures are required, there are two options:
1. an in-kind, bespoke provision based upon the principles within the Avoidance and Mitigation Strategy⁹; or
 2. a payment contribution for strategic avoidance and mitigation measures.

In-kind SPA habitat protection measures

- 11.14 Open land to avoid and mitigate adverse impacts on habitat protected by the SPA designation is not the same as open space provision to meet recreational needs. Each serves a different purpose and provision for each is sought and calculated on a different basis. The Avoidance and Mitigation Strategy⁹ requires the provision and management of open land at a level above and beyond the recreational open space to serve and make a new development more sustainable, and which is needed to make a scheme acceptable regardless of its location in relation the SPA. Recreational open space is additional to any in kind provision of semi-natural open land (and the enhancement of open spaces) aimed at avoiding and mitigating the impact of a development upon the SPA.
- 11.15 To mitigate the impact that occupiers of a development will have on the integrity of the SPA, any in-kind habitat protection measures must be in place before those occupiers move in and so, where appropriate, the Borough Council will seek to restrict occupations until related SPA avoidance and mitigation measures and/or works have been completed. Rather than retain responsibility for maintaining in-kind semi-natural open space, a developer may want to set up a management company or community trust. In this case the Borough Council will need assurance that such an organisation has the necessary skills and resources to maintain the open space and that it will remain in existence to achieve this in the long term.

- 11.16 Where a development includes specific measures to avoid and mitigate its impact upon the SPA, the Borough Council will in consultation with Natural England, undertake an Appropriate Assessment. This will consider the effect of the proposal on the SPA and the avoidance and mitigation measures, including size and location of any proposed semi-natural open space.

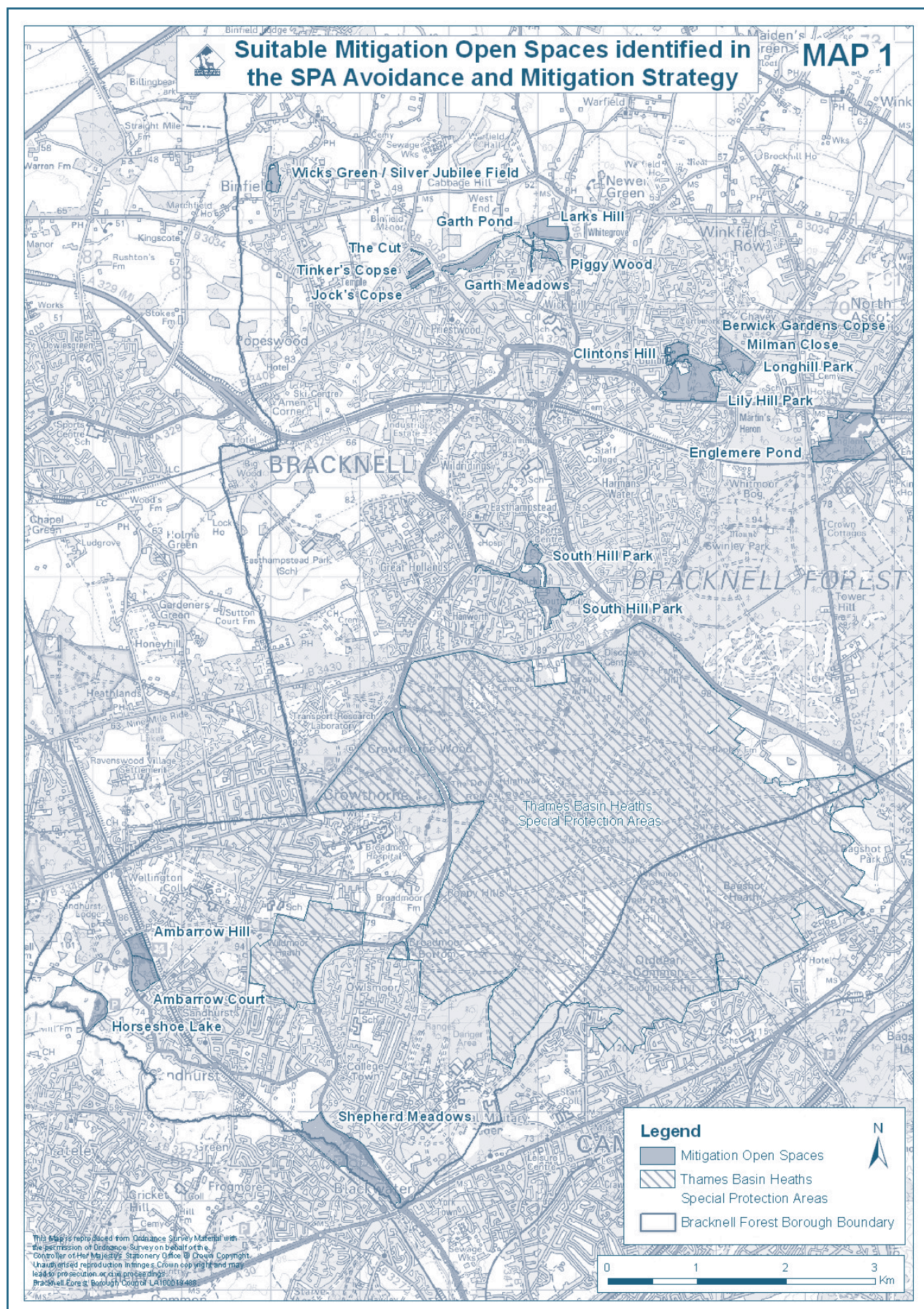
Payment contributions towards SPA Avoidance and Mitigation Strategy

A. Enhancing open space(s) with potential to deflect visits away from the SPA

- 11.17 Where instead of a bespoke solution, provision is made for contributions to be paid and pooled towards implementing the Avoidance and Mitigation Strategy⁹ (upon which Natural England has been consulted), the Borough Council will not require an Appropriate Assessment of the planning application.
- 11.18 The contributing development must be within a maximum of 5km of an area of mitigation open space. The appropriate distance is dependent upon the catchment area of open space with remaining capacity (after enhancements and with sustainable management) as identified within the SPA Technical Background Document⁷. This is necessary to avoid and mitigate adverse effects upon the integrity of the SPA. Suitable open spaces in Bracknell Forest Borough are identified in Appendix C and shown on Map 1.
- 11.19 The identified open spaces need works to increase mitigation carrying capacity and realise their potential to deflect visits away from the SPA. To determine the extent of the works required, the following were used:
- Survey information on: visitors; accessibility; parking; user perception and habitat nature conservation qualities;
 - the expertise of those with responsibility for open space management; and
 - information from Natural England based upon its research.
- 11.20 The key enhancements are to improve accessibility, to provide well-designed circular walks of more than 2.5km and to make semi-natural habitat more attractive as set out in the Avoidance and Mitigation Strategy⁹ and in line with research carried out by Natural England. Contributions accepted for enhancements to mitigating open spaces, which are also designated as SSSIs (for example Englemere Pond), will only be used to enhance the experience for visitors. The funds will not be used for habitat management measures which are a statutory requirement of the SSSI landowner.

B. Managing visits to and use of the SPA

- 11.21 Mitigation open space enhancements will be considerably more effective as an SPA avoidance and mitigation measure if, undertaken alongside measures to manage visits to, and use of, the SPA. Natural England is considering an SPA access management plan and subject to the agreement of SPA landowners, visitor access management could include:
- more effective car parking management which might encompass a reduction (e.g. closure of smaller car parks or reduction in spaces) and/or implementation of restrictions (e.g. carpark charging);
 - encouraging and, if necessary, enforcing the keeping of dogs on leads; and
 - improved site management including supervision by on-site wardens.



11.22 Legal obligations entered into before a planning application is determined, will be used:

- to secure a payment contribution (index-linked to maintain real value);
- to determine when a contribution becomes payable. This will not normally be later than the commencement of the development. If major phases are envisaged, contributions by instalment will be considered; and
- to set out how contributions are to be applied.

11.23 Rather than just towards the closest open space, a contribution will be applied towards the enhancement and sustainable management of any mitigation open space located within a maximum of 5km of the contributing development. The appropriate distance is dependent upon the catchment of open space with capacity as identified within the SPA Technical Background Document⁷. So that payment contributions are effective in the provision of SPA avoidance and mitigation measures, payments will be grouped together (see paragraph 1.25 for the Borough Council's approach to pooled financial contributions).

Table 11.3 Contributions

Within a straight-line distance of 5km (and more than 400m) from SPA boundary		Contribution
1. Residential development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing • Planning Applications for approval of reserved matters (including flats, apartments and houses)	Net increase of 1 or more dwellings	<i>Unless screening under Habitat Regulations³ Reg. 48(1), concludes no significant effect on the integrity of the SPA</i> £1,536/net additional dwelling (regardless of type or size) towards the cost of works and measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in the Avoidance and Mitigation Strategy⁹. <i>Reduced to reflect any in-kind mitigation measures, which will be assessed through Appropriate Assessment on a case-by-case basis</i>
2. Comprehensive development (or part thereof) including: • Major sites identified by Policies CS4 and CS5 in the Borough Council's Core Strategy DPD • Major sites with planning permission		A bespoke package of measures <i>in line with the Avoidance and Mitigation Strategy⁹</i> This information is necessary to allow an Appropriate Assessment to be completed (pursuant to Regulation 48 of the Habitats Regulations).

Contribution Calculation

- 11.24 Contributions need to be in proportion to the proposed development and sufficient to avoid and mitigate adverse impacts. The payment contribution in Table 11.3 is derived from the cost of open land enhancement works and sustainable management, as well as managing visitor access to the SPA supported by educational resources and appropriate interpretative measures. This is in line with the approach and costings set out in Appendix C which in turn is based on the Borough Council's 2006 Avoidance and Mitigation Strategy⁹ prepared in consultation with Natural England.
- 11.25 A single contribution per dwelling has been calculated, regardless of dwelling type or size, as there is currently no clear linkage between household size and impact on the SPA. Until further evidence is collated, then this precautionary approach has been taken.
- 11.26 The £1,536/net additional dwelling contribution is based on costings as at 2006/07. Where contributions are due as development progresses, index-linking to relevant inflationary indices will be used to ensure the value of the contribution continues to reflect the costs of mitigation. It is intended to review the contribution calculation from time to time to take account of changes in circumstances and costs.

	Calculation elements	Figures
A	Bracknell Forest Borough overall housing provision 2006-26 ¹⁰	11,139 dwellings
B	Large developments with potential to provide a bespoke solution for SPA avoidance and mitigation measures (3 large sites with planning permission) ⁱ	-2,956 dwellings
C	Sites identified to include SPA avoidance and mitigation measures (2 large sites allocated for comprehensive development in Core Strategy DPD) ⁱⁱ	-2,925 dwellings
D	Housing provision 2006-26 likely to have significant SPA effect (A - B - C)	5,258 dwellings

E	Period over which SPA avoidance and mitigation works and measures to be met by contributions from housing developments	20 years
F	Area of suitable mitigation open space sites (Appendix C)	176 hectares

	Appendix C to this Document	2006/07 costings
G	• Enhancing suitable mitigation open space sites - estimate	£1,375,000
H	• Employing 2 extra open space wardens - estimate	£100,000 per year
I	• Employing 2 extra wardens for 20 years (@ 2006/07 costs) (H x E)	£2,000,000
J	• Extra cost of maintaining mitigation open space sites – estimate	+£300/ha per year
K	• Extra maintenance costs for 20 years (@ 2006/07 costs) (FxJ x E)	£1,056,000
L	• Extra staff to co-ordinate educational elements – estimate	£25,000 per year
M	• Employing educational staff for 20 years (@ 2006/07 costs) (L x E)	£500,000
N	• SPA interpretative and educational material - estimate	£50,000
O	• Access management (in line with Natural England proposals) – estimate	£1,000,000

ⁱ Land at Peacock Farm (1,500 dwellings), Staff College (net 606 dwellings) and Town Centre (net 850 dwellings)

ⁱⁱ Land north of Whitegrove and Quelm Park (2,200 dwellings) and land at Amen Corner (725 dwellings)

P	Overall cost of all SPA avoidance and mitigation measures (G+I+K+M+N+O)	£5,981,000
R	Adjustment for provision by others to enable a proposal to go ahead	35%
P + (PxR) D	Full cost of avoiding and mitigating residential impact [where there are no on-site, in-kind avoidance and mitigation measures]	£1,536/ net additional dwelling

Timing of the Contribution

- 11.27 If appropriate, planning permission will be granted subject to conditions. Where planning obligations are required, these are to be agreed and entered into, prior to the determination of a planning application. Any payments to be made to the Borough Council are to be secured by planning obligations and paid no later than the commencement of the development. If the development is likely to be built in major phases, payment by instalment will be considered.
- 11.28 Where specific measures and/or works (by the developer or, by others who are better placed to provide) are needed to avoid and mitigate the impact that occupiers of a development will have on the SPA, these should be undertaken and in place before those occupiers move in. Consequently in some cases, the Borough Council will by planning condition or obligations restrict the occupation of a development until related avoidance and mitigation measures and/or works are complete. The Borough Council will need a reasonable period of time in which to spend these monies as there will be no up front funding to commence works prior to receiving the contributions.

Off-Site Mitigation on Sites Owned or Leased to/by the Borough Council

- 11.29 With one small exception (Ambarrow Hill), all mitigation open space sites shown on Map 1 are either owned, or leased to/by the Borough Council. The Borough Council is willing to facilitate and implement enhancements and make these sites available for SPA mitigation purposes but clearly this is a constraint and commitment to maintain and manage land in a particular way. To ensure the availability of enhanced mitigation sites effectively in perpetuity, requires a long-term commitment to on-going maintenance and sustainable management. Extra costs falling on the Borough Council over a 20 year period are included in calculating the payment contribution.
- 11.30 The standard for mitigation open space provision set out in the Avoidance and Mitigation Strategy⁹ is 12ha per 1,000 additional people (about 280m²/dwelling). Consequently a development site will benefit considerably if, instead of on-site provision there is an option to contribute to the provision by others of off-site open space which will (after enhancements and with sustainable management) avoid and mitigate adverse effects upon the SPA.

- 11.31 Reflecting that almost all of the identified mitigation open sites are owned or leased to/by the Borough Council, an additional sum set at 35% of the cost of all SPA avoidance and mitigation measures is required and is included in calculating the payment contribution. The additional (+35%) sum for the off-site provision of SPA avoidance and mitigation measures on land either owned, or leased to/by the Borough Council will:
- ensure funding is available for long-term maintenance and sustainable management effectively in perpetuity rather than just for 20 years and thereby address the extra liability and financial burden upon the Borough Council of committing to maintaining public open space in a particular way which enables development to go ahead;
 - fund the cost of administering and co-ordinating many contributions towards the Avoidance and Mitigation Strategy including ensuring clear linkages between contributing developments and specific measures (for example regular monitoring reports to Natural England);
 - provide resources to review and update regularly the Strategy as circumstances change, contributions are received and SPA avoidance and mitigation measures are implemented.

Monitoring SPA Avoidance and Mitigation Measures

- 11.32 The Borough Council will monitor and review regularly the funds available for, and the Borough Council's spending on, SPA avoidance and mitigation measures. Funding the effective enhancement and sustainable management of mitigation open space will require the pooling together of contributions from more than one development. Consequently:
- regardless of the extent of any works and measures already undertaken at the nearest mitigation site, a developer will still be required to contribute as the need arises from the cumulative impact of many developments; and,
 - there will be costs associated with co-ordinating payments and also monitoring expenditure. The contribution includes an element for co-ordination and monitoring to ensure funds received are applied by the Borough Council in the carrying out of works and measures to implement the Avoidance and Mitigation Strategy⁹.
- 11.33 Regular surveys will be conducted and appropriate information collected to ensure SPA avoidance and mitigation measures are meeting the requirements of the Habitats Regulations. As set out in the SPA Technical Background Document to the Borough Council's Core Strategy DPD⁷ the intention is to carry out a full review of the Avoidance and Mitigation Strategy⁹ after 3 years, or sooner if evidence emerges or monitoring results indicate a more urgent review is required. These reviews will include a reassessment and recalculation of the payment contribution.
- 11.34 Where contributions are secured and paid under an Agreement with the Borough Council, the receipt and use of contributions can be tracked and information on spending will, on request from a contributing developer, be made available subject to the Borough Council's reasonable costs being met.
- 11.35 In some cases it may be appropriate for conditions to be imposed when planning applications are determined to ensure a development makes provision for the implementation of related SPA avoidance and mitigation measures. However in most cases where a development proposes some in-kind SPA avoidance and mitigation measures, the Borough Council will seek to secure provision by planning obligations and will monitor compliance to ensure that what is promised is delivered. If necessary the Borough Council will use legal remedies to enforce obligations.

Managed Housing - Additional SPA Avoidance and Mitigation Measures

- 11.36 When a planning application is made for certain types of managed housing e.g. housing association developments, communal housing for the elderly, retirement homes, consideration will be given to legal obligations to deter the keeping of dogs whose presence or exercise would have an adverse impact upon the bird species protected by SPA designation. If practical and in addition to (not instead of) other SPA mitigation, such developments may be required to include dog-keeping restrictions in the transfer/lease terms for the managed units.

Table 11.4 Supporting Information (relevant as at July 2007)
Thames Basin Heaths Special Protection Area

1. Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora	The Council of the European Communities http://ec.europa.eu/environment/nature	May 1992
2. Council Directive 79/409/EEC of 2 April 1979 on the Conservation of Wild Birds	The Council of the European Communities http://ec.europa.eu/environment/nature	Apr 1979
3. The Conservation (Natural Habitats, &c.) Regulations 1994	HMSO www.opsi.gov.uk	Oct 1994
4. Planning Policy Statement 9: Biodiversity and Geological Conservation	Department for Communities and Local Government www.communities.gov.uk	Oct 2006
5. Managing Natura 2000 Sites: The Provision of Article 6 of the 'Habitats' Directive	European Communities http://ec.europa.eu/environment/nature	2000
6. Core Strategy Development Plan Document (submission) Bracknell Forest Local Development framework	Bracknell Forest Borough Local Development Framework www.bracknell-forest.gov.uk	Nov 2006
7. Thames Basin Heaths SPA Technical Background Document to the Core Strategy DPD	Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Jun 2007
8. An Appropriate Assessment of the Core Strategy Development Plan Document (included in 7. above, pp 9-42)	Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Jun 2007
9. Avoidance and Mitigation Strategy (included in 7. above, pp 43-74)	Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Jun 2007
10. Housing provision, Bracknell Forest Borough Local Development Framework Core Strategy Development Plan Document (Submission) Policy CS15	Bracknell Forest Borough Council (Planning & Transport Policy) www.bracknell-forest.gov.uk	Nov 2006

12 NATURAL ENVIRONMENT

Table 12.1 Development Plan Policy

Adopted Policy	Policy References
Regional Planning Guidance for the South East (RPG9)	E1 Area of International and National Importance for Nature Conservation, Landscape and Cultural Value E2 Biodiversity E5 Wider countryside including coastal and river environment
Berkshire Structure Plan 2001-2016	EN3 Biodiversity
Bracknell Forest Borough Local Plan 1991-2006	EN3 Nature conservation EN4 Local Nature Reserves, Wildlife Heritage Sites and Regionally Important Geological Sites
Emerging Planning Policy	
Draft South East Plan Core Document	NRM4 Conservation and improvement of biodiversity NRM5 Woodlands
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS1 Sustainable development principles CS6 Limiting the impact of development CS7 Design

Background

12.1 Local authorities have a responsibility to restore or enhance biodiversity under Section 14 of The Natural Environment and Rural Communities Act 2006. A key principle of Planning Policy Statement 9: Biodiversity and Geological Conservation¹ is that planning decisions should aim to maintain, and enhance, restore or add to biodiversity, and geological conservation interests. The Government has published an accompanying best practice guide called Planning for Biodiversity and Geological Conservation². This suggests a five-point approach to planning decisions involving biodiversity.

1. Information
2. Avoidance
3. Mitigation – where it is not possible to avoid adverse effects on wildlife species and habitats.
4. Compensation – where despite mitigation, there will be residual adverse effects that cannot be reduced further.
5. New benefits - opportunities to enhance biodiversity even where a proposal would not cause significant harm to wildlife species or habitats.

- 12.2 Protecting and enhancing the environment is one of the agreed priorities of the Sustainable Community Plan for Bracknell Forest³. In addition, the Bracknell Forest Biodiversity Action Plan⁴ (BAP) seeks to contribute to the delivery of the national species and habitat action plan called the UK Biodiversity Action Plan⁵. The Bracknell Forest BAP focuses on 6 habitats and 24 species. Although some of these habitats and species are legally protected due to their rarity and vulnerability, others are not and have been identified because of their local importance. Various actions and targets are included in the Bracknell Forest BAP that aim to have a positive impact on biodiversity in the area.
- 12.3 Biodiversity is the variety of life that drives the functioning of the natural environment on which we all rely. This great diversity is a sensitive measure of the area's well-being and contributes to the character of the Borough. Bracknell Forest has a range of sites that have been designated for their importance for nature conservation. Two areas have been designated under European Union legislation for their international importance (Thames Basin Heaths Special Protection Area and Windsor Forest and Great Park Special Area of Conservation). There are also nine Sites of Special Scientific Interest and a further seventy five Wildlife Heritage Sites. Various species and habitats are also statutorily protected. Others are identified as priority habitats and species in the Bracknell Forest BAP⁴.
- 12.4 The Thames Valley Environmental Records Centre (TVERC) collect, collate and make available data about the natural environment in the area. This includes data on the location and area of all the habitats and species in the Borough.

Environmental Information

- 12.5 Applicants for planning permission are required to provide enough information to enable the local planning authority to assess the impact of a proposed development on biodiversity and geological conservation.

Environmental Impact Assessment

- 12.6 Certain proposals must be accompanied by an Environmental Impact Assessment (EIA) under the Town and Country Planning Regulations 1999. The EIA will normally address the impact of a proposal on biodiversity. There will be other cases, where an EIA is not a legal requirement but a proposal may still have the potential to impact on biodiversity. This includes direct (immediate habitat loss within a development) and indirect (changes to hydrological systems, increased trampling, disturbance or fragmentation of habitats) impacts. In such cases an ecological statement will be required.

Ecological Statement

- 12.7 Depending on the amount of information available about a development site and its surroundings, ecological surveys may be necessary. An ecological statement should be produced which demonstrates an understanding of the biodiversity and geological interest of a development site and the impact of the proposal on it and the surrounding environment both during construction and afterwards. It should also cover how environmental benefits are to be maximized and how any negative impacts are to be avoided, mitigated or compensated. This is particularly important where granting planning permission may lead to significant harm. Where there are residual adverse effects that cannot be reduced further it may be possible to compensate through measures aimed at offsetting harm. This might involve the re-creation of a habitat on or off-site funded by the developer, for example, new woodland. Contributions to projects in the vicinity of the site might also be sought.

- 12.8 Whilst in some cases it may be possible to secure relevant measures through the use of planning conditions (for example, ensuring that works are carried out at a specific time of year to avoid disturbance to species), in other cases planning obligations will be the most appropriate tool, particularly where contributions are sought and/or management issues arise.

Table 12.2 Contributions

Development Type	Proposal	Contribution
All development including: • New build • Redevelopment • Changes of use • Conversions	Any proposal that has a negative effect on biodiversity and/or geological interests	In kind through the enhancement or creation of features and/or habitats on- or off-site
	<i>(on the basis of an assessment in an EIA or ecological statement)</i>	A contribution, by negotiation on a site-by-site basis towards measures to avoid and mitigate against the effects of the development on biodiversity and geological features

In-kind Biodiversity and Geological Conservation

- 12.9 In many cases there will be opportunities to incorporate features of benefit to biodiversity and/or geological conservation in the site layout and design of the proposed development. These might range from adapting the fabric of a proposed building to incorporate nesting spaces, ensuring that native species are included in a landscaping scheme or providing new habitats. The extent of any works required will depend on the scale of development proposed and its impact on biodiversity and geological conservation.

Other Provision for Biodiversity and Geological Conservation

- 12.10 Where provision is to be made off-site, a financial contribution may be sought. This might be towards the re-creation of a habitat elsewhere or to the costs of managing nearby sites where a development could lead to increased pressure on those sites. In the case of smaller sites, it may be necessary to consider the cumulative impact of developments. In such cases, contributions to more strategic environmental enhancements in the vicinity of sites may be appropriate, as set out in the Bracknell Forest BAP³. The costs associated with such measures will need to be individually assessed for each project/development.

Management, Maintenance and Monitoring

- 12.11 Provision must be made for the appropriate management and maintenance of features and new and enhanced habitats. A developer will normally be required to produce a management plan covering a period of up to 20 years, depending on the scale and nature of the measures addressed in the plan. This must be submitted to and approved by the Borough Council.

- 12.12 Although the responsibility for preparing and implementing a management plan will normally rest with a developer, it is recognised that a developer may not wish to remain responsible for the long-term management and maintenance of an area. In such cases, the Borough Council will need to be assured that any organisation inheriting this responsibility has the necessary skills and resources to ensure the implementation of the plan. Options for long-term management may include an agreement with a wildlife trust, management company or residents' group.
- 12.13 Suitable monitoring procedures must also be put in place together with a procedure to be followed should monitoring show that actions taken are not producing the desired outcome. This might involve the submission to the Borough Council of an annual monitoring report. Such matters should be covered in the management plan. Developers will also be expected to meet any reasonable monitoring costs incurred by the Borough Council. These might result from staffing costs associated with reviewing annual monitoring reports and taking any subsequent action. This will normally be dealt with by a one-off fee on approval of the management plan.
- 12.14 Should any proposal result in additional maintenance responsibilities for the Borough Council, costs will be calculated by using those set out in Spon's External Works and Landscape Price Book⁶ (which is updated annually) as providing the industry standard of costs for ongoing maintenance. In cases where this cannot be used, the Borough Council will substitute its 'in-house' contract costs to calculate the appropriate sum or use costs identified by the Borough Council's Parks and Countryside Service, as appropriate. The future cost of maintenance per year will be multiplied by the agreed length of the management plan (as appropriate) and include an allowance for inflation.

Table 12.3 Supporting Information (relevant as at July 2007)
Natural Environment

1. Planning Policy Statement 9: Biodiversity and Geological Conservation	Department for Communities and Local Government www.communities.gov.uk	Aug 2005
2. Planning for Biodiversity and Geological Conservation: A Guide to Good Practice	Department for Communities and Local Government www.communities.gov.uk	Mar 2006
3. Bracknell Forest Sustainable Community Plan: Living Together Working Together	Bracknell Forest Borough Council (Corporate Services Department) www.bracknell-forest.gov.uk	Oct 2005
4. Biodiversity Action Plan	Bracknell Forest Borough Council (Culture and Visual Environment) www.bracknell-forest.gov.uk	Jul 2002
5. Biodiversity: the UK Action Plan	UK Biodiversity Action Plan www.ukbap.org.uk	1994
6. Spon's External Works and Landscape Price Book	Edited by Davis Langdon in association with Landscape Projects Price Books	Sep 2006 (Updates published annually)

13 CLIMATE CHANGE

Table 13.1 Development Plan Policy

Adopted Policy	Policy References
Regional Planning Guidance for the South East (RPG9)	E7 Air and water quality INF1 Flooding INF2 The water cycle – supply and quality INF4 Energy
Berkshire Structure Plan 2001-2016	DP4 Provision of infrastructure services and amenities EN5 Air pollution and nuisance EN6 Prevention of flooding EN7 Development and water resources EN8 Renewable energy and energy conservation
Bracknell Forest Borough Local Plan 1991-2006	SC1 Provision of services and community facilities EN13 Water quality EN25 Noise and other pollution
Emerging Planning Policy	
Draft South East Plan Core Document	NRM1 Sustainable water resources, groundwater and river water quality management NRM3 Sustainable flood risk management NRM7 Air quality EN1 Development design for energy efficiency and renewable energy CC2 Climate change CC4 Sustainable construction CC5 Infrastructure and implementation
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS1 Sustainable development principles CS6 Limiting the impact of development E2 Sustainable resources E5 Renewable energy

Background

- 13.1 Following the Stern Review¹ which concluded that human activity is changing the world's climate and impacting on national prosperity, people's health and the natural environment, the Government published a supplement to Planning Policy Statement 1² dealing with Planning and Climate Change³ for a period of public consultation, closing in March 2007. The Government considers planning to have an important role in contributing to reducing emissions, stabilising climate change and taking into account the unavoidable consequences. The document aims to help deliver the Government's

ambition of achieving zero carbon development. Planning Policy Statement 25 - Development and Flood Risk⁴ deals with the increased and new risks of flooding due to climate change and aims to direct development away from areas of highest risk. Where exceptional circumstances exist, it aims to make new development safe, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall.

- 13.2 The Borough Council's Annual Report Review of 2006/07 and Plans for 2007/08⁵ contains a number of corporate themes that guide its work. Corporate Theme 9 is concerned with creating and maintaining a quality environment which includes action on climate change. Protecting and enhancing the environment is one of the agreed priorities of the Sustainable Community Plan for Bracknell Forest⁶.

Provision for Climate Change

Sustainable construction

- 13.3 Planning and Climate Change³ states that planning authorities should be concerned with the environmental performance of new development. Whilst the Building Regulations lay down standards for the environmental performance of individual buildings, higher standards may be sought, depending on local circumstances.
- 13.4 The Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)⁷ suggests that developers should have regard to best practice standards over and above the Building Regulations. The Government suggests that the Code for Sustainable Home⁸ should be used in respect of residential development. BREEAM is currently the industry standard for other types of development; it is expected that schemes should demonstrate how they meet 'very good' or 'excellent' BREEAM ratings.
- 13.5 The Borough Council will require (Policy CS10 of the Core Strategy (Submission)⁷) developers to submit a Sustainability Statement which must demonstrate how proposals meet current best practice standards. Issues to be covered are likely to include energy efficiency and measures taken to enable a significant proportion of the energy required to be generated on site and renewably (certain applications will also need to be accompanied by an energy demand assessment demonstrating how carbon dioxide emissions will be reduced and how a proportion of the energy requirement will be from on-site renewable energy generation), efficient use of water, sustainable waste management and the minimisation of emissions of pollutants (see also paragraph below) into the wider environment.
- 13.6 Most of the issues that are to be addressed in the Sustainability Statement will be influenced by the layout, massing, density, orientation and landscaping of a development. Planning and Climate Change³ makes it clear that planning conditions and obligations should not be used to control aspects that can be adequately regulated through the Building Regulations. However, it suggests that they may be used to secure management and maintenance of aspects concerned with environmental performance.

Location of development and air quality

- 13.7 The location of development can influence carbon performance and its likely contribution to carbon emissions. Since transport is a significant producer of greenhouse gases, effort should be made to ensure that development is located where people can access services or

facilities on foot, bicycle or public transport rather than having to rely on access by car. Travel Plans (see Section 3) also have an important role in encouraging non-car based modes of travel and, where cars are necessary, high levels of occupancy by measures such as car sharing in order to help reduce carbon emissions.

- 13.8 In certain cases, developers may be asked to demonstrate whether or not their proposal is likely to have a detrimental effect on air quality within the locality of the proposed development by carrying out an air quality impact assessment and monitoring. Should this suggest that air quality improvement measures are appropriate, details will need to be submitted with the application. The Borough Council may require air quality monitoring to be undertaken after a development has been completed and as part of this process may require the provision of nitrogen dioxide diffusion tubes in appropriate locations. Normally, such matters will be covered by planning conditions. There may however be instances where a contribution might be sought to additional monitoring locations and data collection over a specified period of time. Such matters will be dealt with on a case by case basis.

Flood risk and drainage

- 13.9 PPS25⁴ advocates a sequential risk-based approach to determine the suitability of sites for development in flood risk areas based on zones that reflect the probability of flooding. Preference should be given to locating development in Flood Zone 1. If that is not possible, consideration can be given to Flood Zone 2 and finally Flood Zone 3. If after following the sequential test, it is not possible to locate development in the Zone of lower probability of flooding, the exception test can be applied.
- 13.10 In certain cases, it may be necessary to permit development that requires flood risk management. This is only acceptable where a proposal complies with flood risk management policies, passes the tests and does not have a significant adverse impact on flood flows or storage. Flood risk management might include the design of flood defence infrastructure such as embankments, access/egress arrangements, flood warning and evacuation procedures. In appropriate cases, developers will be expected to carry out necessary works and make provision for necessary procedures. Future maintenance commitments will also need to be covered. Normally the Borough Council would expect to secure any works relating to flood defence through the imposition of planning conditions but in cases where works have to be undertaken off site or provision has to be made for subsequent maintenance or monitoring it may be necessary to secure them through the use of planning obligations.
- 13.11 PPG25⁴ emphasises the need to minimise run off from new development onto adjoining land, other downstream properties and into rivers. It is important that built-up areas are drained in order to remove excess water. Underground pipes have traditionally been used to aid the removal of surface water. However, this may result in flooding elsewhere and reduce natural recharge of groundwater levels. Such systems may also create a direct pathway for pollutants from urban areas to pass into watercourses and groundwater.
- 13.12 The use of Sustainable Urban Drainage System (SUDS) is advocated in PPG25⁴. These comprise a range of techniques including green roofs, permeable paving, swales, ponds and wetlands. The Government has however acknowledged that there are a wide range of issues surrounding their management and adoption that need to be resolved. The Department for Food and Rural Affairs (Defra) is investigating options for the adoption and allocation of maintenance responsibilities. The Borough Council will not normally accept responsibility for the future management and maintenance of SUDS but will need

to be assured that other provision has been made, for example, through management associations, if a proposal is to be acceptable.

Table 13.2 Contributions

Development Type	Proposal	Contribution
Any development including: • New build • Redevelopment • Changes of use • Conversions • Mixed use schemes	Applications relating to sites located in Flood Zone 1 (if the site is 1ha or more), Flood Zone 2 or Flood Zone 3 of the floodplain as shown on the Environment Agency's flood map	Flood risk management works/measures to be negotiated on a case-by-case basis (where planning conditions do not suffice)

Table 13.3 Supporting Information (relevant as at July 2007)
Climate Change

1. Stern Review: the economics of climate change	HM Treasury www.hm-treasury.gov.uk	Oct 2006
2. Planning Policy Statement 1: delivering sustainable development	Department for Communities and Local Government www.communities.gov.uk	Feb 2005
3. Consultation - Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1	Department for Communities and Local Government www.communities.gov.uk	Dec 2006
4. Planning Policy Statement 25: Development and Flood Risk	Department for Communities and Local Government www.communities.gov.uk	Dec 2006
5. Annual Report Review of 2006/07 and Plans for 2007/08	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	Jun 2007
6. Bracknell Forest Sustainable Community Plan: Living Together Working Together	Bracknell Forest Borough Council (Corporate Services Department) www.bracknell-forest.gov.uk	Oct 2005
7. Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	Bracknell Forest Borough Council (Planning and Transport Policy) www.bracknell-forest.gov.uk	Nov 2006
8. Code for Sustainable Homes	Department for Communities and Local Government www.communities.gov.uk	Dec 2006

14 ECONOMIC DEVELOPMENT

Table 14.1 Development Plan Policy

Adopted Policy	Policy References	
Regional Planning Guidance for the South East (RPG9)	RE2 RE8	Human resource development Western Policy Area
Berkshire Structure Plan 2001-2016	E2	Acceptability of employment development
Emerging Planning Policy		
Draft South East Plan Core Document	RE3 WCBV5	Human resource development Smart economic growth
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS20	New development in employment areas

Background

- 14.1 Bracknell Forest Borough benefits from a buoyant economy and the Borough Council is keen to encourage further investment and renewal to ensure that the prosperity of the economy is sustained. At the same time, it is critical to control employment growth as there has been a tendency for the number of jobs to exceed the labour supply. This leads to pressure for further housing development, more and longer journeys to work, staff shortages and rising labour costs for existing firms.
- 14.2 The Regional Economic Strategy (RES)¹ stresses the importance for the South East region to maintain its competitiveness and identifies “investment in success” as one of its three key challenges. It highlights the need to address barriers to employment and to increase incentives to work.
- 14.3 The South East Plan² stresses the importance of human resource development to the competitiveness prospects for the region. This stance is developed in Policy RE3. “Smart” growth or economic growth that does not require the importation of extra labour or the use of land is supported in the Western Corridor Sub Region within which Bracknell Forest lies. This is to be achieved by increasing the economic activity rate, increasing the skills base of the workforce, promoting the use of technology or the outsourcing of jobs that do not have to be based in the area. This approach is detailed in Policy WCBV5.

- 14.4 One of the priorities of the Bracknell Forest Sustainable Community Plan³ is to promote a pool of skills that are suited to the needs of existing and new businesses. The Borough Council's Corporate Theme 7 (as set out in the Annual Report Review of 2006/07 and Plans for 2007/08⁷) is to "Increase Participation in Adult Learning". It has a particular focus on increasing access to learning, training and employability skills, and meeting learning and training requirements.
- 14.5 In recognition of the fact that certain types of planned and future employment development are likely to put considerable pressure on the labour market, Bracknell Forest Borough Council and the Royal Borough of Windsor & Maidenhead are working jointly to ensure that people living in the local area are given the opportunity to access jobs. The project is known as "Grow Our Own". This is an Intermediate Labour Market project seeking to maximise the role of economically inactive residents in the two Boroughs.
- 14.6 Under the Grow Our Own project⁴, initiatives are being developed to encourage those who are economically inactive/underactive. It involves giving advice and guidance, learning or training and support and mentoring directed at gaining new and improved employment. It is intended to increase the size and ability of the local labour force through the availability of training. For example, this might involve raising skill levels to better meet the current and future needs of business, or providing training in jobs related to the construction industry.
- 14.7 In order to have an impact on the local job market, it is felt that a commitment to running the project for a minimum of 5-7 years is required. Estimates of initial and subsequent costs have been made together with planned outcomes based on securing a specified project team. The project cannot be funded from existing resources alone, and whilst part-funding is provided by the South East of England Development Agency, there is a need for additional resources in the long term.

Contributing to Provision

- 14.8 Policy E2 of the Berkshire Structure Plan⁵ requires major employment development to include mitigation commensurate with its impact on the demand for housing, labour and skills. Employment Impact Statements are required to detail the number and type of jobs to be generated, how the labour will be sourced and possible mitigation. This approach supports that set out in Regional Planning Guidance 9⁸, which refers to the need to develop strategies to relieve labour shortages and the need for the provision of training and childcare facilities to improve access to job opportunities.
- 14.9 Where it is evident from Employment Impact Statements that development will result in further pressure on the labour market, mitigation will be required. This is likely to be in the form of a financial contribution to the Grow Our Own project. Alternative forms of mitigation (for example on-site provision of a crèche) will be considered and, where justified, may be accepted in place of all or part of the financial contribution.

Table 14.2 Contributions

Development Type	Proposal	Contribution
Employment and retail development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions	Net increase of 2,500m ² or more of retail floorspace	£850 / 100m ² of net additional retail floorspace
	Net increase of 2,500m ² or more of B1 office floorspace	£1,050 / 100m ² of net additional B1 office floorspace
	Net increase of 4,600m ² or more of B1 (non-office) or B2 floorspace	£150 / 100m ² of net additional B1 (non-office) or B2 floorspace
	Net increase of 6,700m ² or more of B8 floorspace	£80 / 100m ² of net additional B8 floorspace
	Towards providing, expanding or improving employment training and skills programmes	

Contribution Calculation

- 14.10 The financial contribution will be assessed by calculating the net increase in floorspace and the number of employees who are likely to occupy the additional floorspace using accepted employment density figures. Then information from the Grow Our Own project on skills gaps and the costs of training a worker are taken into account, to enable a contribution to be calculated.
- 14.11 Skills gap figures and cost of training a worker are taken from Grow Our Own⁴ research. Employment density figures are taken from the Employment Densities in Berkshire Review⁶. If evidence exists that a proposed use has markedly different employment density characteristics to the figures in the study, that evidence will be taken into account when contributions are calculated.
- 14.12 Information about obligations relating to premises for Small and Medium Sized Enterprises can be found in Section 18 of this SPD – Other Obligations.

	Calculation elements	Figures
A	Cost of training a worker	£1,000
B	Skills gap for A1 retail	23%
C	Skills gap for B1 office	19%
D	Skills gap for B1 non-office and B2 industry	5%
E	Skills gap for B8 storage and distribution	4%
F	Floorspace per employee for A1 retail	27m ²
G	Floorspace per employee for B1 office	18m ²
H	Floorspace per employee for B1 non-office and B2 industry	33m ²
I	Floorspace per employee for B8 storage and distribution	48m ²

(A x B / F) x 100	Cost of mitigating impact of A1 retail	£850 / net additional 100m ²
(A x C / G) x 100	Cost of mitigating impact of B1 office	£1,050 / net additional 100m ²

$(A \times D / H) \times 100$	Cost of mitigating impact of B1 non-office or B2 industry	£150 / net additional 100m ²
$(A \times E / I) \times 100$	Cost of mitigating impact of B8 storage and distribution	£80 / net additional 100m ²

Table 14.3 Supporting Information (relevant as at July 2007)
Economic Development

1. Regional Economic Strategy for the South East, 2006-2016	South East of England Development Agency www.seeda.co.uk	2006
2. A Clear Vision for the South East: The South East Plan Core Document: Draft Plan for Submission to Government	South East England Regional Assembly www.southeast-ra.gov.uk	Mar 2006
3. Bracknell Forest Sustainable Community Plan: Living Together Working Together	Bracknell Forest Borough Council (Chief Executive Office) www.bracknell-forest.gov.uk	Oct 2005
4. Grow Our Own Final Report	Available from Bracknell Forest Borough Council (Planning and Transport Policy) www.bracknell-forest.gov.uk	Mar 2007
5. Berkshire Structure Plan 2001-2016	Berkshire Unitary Authorities' Joint Strategic Unit www.berks-jspu.gov.uk	Mar 2002
6. Employment Densities in Berkshire Review	Available from Bracknell Forest Borough Council (Planning and Transport Policy) www.bracknell-forest.gov.uk	May 1998
7. Annual Report Review of 2006/07 and Plans for 2007/08	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	Jun 2007
8. Regional Planning Guidance for the South East (RPG 9)	Government Office for the South East www.go-se.gov.uk	Mar 2001



15 PUBLIC REALM AND ENVIRONMENTAL ENHANCEMENTS

Table 15.1 Development Plan Policy

Adopted Policy	Policy References	
Regional Planning Guidance for the South East (RPG9)	Q2	Form and design of urban development
Berkshire Structure Plan 2001-2016	DP5	Quality of urban and suburban areas
Bracknell Forest Borough Local Plan 1991-2006	EN20	Design consideration in new development
	EN21	Crime and design
	EN24	Public art
Emerging Planning Policy		
Draft South East Plan Core Document	CC12	Character of the environment and quality of life
	BE1	Management for an urban renaissance
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6	Limiting the impact of development
	CS7	Design

Background

- 15.1 Planning Policy Statement 1: Delivering Sustainable Development¹ emphasises the importance of creating developments that maintain and improve the local environment and help to mitigate the effects of declining environmental quality. Safer Places – The Planning System and Crime Prevention² refers to the possible use of planning obligations in creating a safer environment within the area of a proposed development. Promoting community safety is also one of the priorities of the ‘Sustainable Community Plan for Bracknell Forest’³.
- 15.2 The Borough Council’s Annual Report Review of 2006/07 and Plans for 2007/08⁴ contains a number of corporate themes that guide its work. Corporate Theme 9 involves creating and maintaining a quality environment.

The Public Realm and the Provision of Environmental Enhancements

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

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

Table 15.2 Contributions - Public Realm and Environmental Enhancements

Development type	Proposal	Contribution
Residential, and employment (including business, industrial, distribution and storage (BIDS) uses, retail, leisure, health and education) development including: • New build • Redevelopment • Changes of use • Conversions • Mixed use schemes	Where there is an identified scheme for environmental enhancements and/or security measures or where the proposal is of such a scale as to require the development of an environmental enhancement scheme as part of the proposal	In kind provision negotiated on a case by case basis pursuant to the location, nature and scale of the proposed development towards providing environmental improvements and/or security measures
		A contribution negotiated on a case by case basis pursuant to the location, nature and scale of the proposed development towards providing environmental improvements and/or security measures

Basis for Calculation

In kind contributions

- 15.5 Where an application site is located in an area where there is an identified scheme for the creation of public realm or environmental enhancements (such as those included within the Bracknell Forest Borough Local Plan, Briefs and Masterplans), the developer will be encouraged to design and construct the area taking into account the principles set out in any provision strategy. These principles might set out details of pedestrian routes, hard and soft landscaping, signage and street furniture. New areas of public realm environmental enhancements may also be sought where a proposed scheme is of such a significant scale that it creates the need for new, replacement or altered public realm or environmental enhancements.
- 15.6 In some cases the owner may decide to retain responsibility for any public realm created. In others cases, developers may wish to transfer the area for adoption to the Borough Council. In both cases the Borough Council will need to be assured that satisfactory arrangements are in place for future management and maintenance. Where it is intended to transfer the area to the Borough Council, agreement will need to be reached on an appropriate contribution to cover maintenance costs in the event that materials and items exceed those normally specified by the Borough Council. The contribution should be sufficient to meet the differential over the lifetime of the materials/items used (see also section 2 – Transport).

Payment contributions

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

Other Circumstances

Bracknell Town Centre

- 15.9 Schemes relating to the regeneration of Bracknell Town Centre will be expected to contribute to the environmental enhancements and public realm improvements identified within the Bracknell Town Centre Masterplan and subsequent town centre public realm strategies approved by the Borough Council.

Public Art

Background

- 15.10 It is acknowledged that public art can help contribute to a better quality environment and add a sense of place or identity. Public art refers to artwork which is freely accessible to the public, in or fronting onto the public realm in a variety of media, which can be either permanent or temporary. Examples are statues, carvings, engravings, paving designs, water features, mosaics, murals, flags, street furniture, fencing, lighting, video projections and planting schemes. The process usually involves professional artists and crafts people in the design and production of the public art. It should be noted that any provision for public art is in addition to provision for the public realm and environmental enhancements.
- 15.11 Corporate Theme 4 of the Borough Council's Annual Report Review of 2006/07 and Plans for 2007/08⁴ includes increasing participation in and enjoyment of art amongst other matters. The Borough Council has also produced a Cultural Strategy⁵. This includes a wish to encourage the provision of public art through the % for art policy. In November 2004, the Borough Council and Bracknell Regeneration Partnership produced a Public Art Strategy⁶ for Bracknell Town Centre. Many of the principles set out in this framework are applicable to the way public art is dealt with in the rest of the Borough.

Table 15.3 Contributions - Public Art

Development Type	Proposal	Contribution
Residential and employment (including business, industrial, distribution and storage (BIDS) uses, retail, leisure, health and education) development and any other significant public building including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions	Net increase of 100 or more dwellings	The provision of public art within the application site negotiated on a case by case basis to the value of circa. 1% of the gross development cost (excluding land)
	Net increase of 2,500m ² or more of B1 floorspace	
	Net increase of 4,600m ² or more of B2 floorspace	
	Net increase of 6,700m ² or more of B8 floorspace	A contribution negotiated on a case by case basis circa. 1% of the gross development cost (excluding land) towards the provision of public art
	Net increase of 2,500m ² or more of retail, leisure, hotel or education uses	
	Significant public buildings in terms of visibility/ landmark sites	

In kind provision

- 15.12 The Borough Council will encourage developers to provide works of art as part of development schemes. These may form an integral part of the design of the development, for example murals or take the form of freestanding sculptures or statues. Generally, the value of the feature should be around 1% of the gross development cost (excluding land value) of a development project. The amount will be calculated by using a nationally recognised building price index which is updated on a regular basis. Where provision is to be on site it may be possible to secure a scheme through the use of a planning condition. In the event of a planning obligation being used, it will cover matters such as the programme for approval, the commissioning and provision of proposed works (unless previously agreed as part of the application). It may also cover arrangements for care, retention, maintenance and insurance.

Payment contribution

- 15.13 If it is not practical to make provision for public art within the application site (for example, where the building and setting are not a suitable location in terms of visibility from the public realm), a developer may be given the option of providing a contribution to a work of art in the vicinity of the application site or exceptionally in another part of the Borough. The Borough Council will seek to ensure that around 1% of the gross development cost (excluding the land value) of a development project is secured for this purpose. The calculation will be based on a nationally recognised building price index which is updated on a regular basis.

Table 15.4 Supporting Information (relevant as at July 2007)
Public Realm and Environmental Enhancements

1. Planning Policy Statement 1:Delivering Sustainable Development	Department for Communities and Local Government www.communities.gov.uk	Feb 2005
2. Safer Places: The Planning System and Crime Prevention	Department for Communities and Local Government www.communities.gov.uk	Feb 2004
3. Bracknell Forest Sustainable Community Plan: Living Together Working Together	Bracknell Forest Borough Council (Corporate Services Department) www.bracknell-forest.gov.uk	Oct 2005
4. Annual Report Review of 2006/07 and Plans for 2007/08	Bracknell Forest Borough Council (Chief Executive's Office) www.bracknell-forest.gov.uk	Jun 2007
5. Life is for Living: A Local Cultural Strategy for the Borough of Bracknell Forest	Bracknell Forest Borough Council (Culture and Vision) www.bracknell-forest.gov.uk	Jul 2007
6. Bracknell Town Centre Regeneration Public Art Strategy	Bracknell Forest Borough Council (Culture and Vision) www.bracknell-forest.gov.uk	Nov 2004



16 HERITAGE

Table 16.1 Development Plan Policy

Adopted Policy	Policy References
Berkshire Structure Plan 2001-2016	EN4 Historic environment
Bracknell Forest Borough Local Plan 1991-2006	EN6 Ancient Monuments and archaeological remains EN7 Other important archaeological sites
Emerging Planning Policy	
Draft South East Plan Core Document	BE7 Management of the historic environment
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS1 Sustainable development principles CS7 Design

Background

- 16.1 Planning Policy Guidance 16: Archaeology and planning¹ makes it clear that archaeology is a material consideration in the planning process and includes a section on dealing with planning applications that might affect archaeological remains and their settings. The possibility of using agreements to secure the excavation and recording of sites before development commences and the subsequent publication of the results of the excavation is covered.
- 16.2 The Borough has a variety of archeological remains including Scheduled Ancient Monuments¹ that contribute to the character and quality of the environment and form part of our heritage. For example, there is a Bronze Age tumulus or round barrow at Bill Hill which is a Scheduled Ancient Monument. The Sites and Monuments Record (SMR) is a database of all archaeological sites and contains details of the locations of artefacts and finds in the Borough. It is maintained by Reading Museum Services on behalf of the Borough Council. Reading Museum Services also provide archeological advice to the Borough Council in respect of planning applications.

Provision for Heritage

- 16.3 Archaeological remains are a finite and non-renewable resource and are vulnerable to damage and destruction. Data held on the SMR will help indicate the archaeological sensitivity of any site that is subject to a development proposal. If a site is considered to have archaeological potential, an applicant may need to commission an archaeological assessment (this is essentially a desk-based exercise) to assess whether or not a proposal

¹ Scheduled Monument Consent is required from the Secretary of State before any works affecting a Scheduled Monument are carried out.

will have an impact on archaeological remains. If the information gathered from the assessment is insufficient to allow an informed decision to be made, it may be necessary to carry out a field evaluation, such as a geophysical survey in order to gather more information on the nature of the remains.

- 16.4 Should an impact be identified, it may be necessary to overcome the objection by drawing up a mitigation strategy. PPG16 makes it clear that there is a presumption in favour of preserving archaeological remains *in situ*. This may be done through the preparation of sympathetic designs using, for example, foundations which avoid disturbing the remains altogether or minimise damage by raising ground levels under a proposed new structure.
- 16.5 If physical preservation *in situ* is not feasible, an archaeological excavation for the purposes of *preservation by record* may be an acceptable alternative. Records and finds will need to be made available to Reading Museum Services and the display of artefacts arranged, if appropriate.
- 16.6 Once a mitigation strategy has been agreed in principle, the Borough Council will normally issue a brief outlining its requirements including matters such as method of work, timing, monitoring, recording and access. In most cases it is likely that any mitigation sought can be secured by planning condition. Where this is not possible, an applicant may be invited to enter into a legal agreement.

Table 16.2 Contributions

Development Type	Proposal	Contribution
All development including: • New build • Redevelopment • Changes of use • Conversions	Any proposal that is identified as having an impact on archaeological remains (on the basis of the results of an archaeological assessment/field survey)	In kind through the physical <i>preservation in situ</i> , or, if this is not feasible, an archaeological excavation for the purposes of <i>preservation by record</i> .

Basis for Calculation

In kind provision

- 16.7 Due to the varied nature of the works sought, each proposal will need to be negotiated on a case-by-case basis.

Table 16.3 Supporting Information (relevant as at July 2007)
Heritage

1. Planning Policy Guidance 16: Archaeology and Planning	Department for Communities and Local Government www.communities.gov.uk	Nov 1990
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17 WASTE MANAGEMENT AND RECYCLING

Table 17.1 Development Plan Policy

Adopted Policy	Policy References
Regional Planning Guidance for the South East (RPG9)	INF3 Waste
Berkshire Structure Plan 2001-2016	DP4 Provision of infrastructure, services and amenities W4 Providing for waste in new development
Bracknell Forest Borough Local Plan 1991-2006	SC1 Provision of services and community facilities
Waste Local Plan for Berkshire	WLP6, WLP9 and WLP10 (unnamed)
Emerging Planning Policy	
Draft South East Plan Core Document	CC5 Infrastructure and implementation W2 Sustainable design, construction and demolition W8 Waste separation
Bracknell Forest Borough Local Development Framework Core Strategy DPD (Submission)	CS6 Limiting the impact of development CS13 Sustainable waste management

Background

- 17.1 Planning Policy Statements 10 (Planning for Sustainable Waste Management)¹ and 23 (Planning and Pollution Control)² set out the Government's approach to planning for waste management and recycling. They will inform the emerging National Waste Strategy.
- 17.2 The Borough Council seeks to ensure that there is sufficient capacity for dealing with the waste and recycling needs arising in the Borough³. The Borough Council encourages recycling of waste materials and has gone into partnership with Reading Borough Council and Wokingham Borough Council with the RE3 project. This is a joint project that is intended to fulfil the area's waste disposal and recycling needs for the period 2007–2032.
- 17.3 The three RE3 partnership Councils are formulating a Joint Waste Strategy. This will incorporate relevant elements of the RE3 contract documents, national policies and targets and also develop individual waste collection strategies for each authority and explore further joint working.
- 17.4 Waste disposal and recycling facilities for the Borough are currently concentrated on the Longshot Lane Civic Amenity Site in Bracknell. In addition to this are numerous local recycling centres across the Borough, and collection and disposal services for waste and recyclable materials.

Contributing to Waste and Recycling Provision

- 17.5 New development will place extra pressure on facilities for handling, processing and recycling waste. Under the RE3 project, one contractor delivers all waste disposal and recycling services across the three Council areas, including civic amenity sites at Reading and Bracknell, a material recycling facility in Reading, new waste transfer facilities and visitor and education centres. In addition, some waste from the three authorities will go for incineration at an Energy from Waste Plant near Slough. Therefore the facilities may be found within or outside the Borough.
- 17.6 Where existing facilities would be put under extra pressure as a result of development, it may be necessary to provide on-site waste and recycling facilities to mitigate the impact of the development. On-site recycling facilities will normally consist of three glass recycling banks and a textile bank. Where possible, on-site provision will be secured by condition but, where this is not possible, a planning obligation will be required.
- 17.7 Where on-site works would be impractical or insufficient to mitigate impacts, a financial contribution will be sought towards off-site provision. This provision may be in the form of constructing new facilities, undertaking refurbishment and improvement works or starting new waste management or recycling services to deal with the extra demands.
- 17.8 The need for on-site works or financial contributions will depend on whether there is evidence of need, and whether there are any planned improvements under the RE3 project that could meet needs generated by the development. Unless a suitable alternative site can be identified, it will not be acceptable to make payments instead of on-site provision.



Table 17.2 Contributions

Development Type	Proposal	Contribution
Residential development including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions • Affordable housing	1. Net increase of 100 or more dwellings	On-site provision of waste and recycling facilities Where there is evidence of need for additional off-site provision then, in addition to the above, a financial contribution will be sought
Retail development (any development listed in Annex A, Table 3 of PPS6) including: • New build • Redevelopment • Mixed use schemes • Changes of use • Conversions	2. Net increase of 2,500 m ² or more of retail floorspace	On-site provision of recycling facilities for public use Where there is evidence of need for additional off-site provision then, in addition to the above, a financial contribution will be sought
All other development	3. Any development that includes a car park of more than 20 spaces for public use	On-site provision of recycling facilities for public use

Table 17.3 Supporting information (relevant as at July 2007)
Waste Management and Recycling

1. Planning Policy Statement 10: Planning for Sustainable Waste Management	Department for Communities and Local Government www.communities.gov.uk	Jul 2005
2. Planning Policy Statement 23: Planning and Pollution Control	Department for Communities and Local Government www.communities.gov.uk	Nov 2004
3. Requirements for Refuse and Recycling on New Developments – Guidance Notes for Applicants and Agents	Bracknell Forest Borough Council (Waste and Recycling Team) www.bracknell-forest.gov.uk	Apr 2005

18 OTHER OBLIGATIONS

Use and Occupancy Restrictions

- 18.1 Where not dealt with specifically by condition, the Borough Council may seek to control the impact of a particular land use by obligation. For example, linking the capacity of a major event facility to the capacity of the local transport network. The same approach may be taken to the occupancy of a building, or part of a building. Such a situation might occur where an annexe is built within the curtilage of an existing house, and is destined to be occupied by an elderly or infirm relative of the occupier of the main house.

Divisible Occupancy

- 18.2 It may be necessary to secure a planning obligation which prevents the disposal or fragmentation of any part of a piece of land (including the development and all other buildings and structures on that land) except as a whole. This is particularly relevant in areas where restrictive planning policies apply and where independent dwellings would not normally be allowed.

Phasing

- 18.3 The timely delivery of specific elements of a comprehensive development proposal may be secured through the phasing of development. For example, obligations can be used to ensure that community facilities and commercial developments within a mixed-use scheme are delivered as part of the first phase of a development so they are available as soon as possible.

Rights of Way

- 18.4 New development may have an impact on the rights of way network through:
- the obstruction of the route of an existing right of way, and/or
 - occupiers of the new development making greater use of existing routes in the area.
- 18.5 Paragraph B16 of Circular 05/2005 states that planning obligations can be used to compensate for loss caused by a development. Where a development would obstruct the route of an existing right of way, it may be possible to overcome the loss by providing an alternative route as long as it is of at least a similar quality to the existing route.
- 18.6 A new development may also lead to increased use of off-site routes in an area. Planning obligations may be used to secure the upgrading and enhancement of such routes. It may also result in greater wear and tear and therefore the need for an enhanced maintenance

regime. Any additional costs incurred as a result of the latter should be borne by the developer through a maintenance payment. Any necessary contributions will be determined on a case-by-case basis.

Fire Service Provision

- 18.7 Where need can be reasonably demonstrated by the Fire Service and where conditions will not suffice, obligations will be used to secure contributions towards the provision of Fire Service infrastructure. This may include contributions towards facilities such as fire hydrants and a new fire station, or expansion of an existing fire station, in accordance with the Royal Berkshire Fire and Rescue Service's own standards. Any necessary contributions will be determined on a case-by-case basis.

Premises for Small and Medium Sized Enterprises (SMEs)

- 18.8 In order to provide a balanced mix of business and job opportunities, it is important to maintain and create appropriately designed and sized premises for a variety of employment generating uses. The Borough Council particularly supports the retention and development of new facilities for SMEs. This approach is supported by Structure Plan Policy E3, Local Plan Policy E4 and Policy CS19 of the Core Strategy DPD.
- 18.9 Premises for SMEs are defined as self-contained employment units of up to 500m², including where these units form part of a shared facility such as a serviced office suite. Where a redevelopment scheme would result in the loss of such premises, the Borough Council may require the provision of new and/or replacement floorspace either as part of the redevelopment scheme or on suitable land elsewhere in the Borough.
- 18.10 Such provision will be relative in scale to the amount of existing floorspace lost and the size of the development proposed. New facilities should be of equivalent size to those they replace, and should be built to minimum specification to ensure they remain affordable and less vulnerable to change of use in the future. The Borough Council will also seek contributions from development to assist in making the SME facility affordable and attractive to small businesses.
- 18.11 If it is inappropriate or impractical to provide new and/or replacement floorspace on site or on other land, the Borough Council may seek a financial contribution based on the enhanced value of the site. The money would then be pooled and put in a fund for the provision of, or improvements to, small business units or other employment-related measures in the Borough. Any necessary contributions will be determined on a case-by-case basis.

Pollution Mitigation

- 18.12 Although planning conditions will normally suffice, in certain circumstances obligations will be sought so that pollution mitigation measures are carried out as part of a development. For example, a landfill gas management plan obligation will ensure that appropriate mitigation against potentially harmful gases on a site is undertaken prior to occupation of a development. Planning obligations may also be used to:
- ensure the decontamination of soils,
 - remove harmful chemicals from a development site,
 - require the reinstatement of the land to the standards required for the agreed future use,
 - ensure the proper restoration and aftercare and management of landfill sites, and,
 - implement noise mitigation measures.

19 IMPLEMENTATION

Land Charges

- 19.1 Planning obligations are registered as local land charges. They run with the land and therefore bind future holders of interests in the land. If land is subject to a planning obligation and that obligation has not been or is not being complied with, the owner(s) may find that:
- the land is difficult to dispose of; and
 - its value is diminished.

Proximity

- 19.2 When a financial contribution is used to fund off-site provision of infrastructure, the Borough Council will seek to ensure that such provision takes place within 3km of the site. However, where the scale and impact of a development is such that it creates a Borough-wide influence, contributions may be spent accordingly.

Bonds

- 19.3 Bonds may be required where developers intend to carry out work themselves instead of paying contributions to the Borough Council. For example, building a community centre that is required to meet the needs of the development. The bond sum can be drawn upon to provide the facility if the works are not carried out as agreed.
- 19.4 If a developer can demonstrate that there is an alternative, equally effective way of ensuring that facilities are constructed, this will be considered in place of a bond. Any buildings to be constructed by developers will need to be to a specification agreed with the Borough Council, in order to ensure that they will meet appropriate standards and community requirements.

Price Index

- 19.5 To maintain the real value of contributions, any payment due to the Borough Council as a development progresses will be subject to an increase to reflect changes in one of the Indexations below. This additional payment will be calculated by changes in the Index between the date the payment is agreed and the date the payment is made. The Borough Council uses the following three indexations, and the appropriate one to use in each case will be specified in a legal agreement.

- **Index of Retail Prices (All Prices)** - published by the Office of National Statistics. This monitors general inflation across a range of goods and services.
- **Tender Price Index in the Building Cost Information Service** - published by the Royal Institution of Chartered Surveyors. This gives a cost analysis of various types of buildings as well as forecasts of tender and building costs.
- **Resource Costs Index of Road Construction** - published by the Office of National Statistics. This deals with highway construction costs.

Timing of Contributions

- 19.6 So that needs arising from new development are met as soon as they are required, the Borough Council will seek payment of contributions on commencement of development. If the development is likely to be built in major phases, payment by instalment will be considered. When instalments or payments after commencement, for example on occupation, are proposed, the Borough Council may seek an additional charge of 1% of the total sum to meet the costs of monitoring the development and other administrative costs.

Legal Costs

- 19.7 An applicant for planning permission will be required to pay the Borough Council's reasonable legal costs. A solicitor's Unconditional Undertaking will be required to discharge the Borough Council's reasonable legal costs connected with the preparation and execution of a legal agreement, to be paid whether or not:
- (a) the matter proceeds to completion, or
 - (b) the Borough Council's Delegated Officer or Planning and Highways Committee approves the application for Planning Permission.

Other Cost Recovery

- 19.8 The Local Government Act 2003 gives local authorities the power to charge for providing various services. The Borough Council levies a charge on obligations to cover costs incurred in the review, negotiation and preparation of the Deed and in the administration of monies (including monitoring contribution) to be paid pursuant to it. An example of this can be seen in the Model Section 106 Agreement (see appendix B of this SPD)

Monitoring

- 19.9 The Borough Council will monitor the progress of developments that are the subject of planning obligations, and ensure that those obligations are fulfilled. To ensure that what has been promised is delivered, the Borough Council will, if necessary, enforce obligations through the courts.

FOR FURTHER INFORMATION PLEASE CONTACT:

The Implementation Team
Planning and Transport Policy
Bracknell Forest Borough Council
Time Square Market Street Bracknell RG12 1JD

 01344 352000

Appendix A:

GUIDE TO PLANNING OBLIGATIONS AND SECTION 106 PROCEDURES

Introduction

- A.1 In dealing with planning applications, local planning authorities consider each on its own merits and reach a decision based on the relevant Development Plan, unless material considerations indicate otherwise. Applications may be refused; however in some instances, it may be possible to make unacceptable development acceptable through the use of planning conditions or, where appropriate through the creation of planning obligations.

What are Planning Obligations?

- A.2 A Planning Obligation is a legal undertaking made to the Borough Council by any persons with an interest in the land to make acceptable, development which would otherwise be unacceptable in planning terms.
- A.3 A Planning Obligation is created by deed under Section 106 of the Town and Country Planning Act 1990 (as amended) and can be used to:
- regulate or restrict the use of land,
 - require the carrying out of specified actions, and/or,
 - require payments to be made to the planning authority
- A.4 It provides a means of ensuring that developers contribute towards the infrastructure and services that Bracknell Forest Borough Council consider necessary to enable development to go ahead. Contributions may be either in-kind or payments towards provision by others.
- A.5 In determining a Planning Obligation the following points must be considered:
- Is it relevant to planning?
 - Is it necessary to make the proposed development acceptable in planning terms?
 - Is it directly related to the proposed development?
 - Is it fairly and reasonably related in scale and kind to the proposed development?
- And,
- Is it reasonable in all other respects?

Types of Obligations

- A.6 There are two types of obligations, namely a Bilateral Agreement (known commonly as a Section 106 Agreement), or a Unilateral Undertaking.

1. Bilateral Agreement

- A.7 A Bilateral Agreement (Section 106 Agreement) is an agreement between the applicant and the Borough Council, and other parties with an interest in the land. The need for this type of agreement is normally identified either during the pre-application discussion process or after the application has been submitted.

2. Unilateral Undertaking

- A.8 A Unilateral Undertaking is an obligation created by the applicant most commonly when an appeal against the decision of the local planning authority is made. The terms of a Unilateral Undertaking are for the applicant to determine and it is advisable for the views of the local planning authority to be sought before the Undertaking is completed.
- A.9 Because Unilateral Undertakings can only bind the activities of the developer, they are more relevant for the provision of in-kind contributions as opposed to financial contributions which may require a commitment by the local planning authority to spend the funds on impact mitigation within a reasonable period.

Who may enter into a Planning Obligation?

- A.10 Planning Obligations are legally enforceable against the owner(s) (including their successors in title) of the land to which the obligation relates.
- A.11 This means that generally only owners can enter into obligations even if a prospective purchaser/developer of the land has applied for the planning permission. It is possible for prospective purchasers to be party to the obligations where they have exchanged contracts to purchase or have an option.
- A.12 Because planning obligations run with the land, all owners, lessees and mortgagees must be signatories. Planning Obligations can have significant effects on the use and therefore the value of land. Before anyone enters into a Planning Obligation, the Borough Council strongly advises that they take independent legal advice or contact the planning officers for advice.

How are Planning Obligations Secured?

- A.13 Planning Obligations are secured by a formal deed whether Unilaterally or by Agreement.
- A.14 When an obligation is entered into by agreement, it will be signed and sealed by Bracknell Forest Borough Council. It will contain covenants (the Planning Obligations) covering the things the landowner agrees to do/agrees not to do, and the circumstances and timescales within which these things will occur. It will also contain a plan showing the land to which it relates.

How are Planning Obligations Enforced?

- A.15 Planning Obligations are enforceable by Bracknell Forest Borough Council in the following ways:
- In the courts by application for an injunction or recovering contributions payable.
 - By carrying out any operations required by the Planning Obligation and recovering the cost from the person(s) against whom the obligation is enforceable.

Land Charges

- A.16 Planning Obligations are registered as local land charges and will be revealed in any search submitted on behalf of a potential purchaser unless the planning obligations have been discharged, in which case the land charge entry may be removed from the Land Charges Register.

Can Planning Obligations be Removed?

- A.17 A Planning Obligation may be modified or discharged:
- At any time by agreement with Bracknell Forest Borough Council
 - By formal application to Bracknell Forest Borough Council. This may only happen after five years have elapsed since the obligation was created, or a later date if specified in the obligation.
- A.18 Applications for modifying or discharging planning obligations can be determined by Bracknell Forest Borough Council in one of three ways;
- If the obligation no longer serves a useful purpose, it may be discharged,
 - If it still serves a useful purpose, it shall continue in force,
 - If it would still serve a useful planning purpose equally well subject to proposed modifications, it may continue in force as so modified provided the modification does not impose an additional burden on a third party.

Procedure for Completing a Section 106 Undertaking/Agreement

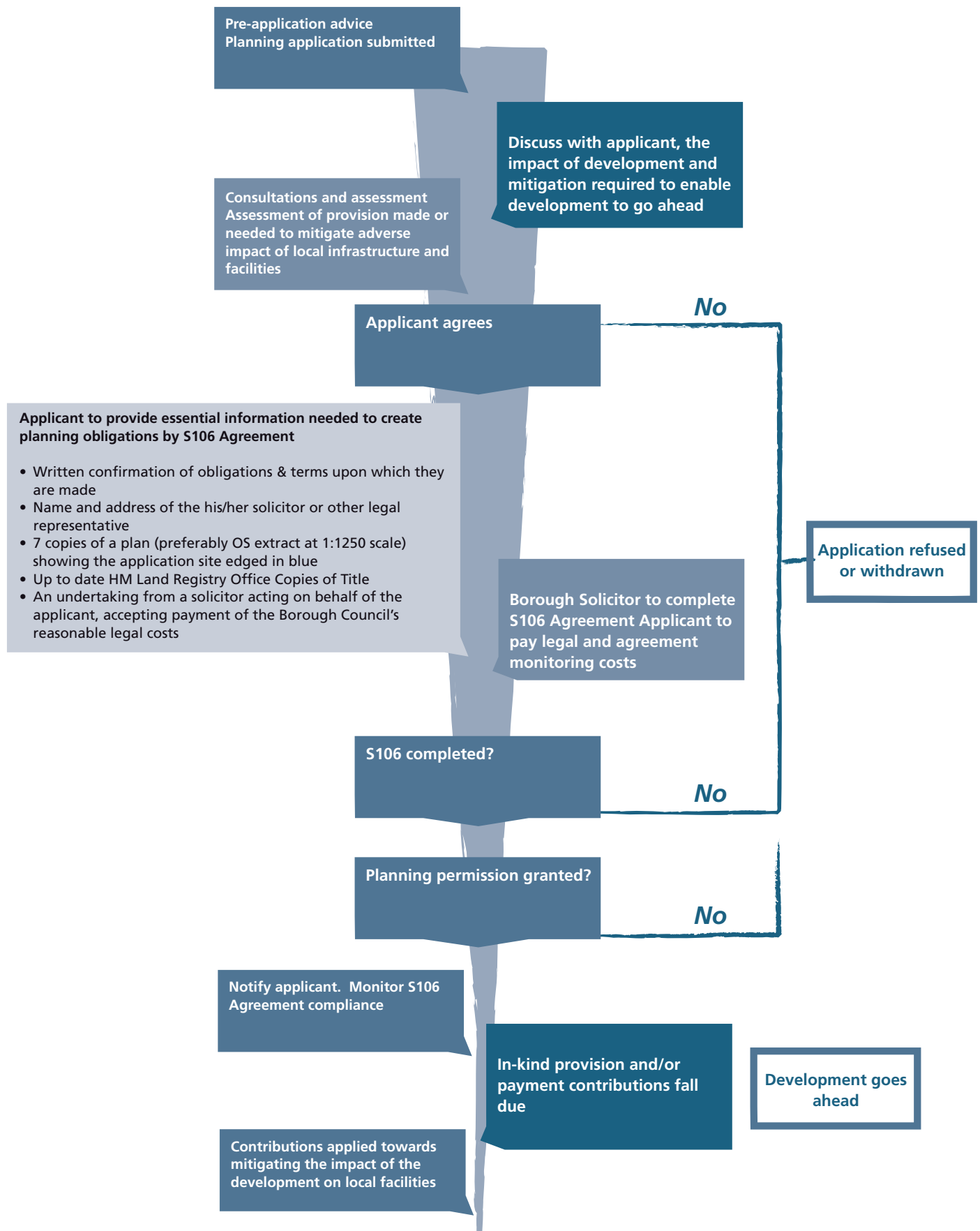
- A.19 To ensure the process is carried out effectively and efficiently, the Borough Council strongly advises that Planning Officer advice is sought during the pre-application discussion stage. This will prevent delays and ensure that sufficient detail is submitted to enable the application to be determined.

(See following chart for procedure of entering into a planning obligation.)

Unilateral Undertakings and the Appeal Process

- A.20 Unilateral Undertakings are used by appellants in connection with appeals to try to overcome certain reasons for refusal or planning objections. The Planning Inspectorate sets out deadlines for submitting supporting information. For example, if an appellant is to rely on a Unilateral Undertaking in connection with an appeal being dealt with through written representations, a completed, signed and dated copy must be submitted 10 working days before the date of the site visit. Alternatively, if the appeal is to be dealt with through the inquiry process, a final draft agreement must be submitted at least 10 working days before the date of a hearing or inquiry.
- A.21 Paragraph B49 of Circular 05/2005 makes it clear that an appellant should send a draft of any Unilateral Undertaking offered to the local planning authority for comment. This therefore needs to be done well in advance of the Inspectorate's deadlines. Up-to-date evidence of title to the land is also required, together with a Section 106 plan showing the application site.

SECTION 106 PLANNING OBLIGATION PROCEDURE



Appendix B:

MODEL SECTION 106 AGREEMENT

Only for straightforward Section 106 Agreementsⁱ

[Pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended)]

Select

from the Planning Obligations in this Model Agreement (the First and Second Schedules) and use as appropriate, to meet the Borough Council's Planning Obligation Policy, the guidance in this Limiting the Impact of Development Supplementary Planning Document and the specific circumstances of an Application for Planning Permission.

Keep

any changes and editing to the absolute minimum needed to reflect the particular circumstances of a proposed development as this will speed up the completion of an Agreement, thereby saving time, resources and cost.

ⁱ A Unilateral (Section 106) Undertaking will not be appropriate. The Department for Communities and Local Government 'Planning Obligations: Practice Guidance' of July 2006 says "Because unilateral undertakings can only bind the activities of the developer, they are more relevant for the provision of in-kind contributions as opposed to financial contributions which can also require a commitment or undertaking by the LPA (for example, spending the funds to provide some specified infrastructure within a certain timescale)" [paragraph 9.5].

TO PROGRESS and COMPLETE THE DEED OF AGREEMENT PLEASE SUPPLY THE FOLLOWING WHEN SUBMITTING A SECTION 106 AGREEMENT

1. Site address (as described in the Application for Planning Permission)	
---	--

2. Planning Application Reference No. (if known)	
--	--

3. Name, Address, Phone No. of Solicitor (or other legal representative)	
--	--

AND: TO DEMONSTRATE REQUISITE LEGAL INTEREST IN THE LAND TO WHICH THE APPLICATION FOR PLANNING PERMISSION RELATES

4. Evidence of title for the above land by way of current HM Land Registry office copies	A. attached B. being compiled & to follow <i>(delete A or B as appropriate)</i>
---	---

NB. All with an interest in the land (freeholder, lessee, mortgagee, prospective purchaser/developer with an option or conditional contract), to be party to and sign the Section 106 Agreement

AND: TO MEET THE COUNCIL'S COSTS OF REVIEWING, NEGOTIATING AND COMPLETING THE SECTION 106 AGREEMENT

5. An unconditional undertaking precisely in the following terms from the applicant's solicitor (legal representative)

I _____ of _____ undertake on behalf of the applicant _____ to ensure that the Council's costs will be met in full whether or not the Agreement is completed.

Signed _____

Name _____

Date _____

[NB Not less than £600ⁱⁱ to be paid on Agreement completion in line with Model Agreement Clause 6.1 or, if the Agreement is not completed - not less than £300 to be paid on the Application for Planning Permission being withdrawn or determined by the Borough Council.]

ⁱⁱ Minimum sum for a simple Agreement following this Model in all respects. If Agreement or Title is complicated, or Model Agreement terms/ obligations are varied, all reasonable costs incurred in reviewing, completing and monitoring the Agreement, to be met in full.

Planning Obligation by Deed of Agreement under Section 106 of the Town and Country Planning Act 1990

relating to [the development of
on/at]

Dated : [200...]

BRACKNELL FOREST BOROUGH COUNCIL (1)

[NAME OF FREEHOLDER] (2)

[NAME(S) OF MORTGAGEE AND (3)

OTHER INTERESTED PERSON] (4)

DATED [200...]

PARTIES

1. The Council **BRACKNELL FOREST BOROUGH COUNCIL**
of Easthampstead House Town Square Bracknell RG12 1AQ
2. The Owner [See Note 1]
3. The Developer [See Note 2]
4. [OTHER PARTIES] [See Note 3]

RECITALS

- A. The Council is the local planning authority for the purposes of the Act for the area in which the Site is situated.
- B. The Owner is registered as owner with freehold absolute title of the Site under Title Numbers [TO BE INSERTED].
- C. The Developer has [a conditional contract] (OR) [an option] to acquire the Site. [See Note 2]
- D. [See Note 4]
- E. The Developer submitted the Application to the Council and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed. [See Note 2]
- F. The Site lies within 400 metres to 5 kilometres of the Thames Basin Heaths Special Protection Area.
- G. The Council has approved the implementation of the Avoidance and Mitigation Strategy.
- H. The purpose of the planning obligations in the Second Schedule to this Deed is to avoid and mitigate any impact which the Development might otherwise have upon the integrity of the Thames Basin Heaths Special Protection Area

Note 1 Name and address/registered office of freehold owner to be inserted.

Note 2 This draft Agreement has been prepared on the assumption that the Planning Application was submitted by a person ("the Developer") other than the owner and that the Developer has either an option or a conditional contract to acquire the Application site. If either or both assumptions do not apply the draft Agreement will require modification.

Note 3 Other persons having an interest in the land may have to be parties to the Agreement, depending upon the nature of their interest. If there is a mortgage, the mortgagee will invariably have to be a party. Lessees also will normally have to be a party to the Agreement.

Note 4 If a mortgagee or other person is a party to the Agreement their interest in the Site should be recited.

- I. (EITHER) The Planning and Highways Committee of the Council resolved on [INSERT DATE OF PLANNING & HIGHWAYS COMMITTEE RESOLUTION] to grant the Planning Permission subject to the prior completion of this Deed.

(OR)

The Head of Planning and Building Control acting under delegated authority of the Council has determined to grant the Planning Permission subject to the prior completion of this Deed.

NOW THIS DEED WITNESSES

OPERATIVE PART

1 DEFINITIONS AND INTERPRETATION

1.1 Definitions

- | | | |
|-------|---|---|
| 1.1.1 | "the Act" | the Town & Country Planning Act 1990 |
| 1.1.2 | "the Application" | the application for planning permission dated [INSERT DATE OF PLANNING APPLICATION] submitted to the Council for the Development and allocated reference [INSERT PLANNING APPLICATION REFERENCE] |
| 1.1.3 | "the Avoidance and Mitigation Strategy" | the Avoidance and Mitigation Strategy prepared by the Council and approved for implementation by Executive of the Council on 5 June 2007 and as may be amended by or on behalf of the Council from time to time |
| 1.1.4 | "Borough Solicitor" | the person from time to time holding the post of Borough Solicitor with the Council or the person who is designated as such by the Council for the purposes of this Agreement |
| 1.1.5 | "the Development" | [INSERT DESCRIPTION OF THE PROPOSED DEVELOPMENT AS DESCRIBED IN THE APPLICATION BUT INCORPORATING POST APPLICATION AMENDMENTS [IF ANY]] |
| 1.1.6 | "Director of Environment and Leisure" | the person from time to time holding the post of Director of Environment and Leisure with the Council or the person who is designated as such by the Council for the purposes of this Agreement |
| 1.1.7 | "Dwelling" | a dwelling including a house flat or maisonette to be constructed or otherwise provided pursuant to the Planning Permission |

1.1.8	"the First Index"	the All Items Index of Retail Prices published by the Office for National Statistics or during any period when no such index exists, the index which replaces the same or is the nearest equivalent thereto as may be reasonably specified by the Council
1.1.9	"Head of Planning and Building Control"	the person from time to time holding the post of Head of Planning and Building Control with the Council or the person who is designated as such by the Council for the purposes of this Agreement
1.1.10	"Occupy"	occupation for any purpose other than occupation by personnel engaged in construction, fitting out or decoration in connection with the carrying out of the development occupation for marketing or display of the development or occupation in connection with security operations during the carrying out of the development and "Occupation" shall be construed accordingly
1.1.11	"the Plan"	the plan attached to this Deed
1.1.12	"the Planning Permission"	the planning permission subject to conditions to be granted by the Council pursuant to the Application [See Note 5]
1.1.13	"the Site"	the land shown edged red on the Plan
1.1.14	"Thames Basin Heaths Special Protection Area"	the area designated on 9 March 2005 under the Wild Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) to protect three species of breeding birds; woodlark, Dartford warbler and nightjar being a fragmented area of European importance in the counties of Surrey, Hampshire and Berkshire. [See Note 6]

Note 5 It is good practice to issue a draft notice of Planning Permission to the Developer so that its terms and conditions are known prior to completion of the Agreement. Developers frequently seek to include a covenant by the Council to issue a planning permission in a form attached to the Agreement. That is not appropriate – the Council cannot lawfully give such a covenant. However, it is acceptable to the Council to include a provision whereby the Agreement (except the clause relating to the Council's costs of reviewing, negotiating and completing the Agreement) will only take effect upon the Council issuing a planning permission in a form attached.

Note 6 Depending upon the particular planning obligations to be created it may be necessary to add further definitions. For example, there may be more than two indices for calculating the contributions to be paid.

1.2 Interpretation

- 1.2.1 Save where this Deed specifies otherwise or where the context so requires the singular includes the plural and vice versa and references in this Deed to any party shall include the successors in title to that party's interest in the Site or part thereof.
- 1.2.2 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies corporations and firms and all such words shall be construed interchangeably in that manner.
- 1.2.3 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 1.2.4 Where in this Deed reference is made to any clause paragraph schedule plan or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph schedule plan or recital in this Deed or (in the case of a plan) attached to this Deed.
- 1.2.5 The titles and headings appearing in this Deed are for ease of reference only and shall not affect construction of this Deed.
- 1.2.6 Where in this Deed any party covenants not to act, such covenant shall include an obligation not to permit or suffer such an act by another person.
- 1.2.7 All references in this Deed to statutes, statutory instruments, regulations and other legislation shall include their successor, amended or replacement provision.
- 1.2.8 For the purposes of clause 6.6 and the Second Schedule to this Agreement, the Development shall be deemed to be commenced on the earliest date on which any material operation (as defined in Section 56(4) of the Act) comprised in the Development is begun to be carried out and the words "commenced" and "commencement" shall in such clause and Schedule be construed accordingly.

- 1.2.9 For the purposes of the First Schedule to this Agreement, the Development shall be deemed to be commenced on the earliest date on which any material operation (as defined in Section 56(4) of the Act) comprised in the Development is begun to be carried out other than operations consisting of site clearance, demolition work, archaeological investigation, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisement.
- 1.2.10 All references in this Deed to a particular title of officer or post at the Council shall include successor or replacement officers or posts.

2 LEGAL BASIS

- 2.1 This Deed is made pursuant to Section 106 of the Act.
- 2.2 Clauses 4.1 and 10 and each and every covenant set out in the First and Second Schedules are planning obligations for the purposes of Section 106 of the Act and shall be enforceable by the Council.
- 2.3 The Council enters into this Deed in its capacity as local planning authority only.

3 CONDITIONALITY

- 3.1 With the exception of clauses [CLAUSE NUMBERS RE PAYMENT OF COSTS, JURISDICTION AND DELIVERY CLAUSES AND ANY OTHER RELEVANT PROVISIONS] which shall come into effect immediately upon completion of this Deed this Deed is conditional upon the grant of the Planning Permission. [See Note 7]

4 THE OWNER'S COVENANTS

- 4.1 The Owner covenants with the Council as set out in the First and Second Schedules to this Agreement.

Note 7 Developers frequently seek to insist that the Agreement should not take effect until commencement of the development. In most cases such a provision is misconceived as the operative covenants will only be triggered if the planning permission is implemented. On those infrequent occasions when such a clause is appropriate care must be taken to ensure that covenants are not negated e.g. a covenant not to commence the development until xyz is done will be of no effect if the Agreement only takes effect upon commencement

5 THE COUNCIL'S COVENANTS

- 5.1 The Council covenants with the Owner as set out in the Third Schedule to this Agreement.

6 MISCELLANEOUS

- 6.1 The Owner shall pay to the Council on completion of this Deed (EITHER) the sum of Six Hundred Pounds (£600) towards the costs of the Council incurred in the review, negotiation and preparation of this Deed and subsequent monitoring and ensuring compliance with obligations on the part of the Owner comprised in this Deed.

[See Note 8]

(OR)

6.1.1 the reasonable costs of the Council incurred in the review, negotiation and preparation of this Deed in the sum of [INSERT AMOUNT (£)] and

6.1.2 a monitoring fee of Six Hundred Pounds (£600) in connection with the Council's expenses incurred in subsequent monitoring and ensuring compliance with obligations on the part of the Owner comprised in the Deed.

- 6.2 No provisions of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

- 6.3 This Deed shall be registrable as a local land charge by the Council.

- 6.4 Following the performance and satisfaction of all the obligations contained in this Deed the Council shall upon request from the Owner effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.

- 6.5 Insofar as any clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity legality or enforceability of the remaining provisions of this Deed.

Note 8 This first alternative is a minimum sum that will apply only in straightforward forms of Agreement which follow this Model Agreement in all respects. If the Agreement or Title is complicated or the terms of this Model Agreement altered e.g. contributions by instalment, the costs incurred by the Council will be greater and the second alternative will apply.

6.6 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the Planning Permission shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified by any statutory procedure or expires prior to commencement of the Development.

6.7 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after they shall have parted with their entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.

7 MORTGAGEES CONSENT

7.1 The Mortgagee acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Site shall be bound by the obligations contained in this Deed and that the security of the mortgage over the Site shall take effect subject to this Deed **PROVIDED THAT** the Mortgagee shall otherwise have no liability under this Deed unless it takes possession of the Site in which case it too will be bound by the obligations as if it were a person deriving title from the Owner. [See Note 9].

8 WAIVER

8.1 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

9 FETTER OF DISCRETION

9.1 Nothing in the Deed shall prejudice the exercise of any statutory power duty or discretion by the Council.

10 INDEXATION

10.1 In addition to any sum stated as being payable in this Deed a further sum ("the Additional Sum") shall be paid and any obligation in this Deed to pay a sum shall be construed as an obligation to pay the Additional Sum as well.

Note 9 This clause should be deleted if there is no mortgage. If there are further parties to the Agreement the clause will require amendment such that those parties acknowledge that their interests in the Site will be subject to the Planning Obligations.

10.2 The Additional Sum shall be calculated by multiplying the relevant sum by the percentage by which the relevant index has increased from the date of this Deed to the date that payment of the relevant sum is made under the terms of this Deed in each case.

10.3 For the purposes of this clause 10 and unless otherwise stated in this Deed the relevant index shall be the First Index [See Note 10].

11 APPLICATION OF CONTRIBUTIONS

11.1 The Council may either spend a contribution or sum it has received under this Deed itself for the purposes for which it was paid or pass it to a third party to spend on its behalf provided that such contribution or sum may only be applied by the third party for the purpose for which it was paid to the Council and the Council shall procure that the third party complies with the relevant terms of this Deed in relation to such sum or contribution.

12 NOTICES

Unless otherwise agreed in writing:-

12.1 Notices shall be in writing and delivered by hand or first class post to the Owner at such address and for the attention of such person as may be specified from time to time or in the absence of a specified address to (in the case of a company) its registered address marked for the attention of the Company Secretary or (in the case of an individual) to their usual or last known address and to the Council at Time Square, Bracknell, Berkshire RG12 1JD addressed to the Director of Environment and Leisure.

12.2 Notices and Approvals served by the Council are deemed to be valid if signed by the Director of Environment and Leisure or his authorised officer or by the Borough Solicitor.

12.3 Notices and representations served by the Owner are deemed to be valid if signed by the relevant person referred to in clause 12.1.

Note 10 This clause will require modification if contributions are to be linked to indices other than the All Items Retail Price Index.

13 VAT

- 13.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

14 JURISDICTION

- 14.1 This Deed is governed by and interpreted in accordance with the law of England and Wales.

15 DELIVERY

- 15.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS WHEREOF the Parties have executed this Agreement as a
Deed the day and year before written.

THE COMMON SEAL of
BRACKNELL FOREST BOROUGH COUNCIL
was hereunto affixed in the presence of:-

.....
MAYOR

.....
SECRETARY

THE COMMON SEAL of
[NAME OF OWNER IF A COMPANY]
was hereunto affixed in the presence of:

.....
DIRECTOR

.....
SECRETARY

FIRST SCHEDULE

The Owner's Covenants with the Council

Impact Mitigation Contributions [See Note 11]

Transport facilities

1. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] [See Note 12] and the Additional Sum towards the cost of transport modelling, local highway improvement works, and integrated transport measures, schemes or programmes, (which may include improved public transport facilities and services) within 3 kilometres of the Site.

Open space and recreational facilities

2. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of providing, expanding or improving open space, and/or outdoor recreational facilities (which may include the acquisition and/or improvement of land and/or buildings and/or carrying out or assisting in the carrying out of nature/landscaping conservation projects) within 3 kilometres of the Site.

Built Sports facilities

3. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of providing, expanding or improving built sports facilities capable of serving the Development.

Primary and nursery educational facilities

4. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of providing, expanding or improving nursery and/or primary educational facilities (which may include the acquisition and/or improvement of land and/or buildings) within 3 kilometres of the Site.

Note 11 The First Schedule impact mitigation paragraphs should be deleted, added to or modified as appropriate to reflect the circumstances of the proposed development and the planning obligations to be created.

Note 12 To determine this impact mitigation contribution see the Borough Council's Supplementary Planning Document "Limiting the Impact of Development" Table 2.2 and apply the following:
1 bed and 2 bed dwellings (including flats) - 5 trips/weekday; 3 bed dwellings (including flats) - 7 trips/weekday; 4 or more bed dwellings - 9 trips/weekday; Retail (use class A1) - 25.88 trips/100m2/weekday; Business (use class B1) - 13.05 trips/100m2/weekday and Storage & Distribution (use class B8) development - 5.2 trips/100m2/weekday.

Secondary educational facilities

5. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of providing, expanding or improving local secondary educational facilities (which may include the acquisition and/or improvement of land and/or buildings)

Library facilities

6. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of providing, expanding or improving library (or mobile library) facilities (which may include the acquisition and/or improvement of land and/or buildings) within 3 kilometres of the Site.

Community facilities

7. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of providing, expanding or improving community facilities (which may include the acquisition and/or improvement of land and/or buildings) within 3 kilometres of the Site.

Youth facilities

8. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of providing, expanding or improving youth facilities (which may include the acquisition and/or improvement of land and/or buildings) within 3 kilometres of the Site.

Public Rights of Way

9. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards the cost of improving rights of way within 3 kilometres of the Site.

Public art, public realm and environmental enhancement

10. Not to commence the Development without first paying to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION] and the Additional Sum towards cost of providing public art or public realm and environmental enhancement works (which may include heritage projects/enhancements) in the vicinity of the Site.

SECOND SCHEDULE

The Owner's Covenants with the Council

Thames Basin Heaths Special Protection Area Avoidance and Mitigation

Notification of Commencement of Development

1. To serve written notice of intended commencement of the Development upon the Council's Head of Planning and Building Control not less than fourteen (14) days before the intended commencement of the Development that the Development is to be commenced.
2. Not to commence the Development unless at least 14 days has expired from the date upon which a written notice referred to in paragraph 1 has been served upon the Council's Head of Planning and Building Control.

Special Protection Area Avoidance and Mitigation Contribution

3. No later than fourteen (14) days after service of the notice referred to in paragraph 1 or on the actual date of commencement of the Development whichever is the earlier, to pay to the Council the sum of [INSERT AMOUNT OF CONTRIBUTION [See Note 13]] and the Additional Sum towards the cost of works and measures identified in the Avoidance and Mitigation Strategy.
4. Not to commence the Development without having paid to the Council the sum referred to in paragraph 3 and the Additional Sum.

Occupation Restrictions

5. Unless otherwise agreed in writing by the Council not to Occupy the Development or any part thereof until the Council has spent and fully applied sum referred to in paragraph 2 of the Third Schedule for the purposes set out.

Dog Keeping Restrictions [See Note 14]

6. No dog shall be kept within any of the Dwellings.

Note 13 For contribution amount see Council's Supplementary Planning Document "Limiting the Impact of Development". Currently (Summer 2007), £1536.00 per net additional dwelling (where there is no provision for in-kind works or measures to avoid and mitigate the effect of the Development upon the integrity of the Thames Basin Heaths Special Protection Area).

Note 14 Delete or modify as appropriate to the circumstances of the Development having regard to: the means available to secure compliance; the June 2007 Avoidance and Mitigation Strategy prepared by the Borough Council (see pages 68-69); and the Borough Council's adopted Supplementary Planning Document 'Limiting the Impact of Development' of July 2007

7. To ensure that all transfers or leases of the Dwellings constructed pursuant to the Planning Permission shall contain a covenant that any resident shall not keep any dog within that dwelling and to use best endeavours to enforce and secure compliance with that covenant.
8. On the first anniversary of first occupation of any of the Dwellings and on each and every anniversary for the following four (4) years thereafter:
 - 8.1 to procure the carrying out of a survey to establish whether any dogs are kept within any of the Dwellings; and if so, how many dogs and within which of the Dwellings.
 - 8.2 to submit the survey referred to in paragraph 8.1 to the Council within twenty-eight (28) days of each relevant anniversary.
9. In the event of a failure (of the Owner) to submit a survey to the Council in accordance with paragraph 8 the Council may:
 - 9.1 commission its own survey ; and
 - 9.2 serve a notice upon the Owner specifying the amount of the Council's reasonable costs incurred in commissioning the survey.
10. On receipt of a notice served under paragraph 9 to promptly reimburse the Council's costs as specified in that notice.

THIRD SCHEDULE

Council's Covenants

Application of Contributions

Repayment of First Schedule Contributions

1. Any sum referred to in First Schedule which has been paid to the Council shall be reimbursed by the Council to the payor with interest accrued thereon to the extent that it has not been applied for the purpose for which it was paid within seven (7) years of payment being received.

Application of Second Schedule Contribution

2. To apply seventy-four percent (74%) of all sums received pursuant to Second Schedule (other than paragraph 10 of the Second Schedule) towards the implementation of the Avoidance and Mitigation Strategy or any elements thereof.
3. To make use of the sum referred to in paragraph 2 above for the said purposes and use all reasonable endeavours to apply the said sum within nine (9) months of receipt unless otherwise varied in consultation with Natural England.
4. Upon a request in writing to the Head of Planning and Building Control from the Owner seeking information about the application of the sum referred to in paragraph 2 and any purpose for which it has been applied, to provide the said information within fourteen (14) days subject to the Council's reasonable costs in supplying such information being met by the Owner.
5. To apply in its absolute discretion twenty-six percent (26%) of all sums received pursuant to the Second Schedule towards measures facilitating the implementation monitoring compliance review and updating the Avoidance and Mitigation Strategy. For the avoidance of doubt such sum or any part thereof shall not be reimbursed to the payor or to any other party.

Appendix C:

THAMES BASIN HEATHS SPA - AVOIDANCE AND MITIGATION COSTS

- C.1 The following information summarises potential expenditure relating to delivery of part of the Bracknell Forest Borough Council Thames Basin Heath Special Protection Area Avoidance and Mitigation Strategy.
- C.2 The measures identified are those which will require a lead management role to be adopted by the Parks and Countryside Service (part of Culture and Visual Environment, within the Environment and Leisure Directorate). The focus is on land management initiatives outside of the designated SPA but also includes other measures.
- C.3 It should be noted that mitigation proposals require the provision and management of public open space at a level above and beyond that which is sought in section 4 of this document. The target public open space provision for Bracknell Forest is 4.3 hectares per 1000 of population (including 2.3 hectares passive space).
- C.4 Englemere Pond, Edgbarrow Hill and Shepherds Meadows all include SSSI sites and it is a statutory requirement that the SSSIs are maintained in a favourable condition by the landowners. Therefore, the financial contribution towards enhancing these sites to provide an alternative to the SPA is in addition to the finances required to mitigate or compensate for any impact on the interest features for which the SSSI is designated.
- C.5 Relevant action can be broken down into three main activities:-
1. Enhancement of alternative areas of open space, as identified within the SPA Avoidance and Mitigation Strategy (off-site);
 2. Sustainable management of enhanced sites (off-site);
 3. Access management improvements within and/or directly relating to the Special Protection Area (on-site).
- C.6 Successful delivery of these actions (particularly relating to point 3 above) will require a Partnership and/or Agency approach to be adopted. Key organisations include the Crown Estate as the major landowner within the SPA. Also of importance are the Forestry Commission, Wildlife Trust, Town and Parish Councils and National Trust.
- C.7 This may necessitate some 'delegating' of funds. Links are identified in Table C1 below.

Enhancement of Alternative Sites

Table C1 Works and costs identified by open space (as estimated at 2006/7)

Sites	Size (ha)	Actions	Cost (£)
1. <u>'The Cut' Cluster</u> including:	(20.94)	Habitat Management:	115,000
a. Jocks Copse/Tinkers Copse	3.63	Access Management:	150,000
The Cut		Interpretation:	15,000
		Furniture:	5,000
b. Garth Meadows	7.1		
c. Larks Hill	7.44		
d. Piggy Wood	2.77		
(Link with Bracknell Town Council)		Total	285,000
2. <u>Shepherd Meadows</u>	33.72	Habitat Management:	35,000
(Link with Sandhurst Town Council)		Access Management:	50,000
		Interpretation:	10,000
		Furniture:	5,000
		Total	100,000
3. <u>Englemere Pond</u>	27.59	Habitat Management:	100,000
(Link with The Crown Estate)		Access Management:	85,000
		Interpretation:	15,000
		Furniture:	10,000
		Total	210,000
4. <u>Horseshoe Lake</u>	19.38	Habitat Management:	15,000
(Link with Blackwater Valley Countryside Partnership)		Access Management:	115,000
		Interpretation:	20,000
		Furniture:	10,000
		Total	160,000
5. <u>'Lily Hill Park' Cluster</u> including:	(37.14)	Habitat Management:	35,000
a. Longhill Park/Milman Close/Beswick Gardens Copse	10.46	Access Management:	75,000
		Interpretation:	15,000
		Furniture:	10,000
b. Lily Hill Park	22.74		
c. Clintons Hill	3.94	Total	135,000

6. <u>Silver Jubilee Field/Wicks Green, Binfield</u>	3.6	Habitat Management: 5,000 Access Management: 50,000 Interpretation: 10,000 Furniture: 5,000 Total 70,000
7. <u>Ambarrow Court/Ambarrow Hill</u> (Link with the National Trust)	13.67	Habitat Management: 50,000 Access Management: 75,000 Interpretation: 25,000 Furniture: 15,000 Total 165,000
8. <u>South Hill Park</u>	19.53	Habitat Management: 75,000 Access Management: 150,000 Interpretation: 15,000 Furniture: 10,000 Total 250,000
Sum Total (8 locations)	176 ha	£1,375,000

Sustainable Management of Enhanced Sites

- C.8 There are costs associated with the management of green space (managed by the Borough Council) which vary significantly across the Borough.
- C.9 In general terms, expenditure will be highest where there is the greatest provision of formal facilities such as sports pitches, play equipment, surfaced paths and parking. However, a pre-requisite of potential mitigation land is that it is semi-natural and encompasses some of the special qualities of the SPA.
- C.10 It should be noted that there is an existing 'base level' of management of the proposed mitigation sites, which is not being funded through these contributions. However, successful delivery (particularly effective re-distribution of visitors) will require an increase to the existing management levels for the specific sites.
- C.11 Accordingly, the costs identified below relate specifically to the sustainable management of the proposed enhancement to be implemented as a result of SPA mitigation measures.

Increase in staffing requirements	Based on 2 new rangers, including £568 per hectare support costs	£100,000 per annum for 20 years
		Total £2,000,000
Additional maintenance requirements	£300 per hectare	£52,800 per annum for 20 years
		Total £1,056,000

Management improvements within and/or directly relating to the SPA

- C.12 Of particular significance are access management measures, educational activities and on-site presence/wardening. Educational elements could be co-ordinated through the Biodiversity Officer within Parks and Countryside if the role were extended from a part time post to a full-time role.
- C.13 On-site management support could be provided through the (enhanced) Parks and Countryside Warden team, working alongside organisations such as the Crown Estate and Wildlife Trust.

Cost relating to Biodiversity Officer	Based on 0.5 increase to existing post including support costs	£25,000 per annum for 20 years
		Total £500,000

An (initial) allocation for interpretative/educational material	£50,000
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- C.14 Bracknell Forest Borough Council owned/managed sites (Wildmoor and Caesar's Camp) will require funding to implement improved access management measures. Access management measures will need to be costed alongside proposals being prepared by Natural England. These access management measures will also include agreements with other SPA landowners in the Borough, including the Wildlife Trust and Crown Estate.

Access management measures within the Borough	£1,000,000
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Summary of Costs (based on 2006/07 costs)

- C.15 These figures are likely to increase over time when inflation is factored in.

Table C2 Summary of SPA avoidance and mitigation costs

SPA Avoidance and Mitigation Works and Measures	Cost	Totals (rounded)
Enhancement Works to Alternative Sites (totalling 176ha)	£7,812 per hectare	£ 1,375,000
Annual Maintenance (over and above existing revenue budgets over a 20 year period)	See above - £52,800 additional maintenance and increase in staffing requirements of £100,000 over 20 years. <i>NB. If calculating contributions towards total management costs for public open space (i.e. baseline plus enhancement), annual maintenance should be calculated at up to £2,000 per hectare per annum.</i>	£ 3,056,000
Access Management To reflect and be in line with/ subject to, Natural England access management proposals.	Estimates include £25,000 staffing cost over 20 years, £50,000 for educational resources/material, £1,000,000 for access management measures.	£ 1,550,000
All the above measures:		£ 5,981,000
Addition of 35% facilitating sum		£ 8,074,000

Total Housing Requiring Mitigation:

C.16 **5,258** dwellings (8,183 less 2,925 dwellings within sites allocated for comprehensive development and providing bespoke solutions).

Contribution £8,074,000 divided by 5,258 dwellings = (rounded) £1,536/dwelling
