

WARFIELD NEIGHBOURHOOD PLAN

Warfield Parish Council's response to the Examiners further procedural letter dated 1st June 2021 (E21) is set out below.

WNP Response

Plan Period

The Parish Council thank the Examiner for inviting them to consider other appropriate amendments to the text of the Plan in the light of the proposal to amend the Plan Period to 2037 and other consequential amendments.

In response to the Examiners initial question 10 in letter reference E16, the Parish Council set out its position regarding the amendment of the Plan Period to 2037 in response E20b, which largely entails returning the Submission Plan to the position set out in the Regulation 14 version.

The Parish Council outlines below a number of non-material modifications to the general text which it considers will be required to reflect the change to the Plan Period:

- a) Amend Plan Period dates on front cover, contents page and all consequential references to the Plan Period
- b) Update the Foreword,
- c) Update Section 1 'Introduction' paragraph 1.3,
- d) Update Section 3 'Planning Policy Context' to reflect the title of the emerging Local Plan and paragraphs 3.7 and 3.9 to 3.13 to reflect the modified Plan Period and housing number as per the position at the time of the modification, including the housing requirement for the designated neighbourhood area as per either NPPF paragraph 65 or 66 (whichever is appropriate at that time) to ensure the WNP benefits from the protection afforded by NPPF (2019) paragraph 14 should this be necessary, which reflects the Written Ministerial Statement HCWS346 dated 12 December 2016¹.
- e) Update Section 5 paragraph 5.3 in respect of 'monitoring and review'.

As the WNP has been some time in preparation given the complex circumstances in Warfield, the Parish Council acknowledges the Examiner may recommend further modifications along with consequential changes to the general text. It suggests however that all modifications are undertaken in one exercise to ensure consistency of application throughout the Plan including alignment with the latest version of the emerging Local Plan strategy.

¹ Statement made by Housing Minister Gavin Barwell HCWS346 [Link](#)

Other consequential amendments (already notified)

The following summarises other consequential amendments which the Parish Council wish the Examiner to consider. These have already been notified but are included here for completeness:

- f) Amendments to paragraphs 1.9 to 1.12 as set out in response E20d to bring these paragraphs up to date with the conclusions of the WNP Habitats Regulations Assessment dated February 2021.
- 1.9 WPC requested a screening opinion from BFC in respect of the need to prepare a Strategic Environment Assessment (SEA). The SEA Screening Report (October 2016) concluded that the contents of the Plan were likely to lead to significant environmental effects and hence a SEA would be required. ~~1.12~~. The Sustainability Appraisal (SA) / SEA Scoping Report has been consulted upon and a draft SA/SEA report was published alongside the Pre-Submission Plan for consultation. A final SA/SEA is published alongside this Submission Plan for examination in order to assess how the plan “contributes to the achievement of sustainable development”, one of the ‘basic conditions’ of the 1990 Act and therefore a requirement of the WNP.
- 1.10. The Habitat Regulations Assessment Screening Report originally prepared by BFC in October 2016 concluded that significant effects are unlikely to occur to the integrity of the European designated sites within and around Bracknell Forest area due to the implementation of the WNP. ~~As such there is no requirement for an Appropriate Assessment of the WNP.~~
- 1.11. The screening decision was reliant on then common practice ~~in terms of mitigating the plans effects on European Designated sites the Thames Basin Heath Special Protection Area any net gain in residential development that takes place within the Neighbourhood Area will be required to~~ by complying with the retained Policy NRM6 of the South-East Plan and policy CS14 of the Core Strategy and related guidance. ~~The wording in the relevant policies of the WNP reflects these higher tier policies.~~ However, in April 2018 the ‘People Over Wind’ European Court of Justice (ECJ) ruling determined that ‘mitigation’ (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on ‘Likely Significant Effects’. Mitigation should instead only be considered at the Appropriate Assessment stage.
- 1.12 As a result, the Parish Council was required to demonstrate how it meets its obligations under the Conservation of Habitats and Species Regulations 2017 (as amended). The scope of work was agreed with BFC and a technical report was prepared by consultants AECOM on behalf of the Parish Council and submitted to the examination in Feb 2021. The Report confirmed there are no adverse effects of the Neighbourhood Plan policies in relation to the

Thames Basin Heath SPA, the Thursley, Ash, Pirbright and Chobham SAC and the Windsor Forest and Great Park SAC. BFC will use the relevant information from the Report so that it may carry out its Appropriate Assessment obligations as the ‘competent authority’ as required by paragraph 106(1) of the Regulations.

- g) Modification to WNP2 Hayley Green Allocation clause (vi) as outlined in the Parish Council’s response to Q9 in response E20b to reflect the community’s enhanced role in planmaking as set out in paragraph 17 of the National Design Guide and given materiality through the Written Ministerial Statement (HLWS1803):

WNP2 Hayley Green Allocation...

(vi) A single comprehensive masterplan and design code is prepared informed by the concept layout illustrated in Inset Map 2 and design development principles in paragraph 5.20 of this Plan. The masterplan and design code will be submitted for approval by Warfield Parish Council and Bracknell Forest Council prior to any planning applications being submitted for the site.

- h) Insert the following new clause (xvii) into WNP2 Hayley Green Allocation to reflect the recommendations of the WNP Habitat Regulation Report dated February 2021 and as set out in the Parish Council’s letter to Examiner E12 dated 18th February 2021:

WNP2 Hayley Green Allocation...

(xvii) Measures to avoid and mitigate the impact of residential development upon Habitats Sites, in line with Policy WNP6 and the Thames Basin Heaths SPA SPD or any successor adopted mitigation strategy, in agreement with the Council and Natural England as part of the planning application.

- i) Modification to the 2nd paragraph of WNP12 to reflect the ‘ecological emergency’ and the need to deliver a “net gain’ in biodiversity in line with NPPF (2019) paragraph 170(d) as set out in note E20b:

***Policy WNP12: Protecting and Enhancing Heritage and Biodiversity...
Developments must deliver no net loss to heritage or biodiversity value and
wherever possible deliver a biodiversity net gain...***

- j) Inclusion of an explanatory note into Appendix H of the Plan to reflect the change to the Use Class Order since the Plan was submitted as set out in note E20c

Appendix H: Explanatory Note: Use Class Order

Applying the Use Class Order to the Neighbourhood Plan

This note explains how policies in the Neighbourhood Plan that refer to specific use classes should be applied in light of changes to the Use Class Order. The plan was prepared prior to The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 coming into force. The Plan therefore refers to the use classes applicable at the time. In applying the policies in the Plan, the use classes mentioned should be applied as follows.

Where the Plan refers to the specific use classes in Column A of the table, or a combination of these uses, the relevant policies should be applied as if they refer to the corresponding use class in Column B.

Where the Plan refers generally to the 'A' Use Class, the relevant policies should be applied as if this were a reference to Use Classes E(a), E(b), E(c), use as a public house, wine bar, or drinking establishment (sui generis), and use as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises (sui generis).

Where the Plan refers generally to the B Use Class, the relevant policies should be applied as if this were a reference to Use Classes E(g), B2 and B8.

Where the Plan refers to a specific use within the D1 or D2 Use Classes, the relevant policies should be applied as if this were a reference to the relevant specific use within Use Classes E, F.1 or F.2 or the relevant sui generis use.

Any other use classes mentioned in the Plan are not affected by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Column A	Column B
E(a)	E(a)
A2	A2 E(c)
A3	A3 E(b)
A4	A4 Use as a public house, wine bar, or drinking establishment (sui generis)
A5	Use as a hot food takeaway for the sale of hot food where consumption of that food is mostly undertaken off the premises (sui generis)
B1(a)	E (g) (i)
B1(b)	E (g) (ii)
B1 (c)	E (g) (iii)

- k) The Parish Council would also wish to direct the Examiner to the other suggested very minor modifications to policies and supporting text described in Appendix 1 of its examination letter E9 dated February 2020.