SUMMARY
The application proposes the change of use of 12 hectares of agricultural land on the western side of Basingstoke Road to a Suitable Alternative Natural Greenspace (SANG) which is an area of public open space for informal recreation falling into Use Class D2 (Assembly & Leisure). The SANG will be delivered in two phases of six hectares as the need arises.

PLANNING STATUS
- Countryside
- Allocated SANG (SAL05)
- Basingstoke Road is a Green Route
- Shinfield Byway 25 lies to the west of the site
- Great Crested Newt Consultation Zone
- Ground Water Zone
- Sand & Gravel Extraction
- Nuclear Consultation Zone
- Mineral Site Consultation Area
- Area of Archaeological Potential
- Thames Basin Heath SPA 5 Km Zone

RECOMMENDATION
That the committee authorise the GRANT OF PLANNING PERMISSION subject to the following conditions and informatives and completion of S106 Agreement:

1. The Development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In pursuance of s91 of the Town & Country Planning Act 1990 (as
amended by S51 of the Planning & Compensation Act 2004)

2. This permission is in respect of the following drawing numbers and documents 
043023/1, 11828/CF/1, 1828/CF/2, 3716.003 rev M, 1764/SANG2 rev E received on the 11th July 2016 and drawings 5867/ASPD3.1/ SANG/HWD rev B, 5867 ASP01 rev B, 5867 ASP02 rev B, 15369-BT4 and Flood Risk Assessment (dated September 2011) received on 27th September 2016. The development shall be carried out in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason: for the avoidance of doubt and to ensure the development is carried out in accordance with the application form and the associated details hereby approved.

3. The SANG hereby approved shall not be brought into use until the vehicle access has been formed and provided with visibility splays in accordance with drawing number 3716.003 rev M have been provided on Basingstoke Road in accordance with final scheme drawings to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety
Relevant Policy: Core Strategy Policy CP6

4. The use of the site as Suitable Alternative Natural Greenspace shall not commence until the access has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience
Relevant Policy: Core Strategy Policy CP6

5. The use of the site as Suitable Alternative Natural Greenspace shall not commence until the vehicular access has been surfaced with a permeable and bonded material across the entire width of the access for a distance of 10 metres measured from the carriageway edge.

Reason: To avoid spillage of loose material onto the highway, in the interests of road safety.
Relevant policy: Core Strategy policy CP6.

6. The use hereby permitted shall not commence until the vehicle parking and turning space has been provided in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority. The vehicle parking shall not be used for any other purpose other than parking in connection with the SANG and the turning space shall not be used for any purpose other than turning.

Reason: To ensure a satisfactory form of development and to avoid any adverse impact on the public highway in the interests of highway safety and convenience. Relevant Policies: Core Strategy policy CP6 and MDD Local Plan policy CC02

7. The use hereby permitted shall not commence until secure parking for bicycles have been provided in accordance with the approved details and drawings.
8. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2016 or any order revoking or re-enacting that order, no gates shall be erected across the road or car park accept in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience and visual amenity
Relevant Policies: Core Strategy policies CP1, CP3 and CP6

9. The use of phase 1 of the SANG shall not commence until a footpath link has been provided between the footpath network within Phase 1 and Shinfield Byway 25, Woodcock Lane in accordance with details which have first been written and approved in writing by the Local Planning Authority. The link shall be retained for as long as the approved development remains on the site.

Reason: In the interests of an integrated public rights of way network.
Relevant Policies: Core Strategy policies CP6 and CP11

10. The use of the site as SANG shall not commence until details of a passing place located on the access road that will enable a tractor and a car to pass safely have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and convenience
Relevant Policies: Core Strategy policies CP1, CP3 and CP6

11. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.

Reason: To secure the protection throughout the time that development is being carried out, of trees, shrubs and hedges growing within the site which are of amenity value to the area.
Relevant policies: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21

12. a) No development or other operations shall take place except in complete accordance with the details contained in the Arboricultural Method Statement dated 17th February 2016 – 15369-AMS-CA (the approved scheme)
No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery until the tree protection
works required by the Approved Scheme are in place on site.
c) No excavations for services, storage of materials or machinery, parking of
vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of
liquids shall take place within an area designated as being fenced off or
otherwise protected in the Approved Scheme.
d) The fencing or other works which are part of the Approved Scheme shall not be
moved or removed, temporarily or otherwise, until all works including external
works have been completed and all equipment, machinery and surplus materials
removed from the site, unless the prior approval in writing of the local planning
authority has first been sought and obtained.

Reason: To secure the protection throughout the time that the development is
being carried out of trees shrubs or hedges growing within or adjacent to the site
which are of amenity value to the area, and to ensure that the necessary
measures are in place before development and other works commence.

Relevant policies: Core Strategy policy CP3 and Managing Development
Delivery Local Plan policies CC03 and TB21

13. No development or other operations shall take place except in complete
accordance with the details contained in the Landscape and Habitat
Management Plan (Aspect Ecology) reference ECO1083.LHMP2016.vf dated
August 2016.

Reason: To ensure that the approved landscaping and habitats are satisfactorily
maintained.

Relevant Policies: Core Strategy policies CP1, CP3 and CP7 and MDD Local
Plan policies CC03 and TB23.

Informatives

1. The applicant’s attention is drawn to the fact that this permission does not
authorise the physical construction of the proposed off site highway works and
site access connections to the public highway. A separate legal agreement made
with the Council under S278 of the Highways Act 1980 is requires. No work
within or affecting the public highway shall commence until the agreement has
been completed and the Council, as Local Highway Authority, has approved all
construction and installation details together with a programme of works.

2. The Head of Highways at the Council Offices, Shute End, Wokingham [0118
9746000] should be contacted for the approval of the access construction details
before any work is carried out within the highway (including verges and
footways). This planning permission does NOT authorise the construction of
such an access or works.

3. Any works/ events carried out by or on behalf of the developer affecting either a
public highway or a prospectively maintainable highway (as defined under s.87
New Roads and Street Works Act 1991 (NRSWA)), shall be co-ordinated and
licensed as required under NRSWA and the Traffic Management Act 2004 in
order to minimise disruption to both pedestrian and vehicular users of the
highway.

4. Any such works or events, and particularly those involving the connection of any
utility to the site must be co-ordinated by the developer in liaison with the Borough’s Street Works team (0118 974 6302). This must take place AT LEAST three months in advance of the intended works to ensure effective co-ordination with other works so as to minimise disruption.

5. Approval of this application for the use of land as SANG does not necessarily mean that it will be acceptable for specific schemes to rely on the facility for the avoidance and mitigation of SPA impacts. For instance the Council’s spatial strategy requires that SANG to mitigate the impact of residential development with the Strategic Development Locations is provided within them as part of a comprehensive scheme and associated infrastructure.

6. Adequate precautions shall be taken during the construction period to prevent the deposit of mud and similar debris on adjacent highways. For further information contact the Highway Authority on tel.: 0118 9746000.

7. The applicant is advised that Berkshire Archaeology must be notified when the approved Written Scheme of Investigation has been fully implemented.

8. The applicant is advised that Approval in Principle will be required in connection with the proposed Culvert shown on the landscaping scheme. Full engineering details must be provided to the Council’s structures team prior to the construction of the culvert.

**PLANNING HISTORY**

F/2011/2106 – Change of use from agricultural land to provide Suitable Alternative Natural Greenspace (SANG) and associated access, car park, footpaths and landscape works – Approved 31/10/2013


Adjacent to site (Land at Stanbury House, Basingstoke Road):

O/2014/2101 –Outline application for the development of up to 57 new dwellings to include new access from Basingstoke Road and provision of suitable Alternative Natural Greenspace (SANG) to be considered. – Appeal against non-determination Allowed 20/7/2016. Permission to challenge this appeal decision is currently pending

**SUMMARY INFORMATION**

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<td>Site Area</td>
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<td>Existing parking spaces</td>
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CONSULTATION RESPONSES

Internal
WBC Highways – No objection subject to conditions
WBC Trees & Landscape – No objection subject to conditions
WBC Drainage – No objection subject to conditions
WBC Biodiversity – No objection subject to conditions

External
Berkshire Archaeology – No objection
Natural England – No objection
Loddon Ramblers – No objection

REPRESENTATIONS

No neighbour representations received
Ward Members – No comments received
Parish Council – No comments

APPLICANTS POINTS

The requirement to provide SANG is a major constraint to development, particularly on smaller sites. The first phase of development would assist with delivery of planned and un-planned housing growth within an area up to a 2km radius of the site and the second phase of the SANG could mitigate development within a 4km radius.

The proposal is supported by the NPPF and would enhance the sustainability of Spencers Wood by providing a centrally located open space, accessible to a large proportion of the population on foot.

The proposal retains woodland copses and historic field boundaries with only short breaks to allow a network of footpaths. The use as a SANG would secure the landscape character in perpetuity.

Access and car parking would be screened by trees and other landscaping but would not infringe any root protection areas. The access road would be a shared surface to minimise any urbanising impact.

The site would operate in a similar way to the Council’s SANG at Rooks Nest.

PLANNING POLICY

Core Strategy Policies CP1 Sustainable Development, CP3 General Principles for Development, CP4 Infrastructure Requirements, CP6 Managing Travel Demand, CP7 Biodiversity, CP8 Thames Basin Heath SPA, CP9 Scale & Location of Development and CP11 Proposals Outside Development Limits


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PLANNING ISSUES

Principle of Development

1. The principle of development for a SANG has been previously established by the approval of F/2011/2106 (described in the planning history section of this report) which proposed an identical scheme to the current planning application.

2. The earlier application was found to be acceptable in principle on the basis that the proposed use of the land, for informal recreation, would contribute to recreation in and enjoyment of the countryside which falls in accordance with Core Strategy policy CP11 which sets out the limited circumstances whereby development in the countryside might be acceptable. The development proposals are also supported by the NPPF which, in its core principles recognises that open land can perform many functions including recreation and that “access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities” (paragraph 73).

3. Since the approval of the earlier application the site has been designated under MDD Local Plan Policy SAL05 as a site for the “delivery of avoidance measures for the Thames Basin Heath Special Protection Area”. As per this policy, “there is a presumption against the development of this site for uses other than SANG unless the applicant can demonstrate that sufficient alternative avoidance measures for all relevant submitted and/or approved plans and projects within the Borough taking account of Natural England’s advice on SANGs”.

4. Given this designation, the proposed development is therefore acceptable in principle and other material considerations will be addressed below in this report.

Background

5. The Council has recently discharged the pre-commencement conditions of the earlier application (conditions discharge application reference 161293) and so the applicant would be in the position to implement the scheme. The 2011 consent however expires 31 October 2016 and it is understood that the applicant is reluctant to implement the scheme until a buyer has been found for the site. Given that the planning permission will shortly expire the applicant has submitted the current permission to, in effect, keep the permission alive.

6. It should be noted that the Council is currently awaiting permission to challenge the Secretary of State’s (SoS) appeal decision (appeal reference 3097721) in the High Court. The appeal approved an outline application for 57 dwellings on Land Rear of Stanbury House, Basingstoke Road which is located to the east of the SANG application site. In the event that the permission to challenge the SoS’s decision is not granted or the decision is upheld then the appeal scheme will be reliant on the SANG in order for it to come forwards. This is on the basis that the housing scheme is reliant on the SANG to mitigate the impact of 57 new dwellings upon the Thames Basin Heath Special Protection Area. If the appeal decision is the SANG will be delivered in one phases in order to provide
appropriate mitigation for the development.

7. Whilst the appeal development, if upheld, is reliant on the SANG to come forward; this application should be assessed on its own merits and in the context of what it proposes which is the provision of open space for informal recreation and the committee is advised to be mindful of the principle set by the earlier approval of this area for SANG.

The impact upon the character of the area

8. Core Strategy Policies CP1 and CP3, require new development to maintain or enhance the high quality of the environment. Proposals should respect the landscape character of the area, retain and protect existing landscape features such as trees and woodland and providing for appropriate landscaping, which should generally consist of locally native species.

9. The Council’s Landscape Character Assessment identifies the area in which the site is located as J3 - Spencers Wood Settled and Farmed Clay. The landscape is characterised by pasture and arable fields of a variety of sizes including some small irregular fields, indicative of early enclosure, located around settlements. An intact hedgerow network with hedgerow oaks, woodland blocks and copses including some ancient woodland provide a wooded setting. The most sensitive aspects of the landscape are the ancient woodland copses, pasture enclosed within historic field boundaries and the sense of elevation and views provided across the adjacent lowland landscapes.

10. The application site is consistent with this character, comprising three fields, separated from each other and their wider surroundings by boundary hedgerows and blocks of woodland. There are also a few free standing trees within the fields.

11. With the exception of the loss of small areas of vegetation to accommodate the proposed footpaths, all existing woodland, trees and hedgerows would be retained and supplemented with new woodland planting. It has been demonstrated that the access road, car park and footpaths will be constructed without harm to retained vegetation.

12. Two of the existing fields would be sub-divided: the eastern field on the eastern boundary of the proposed SANG, where new hedge and tree planting is proposed creating enclosure and screening views of the settlement, and the western field on the boundary between the two phases of the SANG. This second fence line would lie on a ridgeline where fencing has the potential to be prominent in the landscape but it is proposed to be a post and rail fence, typical of rural areas and to be removed once the second phase of the development comes forward.

13. A crossover junction and shared surface access are proposed, which is appropriate given the low level of traffic anticipated and would have a less intrusive, more rural character than a kerbed junction with a separate carriageway and footpath. Additional planting has been shown on the north side of the car park, to allow the hard landscape elements and parked cars to be integrated with into the wider countryside.
14. Basingstoke Road is a Green Route (MDD Local Plan policy CC03), in recognition of the positive contribution made by the trees and other vegetation that line the road (including trees between North Lodge and South Lodge, which are protected under area TPO21/1970). It will be necessary to cut back overhanging vegetation to achieve the necessary 2.4 by 120 metre visibility splays but not to the extent that it would have a significant impact upon the verdant character of the road.

15. The 120 metre visibility splay to the south would extend almost as far as the Library and School House, a grade II listed building. The visibility splay would be over the existing highway verge and it is proposed to install timber bollards (best suited to the semi-rural character of the area and used elsewhere in the village) to prevent incidental parking on the verge (which takes place currently) obstructing visibility.

16. With the tree protection fencing, boundary treatments and proposed landscaping scheme the impact upon the character of the area would be acceptable.

The impact upon the residential amenity of nearby properties

17. New development should not result in a scale of activity that would be detrimental to the amenities of adjoining landowners (Core Strategy Policy CP3).

18. The nearest dwellings would be to the North of the site at Wellington Court, to the south at Highlands Cottage and fronting Basingstoke Road.

19. The use of the land for informal recreation would not give rise to undue disturbance and the main impact of the development on neighbouring properties would be from vehicles using the access road. This would be south of Stanbury House in broadly the same location as the existing driveway. Thus, Stanbury House itself and to the south of the access, Glenamoy House would be most affected.

20. The access would be reoriented to run parallel to the boundary with Glenamoy House, adjacent to the private rear gardens of both properties but bringing it closer to the garden of Glenamoy House than is currently the case. The northern flank of Glenamoy House is a minimum of two metres from the boundary and there would be a minimum of about four metres separation from the access road. Stanbury House would also be a minimum of four metres from the access road at its closest point.

21. Stanbury House has a generous garden, up to 50 metres in width but the Garden at Glenamoy House is much narrower - approximately 16 metres in width. The neighbouring property is a two-storey house with an L-shaped footprint. The rear wing runs parallel to the boundary with the application site, a minimum of two metres from the boundary, and would shelter the private amenity space immediately to the rear of the dwelling from the access. There are a number of ground-floor windows and one first-floor window (which appears to be a bedroom) in the northern, flank elevation.

22. The Transport Statement indicates that trips would generally be between 07:00
and 21:00 and highest during the late morning and afternoon. The maximum number of hourly trips would be 21 movements (arrival and departures combined) between 15:00-16:00 hours on a Sunday afternoon but this would be significantly higher than elsewhere in the week, with the next highest being six movements between 15:00-16:00 on a Saturday.

23. Basingstoke Road is a busy road but the garden areas to the west of the properties have a relatively peaceful character. Occupants of Glenamoy House would be aware of passing vehicles particular when using their garden at peak times such as Sunday afternoon but the level of disturbance would not be unusual in a settlement and be no greater than for many houses on corner plots. As such, the impact would not be as severe as to warrant the refusal of this planning application.

Ecological impacts

24. Core Strategy Policy CP7 requires consideration of the ecological impacts of development proposals.

25. The application is supported by an ecological assessment. The submitted Landscape and Habitats Management Plan will enhance the site’s ecological potential.

Access and Movement

26. Core Strategy Policies CP1 and CP6 require new development in to be in accessible locations, provide access by a range of modes with emphasis on sustainable travel, provide appropriate parking, and mitigate any road safety or other highway related problems.

27. The applicant’s transport statement demonstrates that the proposal would not have a significant impact in terms of traffic generation.

28. Access to the site is proposed to be to the south of Stanbury House in approximately the same location as the existing driveway, opposite The Square. The existing garage would be demolished and access to the dwelling and to the retained agricultural field behind it would be provided off the access road.

29. A crossover junction and shared surface access with a separate footpath for the first 10 metres and 2.4 by 120 metre visibility splays are proposed. This is appropriate for the level of traffic that would be generated by the proposed use and also in terms of the impact upon the character of the area (see paragraphs 8-15).

30. A requirement for SANGs of the size proposed is that they provide car parking. The proposed parking provision of 13 car parking spaces (including one disabled bay) for the whole SANG is considered appropriate and accords with Natural England’s guidance relating to parking for SANGs.

31. The Highways Officer has requested that a drop kerb be provided at the entrance to the site and that a passing place be provided on the 4.8 metre access road to accommodate passing vehicles should a tractor use the access road. The drop
kerb can be secured alongside the details of the access which will be secured by condition. A further condition will be recommended to secure a passing-place on the access road.

32. Notwithstanding the requirement of the Thames Basin Heaths Delivery plan, to provide for car borne access, development plan policy requires new development to provide choice and facilitate access by sustainable forms of transport, including by foot and cycle (Core Strategy Policies CP1 and CP6). The catchment area for the site includes residential development on the eastern side of Basingstoke Road and the proposal includes provision of a pedestrian refuge on Basingstoke Road, to the north of the junction with the Square. A short section of footpath would be provided from this crossing point leading into the site access.

33. Cyclists would also be provided for with four Sheffield stands proposed in the car park. Given the proposed outdoor use and the rural setting there would be no need for these to be covered.

34. The recommended conditions (conditions 3, 6 & 7) will secure provision of the visibility splays, access, car parking and cycle parking provision before use of the land as public open space commences.

35. The NPPF (paragraph 75) promotes improvements to the Public Rights of Way network including formation of new links and, while the Natural England SANG quality guidance is focused on shorter walks within SANGs, flexible networks that offer choice and opportunities for longer walks are encouraged. Shinfield Byway 25, Woodcock Lane lies to the west of the site, running north-south, parallel to the A33. Towards its northern end the byway links to Shinfield Footpaths 20 and 26 and the application provides an opportunity to integrate the footpaths within the proposed SANG into the wider Public Right of Way network. It is proposed that a footpath link to Woodcock Lane would be provided as part of phase 1 of the development. This provision would be secured by Condition (condition 9).

**Flooding and drainage issues**

36. Core Strategy Policy CP1 and NPPF require the flooding and drainage implications to be assessed.

37. The site lies within Flood Zone 1, where the risk of flooding is low and, in accordance with the Practice Guide, PPS25 Development and Flood Risk (December 2009) (which is saved), all forms of development - including water-compatible uses such as amenity open space and outdoor recreation - are acceptable.

38. The site area is more than one hectare and, as required by PPS25, the application was accompanied by a Flood Risk Assessment. The majority of the site would remain permeable, the exception being the access road and car park, which are proposed to drain to soakaways. The submitted Technical Note indicates the provision of permeable pavements in the car park and a filter drain located to the south of the access and a detention basin with the capacity of 150 m³. Discharge from the development will be limited to QBar as indicated on the drainage strategy drawing. The Drainage Officer is therefore satisfied that the
development will not lead to an increased risk of flooding in the area.

Archaeology

39. The site is designated as an Area of Archaeological Potential. The applicant has accordingly submitted a Written Scheme of Investigation in support of this planning application. Berkshire Archaeology has indicated that they are satisfied with the scheme and programme contained within this document. They have however requested that the applicant notify them when the scheme of investigation has been fully implemented. The applicant will be advised of this through the use of an informative (Informative no. 7)

The need for a Suitable Alternative Natural Greenspace (SANG)

40. The primary purpose of identifying a country park as a SANG is to provide alternative, more convenient sites for informal recreation to relieve pressure on sites within the Thames Basin Heaths Special Protection Area (SPA), designated under European Directive due to its importance for heathland bird species. Thus, the proposal – if used as mitigation for this purpose - would contribute towards conserving sites of international nature conservation importance (European Sites), as required by saved Southeast Plan Policy NRM6 and Core Strategy Policies CP7 and CP8.

41. The Council’s spatial strategy establishes that the majority of new housing in the Borough will be delivered in four Strategic Development Locations and that these will deliver the infrastructure necessary to support the development within them, including SANG.

42. However, further dwellings are being delivered on sites allocated in the MDD Local Plan and additional residential development is acceptable within development limits under Core Strategy Polices CP9 and CP17: developments of up to 25 dwellings may be appropriate in Limited Development Locations and up to 100 dwellings in Modest Development Locations. Where these developments fall within 5km of the SPA or are for 50 or more dwellings within 7km of the SPA it will be necessary for them to provide avoidance and mitigation measures. Currently there is no SANG that can mitigate the impact of developments of ten or more dwellings in the south-western part of the Borough, which includes the Modest Development Locations of Spencers Wood, Three Mile Cross and Shinfield as well as the Limited Development Locations of Swallowfield and Riseley.

43. Phase 1 of the proposed SANG would have a 2km catchment and this would increase to 4km once phase 2 was implemented. Thus, the first phase of the proposed SANG would be capable of mitigating development in Spencers Wood and Three Mile Cross and the second phase would expand the catchment area to include Shinfield, Swallowfield and Riseley.

44. The contribution towards conserving sites of European Sites could in itself lend support to the proposal and it could also assist in delivering the Council’s spatial strategy.
SANG design quality standards

45. The Thames Basin Heaths Delivery Plan establishes design quality standards for SANGs. The proposal would not necessarily need to fulfil the requirements of a SANG to comply with Development Plan Policy on the use of land in the Countryside for recreational purposes but it would need to do so before it could be relied upon to mitigate the impact of residential development upon the SPA. Since the application is specifically for the use of the land as a SANG it is appropriate to ensure that it meets the relevant design quality standards. Accordance with these standards have been demonstrated through the submitted landscaping scheme and landscape and habitat management plan.

Mechanism for securing the SANG in perpetuity and for allocation of capacity

46. To fulfil the requirements of a SANG the use of the site would need to be secured in perpetuity. To achieve this it is proposed that the freehold of the land would be transferred to the Council (in two phases) together with a commuted sum for future maintenance: £491,064.28 for the first phase and a further £534,441.70 for the second phase (£1,025,505.90 in total). This would be secured by the S106 agreement.

47. The applicant reasonably expects to benefit from providing the proposed facility and, while it is not a planning matter, it is necessary to understand the mechanism for this and for allocation of capacity within the SANG. It is proposed that, following the transfer of the freehold of the land to the Council, the Council would lease the site back to the applicant for use as a SANG. The lease would secure public access for the intended use and also access for maintenance.

48. When a third party developer wishes to rely on the SANG to avoid residential development having an impact upon the Special Protection Area they would negotiate a price directly with the applicant and exercise their option to acquire SANG capacity simultaneously to completing the S106 agreement. Upon the first (third party) developer exercising their option to acquire SANG capacity the SANG will be laid out.

49. Thus, the Council would be in a position to monitor the residual capacity of the SANG but would avoid the need to be involved in the negotiation between the applicant and third party developers.

50. The S106 Agreement that was secured in connection with F/2011/2106 is being updated so that it can be completed in respect of this current application in the event that the committee is minded to approve this scheme.

CONCLUSION

The proposal does not conflict with any Development Plan policy and is recommended for Approval subject to the recommended conditions and the completion of the S106 Agreement to secure the SANG and its maintenance in perpetuity.
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