

South East Plan Policy NRM6 “Thames Basin Heaths Special Protection Area” (The South East Plan. Regional Spatial Strategy for the South East of England. GOSE May 2009)

New residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England.

Priority should be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures. Where mitigation measures are required local planning authorities, as Competent Authorities, should work in partnership to clearly set out and deliver a consistent approach to mitigation, based on the following principles:

- i a zone of influence set at 5km linear distance from the SPA boundary will be established where measures must be taken to ensure that the integrity of the SPA is protected.
- ii within this zone of influence there will be a 400m “exclusion zone” where mitigation measures are unlikely to be capable of protecting the integrity of the SPA. In exceptional circumstances this may vary with the provision of evidence that demonstrates the extent of the area within which it is considered that mitigation measures will be capable of protecting the integrity of the SPA. These small locally determined zones will be set out in local development frameworks (LDFs) and SPA avoidance strategies and agreed with Natural England.
- iii where development is proposed outside the exclusion zone but within the zone of influence, mitigation measures will be delivered prior to occupation and in perpetuity. Measures may be based on a combination of access management, and the provision of Suitable Alternative Natural Green Space (SANGS).

Where mitigation takes the form of provision of SANG the following standards and arrangements will apply:

- iv a minimum of 8 hectares of SANGS land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.
- v developments of fewer than 10 dwellings should not be required to be within a specified distance of SANGS land provided it is ensured that a sufficient quantity of SANGS land to cater for the consequent increase in residents prior to occupation of the dwellings.
- vi access management measures will be provided strategically to ensure that adverse impacts on the SPA are avoided and that SANG functions effectively.
- vii authorities should co-operate and work jointly to implement mitigation measures. These may include, inter alia, assistance to those authorities with insufficient SANG land within their own boundaries, cooperation on access management and joint development plan documents.
- viii relevant parties will co-operate with Natural England and landowners and stakeholders in monitoring the effectiveness of avoidance and mitigation measures and monitoring visitor pressure on the SPA and review/amend the approach set out in this policy as necessary.

- ix local authorities will collect developer contributions towards mitigation measures, including the provision of SANG land joint contributions to the funding of access management and monitoring the effects of mitigation measures across the SPA.
- x large developments may be expected to provide bespoke mitigation that provides a combination of benefits including SANG, biodiversity enhancement, green infrastructure and, potentially, new recreational facilities.

Where further evidence demonstrates that the integrity of the SPA can be protected using different linear thresholds or with alternative mitigation measures (including standards of SANG provision different to those set out in this policy) these must be agreed with Natural England.

The mechanism for this policy is set out in the TBH Delivery Framework by the TBH Joint Strategic Partnership and partners and stakeholders, the principles of which should be incorporated into local authorities' LDFs.

Supporting Text

The Thames Basin Heaths Special Protection Area (SPA) is designated under European Directive 79/409/EEC because of its populations of three heathland species of birds – Dartford Warbler, Nightjar and Woodlark. This designation covers parts of 15 local authority areas and three counties and is likely to have a major impact upon the potential for development within these areas and others adjoining it.

Natural England has identified that net additional housing development (residential institutions and dwellings) up to 5km from the designated sites is likely to have a significant effect (alone or in combination with other plans or projects) on the integrity of the SPA. Initial advice from Natural England is that an exclusion zone of 400 metre linear distance from the SPA is appropriate. The district level housing allocations for the affected sub-regions presuppose that a workable approach to dealing with the effects of development on the SPA can be found. Local authorities that are affected by the designation should deal, in their Local Development Documents, with the issue of the effects of development on the SPA, and put forward a policy framework to protect the SPA whilst meeting development requirements. The focus of this policy is on avoidance and mitigation of the effects of residential development. This does not obviate the need for possible Habitats Regulation Assessment on other forms of development.

Nor do the provisions of this policy exclude the possibility that some residential schemes (and, in particular relatively large schemes) either within or outside the 5km zone might require assessment under the Habitats Regulations due to a likely significant effect, alone or in combination with other plans or projects, and subject to advice from Natural England.

Applications for all non-residential development will need to be subject to Habitats Regulation Assessment where they are likely to have significant adverse impact on the Thames Basin Heaths SPA.

To assist local authorities in the preparation of Local Development Documents, and to enable development to come forward in a timely and efficient manner, Policy NRM6 sets out the extent of mitigation measures required, based on current evidence. The evidence available indicates that effective mitigation measures should comprise a combination of providing suitable areas for recreational use by residents to buffer the SPA and actions on the SPA to manage access and encourage use of alternative sites. Such measures must be operational prior to the occupation of new residential developments to ensure that the interests of the SPA are not damaged. Local Authorities and Natural England will need to co-operate so that the effect of mitigation measures can be monitored across the SPA.

Where developers propose a bespoke solution, this will be assessed on its own merits under the Habitats Regulations. The SANG requirement for bespoke solutions may vary according to the size and proximity of development to the SPA; early consultation with Natural England and the local planning authority is encouraged.

Should it become apparent during the lifetime of this Plan that alternative arrangements may need to apply these must be brought forward with the agreement of Natural England.

One route would be the publication of supplementary guidance to this Plan by Natural England to set out alternative arrangements or further details.

Map of the Thames Basin Heaths

