

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ENVIRONMENT

DATE: 5 MAY 2010

REPORT OF: HEAD OF ENVIRONMENT



**SUBJECT: THAMES BASIN HEATHS SPECIAL PROTECTION AREA
AVOIDANCE STRATEGIES**

KEY ISSUE/DECISION:

The Cabinet Member is asked to consider whether the County Council should participate in delivering Avoidance Strategies for the Thames Basin Heaths Special Protection Area and if County Council land should be made available as Suitable Alternative Natural Greenspace, and if so under what terms and conditions.

DETAILS:

Introduction

- 1 The Thames Basin Heaths which covers parts of Surrey, Hampshire and Berkshire is a rare example of lowland heathland. It is home to three important bird species: the nightjar, Dartford warbler and woodlark. It is protected by international law as a “Special Protection Area” (SPA). The heaths, and the birds that nest and breed there are easily disturbed by people and their pets. The SPA areas are shown on the attached map in **ANNEXE 1**
- 2 As part of the work to prepare the new South East Plan the local authorities surrounding the Thames Basin Heaths have undertaken a considerable amount of work to develop ways to ensure that any new development, particularly residential development, has minimal impact on the heathland and its birds. Advised by a number of other partners, including the Government Office for the South East and Natural England, the local authorities have established the Thames Basin Heaths Joint Strategic Partnership. The Partnership’s Board has developed a Delivery Framework which sets out measures to be implemented to help avoid likely significant effect on the SPA arising from new development. The County Council is represented on the Board by the Cabinet Member for Environment.
- 3 The Delivery Framework is a non-statutory document within the context of the South East Plan. The Delivery Framework was endorsed by the Partnership Board on 12 February 2009. The Partnership Board recommended the local authorities affected by the SPA to use the Delivery Framework to guide the production of local avoidance and mitigation strategies and appropriate policies in Local Development Frameworks. The Partnership Board is continuing in being to guide implementation of the Delivery Framework and the access management and monitoring work.

- 4 The Delivery Framework has two main elements described in the following paragraphs:
- access management on the SPA
 - provision of Suitable Alternative Natural Greenspace (SANG).

Access Management

- 5 The Delivery Framework acknowledges that owners of SPA land have a duty to improve the quality of the SPA to “favourable condition” status. The County Council owns a considerable area of SPA land including Chobham, Ockham and Wisley, Whitmoor, and Bisley and West End Commons. All this land is part of the Council’s Countryside Estate and is managed by Surrey Wildlife Trust. The Trust is working with Natural England to improve the nature conservation value to “favourable condition”. The condition of the habitat is assessed by Natural England according to nationally agreed criteria.
- 6 Access management of SPA land is to be undertaken by existing landowners and land managers under arrangements co-ordinated by Natural England. The Delivery Framework sets out an overarching strategy for access management on the SPA and SANGs, which includes:
- a consistent SPA/SANG message which may include signs, leaflets, educational material, etc
 - guidance on access management on the SPA eg including rangers, seasonal restrictions, campaigns, etc
 - guidance over access management on SANG, eg provision of attractive facilities.
- 7 Access management on the SPA will be funded by developer contributions on new development provided for in perpetuity, which has been legally defined as 80 years. Access restriction will be used as a last resort within legal requirements and provisions to protect existing public or open access rights. An allowance from developer contributions will fund monitoring which will include habitat condition and bird numbers, access management and visitor surveys.
- 8 The new access management service potentially could be valuable in providing guidance to members of the public who use the SPA heathland and in advising them on the reasons why, for example, dogs need to be controlled. There would be no cost to the County Council and it is proposed the Council should participate in the new arrangements with its partner, the Surrey Wildlife Trust.

Suitable Alternative Natural Greenspace

- 9 Under the South East Plan, and as detailed in the Delivery Framework, Suitable Alternative Natural Greenspace (SANG) is to provide alternative recreational land to attract new residents away from the SPA. SANG will be delivered by local authorities and funded by developer contributions and must be provided in perpetuity. SANG is to be provided for proposed new housing development lying within a “Zone of Influence” which is defined as the area from 400m from the perimeter of the SPA to 5km from the perimeter of the SPA. There will be a presumption against development within 400m of the

SPA. The text of South East Plan policy NRM6 “Thames Basin Heaths Special Protection Area” is set out in **ANNEXE 1**.

- 10 Under the Delivery Framework SANG should be provided on new or existing public open space taking into account existing patterns and rights of public use, any existing nature conservation interests and its relationship within a wider accessible open space or network of green infrastructure. Appropriate references to SANG and other SPA related impact avoidance measures are to be made in each of the local authority’s Local Development Frameworks, supported where appropriate by supplementary planning documents or guidance documents. Guidance documents are being produced by each of the affected local planning authorities. These are now called “Avoidance Strategies”. In Surrey Avoidance Strategies are being produced by Elmbridge, Guildford, Runnymede, Surrey Heath, Woking and Waverley Borough Councils. The Avoidance Strategies indicate and describe potential SANG sites in the borough.
- 11 The Guildford Borough Council Avoidance Strategy 2009-2014 proposes SANGs on three sites owned by Surrey County Council. These are:-
 - Broad Street and Backside Commons
 - Stringers Common
 - Tongham Pools.
- 12 The first two are part of the Countryside Estate and are leased to and managed by Surrey Wildlife Trust. Tongham Pools was acquired by the County Council for the construction of the Blackwater Valley Route, but is not part of the highway corridor. It is likely over time that Avoidance Strategies in other Surrey boroughs may include proposals for SANG on County Council land. It is also possible that local authorities in Hampshire and Berkshire may wish to make proposals for SANG on County Council land. It is therefore necessary for the County Council to determine if it wishes its land to be available for SANG and if so under what terms and conditions.
- 13 SANG is proposed in Avoidance Strategies prepared by each of the Borough Councils. SANG provision is to be funded by developer contributions collected by the local authority and is to be provided normally in advance of dwelling completion. The calculation of cost will take account of any land acquisition costs, upgrading costs and maintenance and management costs in perpetuity. Tariffs are set out in the Avoidance Strategies and are based on the size of new dwellings in terms of the number of bedrooms proposed, as a reflection of the number of additional residents and the cost of works identified on SANG sites. Tariffs will be updated on an annual basis in line with the Retail Price Index. A financial contribution to the access management arrangements will be included in the charge levied on developer contributions.
- 14 It is proposed where land owned by the County Council is to be used for SANG that County Council officers would agree the proposed measures to be funded and the appropriate proposed capital, maintenance and management costs, even where the land is managed externally such as by Surrey Wildlife Trust. It is proposed SANGs would not be agreed on County Council land if the housing development to which it related was to be on land in the Green Belt or on land covered by any other protective or environment designation,

including SSSIs, ancient monuments, Area of Outstanding Natural Beauty or Areas of Great Landscape Value.

- 15 It is proposed each SANG proposal would be considered individually on its merits by the County Council. Advice would be provided by Estate Planning and Management, Legal, Finance and other County Council services as appropriate.

Consultations

- 16 The Environment and Economy Select Committee considered a report on Thames Basin Heaths SPA Avoidance Strategies at its meeting on 12 January 2010. The Committee recommended as follows:-
- (a) Where land owned by the County Council would be used for Suitable Alternative Natural Greenspaces that County Council officers would agree the appropriate capital, maintenance and management costs even where the land was managed externally such as by Surrey Wildlife Trust.
 - (b) Suitable Alternative Natural Greenspaces would not be agreed on County Council land if the housing development to which it related was to be on land in the Green Belt or on land covered by any other protective or environment designation, including Sites of Special Scientific Importance, ancient monuments, Areas of Outstanding Natural Beauty or Areas of Great Landscape Value.
 - (c) It is proposed developer contributions would pay for access management arrangements on Special Protection Area land owned by the County Council and would pay for capital, maintenance and management costs on any County Council land agreed to be used as Suitable Alternative Natural Greenspaces. All of these arrangements would be in addition to existing service levels. Capital works could include new car parks, new and upgraded footpaths and new and improved information and interpretation. The specific requirements of each new Suitable Alternative Natural Greenspaces site would determine the level, extent and design of the necessary capital works and any additional capital or revenue costs would be met from the proposed developer contributions. There would be no additional capital or revenue costs to the County Council.
 - (d) If County Council land was made available for use as Suitable Alternative Natural Greenspaces then land elsewhere was potentially available for housing development. The County Council could potentially ask for an additional payment in recognition of the uplift in value that releasing the land would bestow on the respective development site.
 - (e) No land owned by the County Council be identified as Suitable Alternative Natural Greenspaces without approval by the Cabinet Member for the Environment in consultation with local Members.
- 17 The Surrey Countryside Access Forum considered a report on Thames Basin Heaths SPA Avoidance Strategies at its meeting on 18 January 2010. A view

was expressed by a member expressing concern over potential use of common land as SANG and a preference for use of land which was not commons. Another member expressed a favourable view of creation of SANGs to assist the development and growth of certain communities.

Financial and Value for Money Implications

- 18 It is proposed developer contributions would pay for access management arrangements on SPA land owned by the County Council and would pay for capital, maintenance and management costs on any County Council land agreed to be used as SANG. All of these arrangements would be in addition to existing service levels. Capital works could include new car parks, new and upgraded footpaths and new and improved information and interpretation. The specific requirements of each new SANG site would determine the level, extent and design of the necessary capital works and any additional capital or revenue costs would be met from the proposed developer contributions. There would be no additional capital or revenue costs to the County Council.
- 19 If County Council land is made available for use as SANG then land elsewhere is potentially available for housing development. It is proposed the County Council should ask for an additional payment in recognition of the uplift in value that releasing the land would bestow on the respective development site.
- 20 Also, as agreement of SANG would be in perpetuity it will be necessary to ensure that any land agreed as SANG would not have any future commercial value to the County Council. It is therefore proposed SANGs would only be agreed on County Council land once all the financial issues have been assessed including potential future commercial value. Agreement of County Council land as SANG should be subject to the approval of the Cabinet Member for Environment.

Equalities Implications

- 21 Any new or upgraded facilities on County Council owned SANG sites would be designed in line with the County Council's least restrictive access principles. For example, gates would be placed where needed on footpaths rather than stiles and slopes of footpaths would be minimised.

Risk Management Implications

- 22 Under the approved South East Plan if SANGs are not available then new housing development in the Zone of Influence cannot proceed.

Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets

- 23 The approach set out in the South East Plan and the Delivery Framework to ensuring that new residential development has minimal impact on the Special Protection Area and the proposed policy for the County Council set out in paragraph 15 above is in line with the approach in the Surrey Community Strategy. The Strategy proposes that demand for housing and facilities will be managed to protect the environment, preserve the Green Belt and be

sustainable. The Strategy proposes a proactive approach to maximising the value that developments deliver.

Climate change/carbon emissions implications

- 24 The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change. Creation of SANGs would potentially create open space for recreational use which could be nearer to where people live, thus cutting down on private vehicle journeys.

Legal implications/legislative requirements

- 25 The Thames Basin Heaths SPA is designated under European Directive 79/409/EEC. As set out in the South East Plan policy NRM6, Natural England has identified that net additional housing development up to 5km from the designated sites is likely to have a significant effect on the integrity of the SPA. Under the South East Plan policy the effect of residential development is to be avoided and mitigated.

Section 151 Officer commentary

- 26 The S151 officer confirms that all material financial and business issues and risks have been considered in this report.

RECOMMENDATIONS:

It is recommended that the Cabinet Member agrees that:

- (1) The County Council participates in the new co-ordinated access management arrangements on SPA land owned by the Council.
- (2) The County Council makes available appropriate land owned by the Council to be used as Suitable Alternative Natural Greenspace (SANG) where necessary capital, maintenance and management costs are agreed as developer contributions. Such SANG sites should not relate to proposals for new housing development on land in the Green Belt or on land covered by any other protective or environmental designation, including Sites of Special Scientific Interest, ancient monuments, Area of Outstanding Natural Beauty or Areas of Great Landscape Value.
- (3) Agreement of County Council land as SANG be considered on a case by case basis and to be subject to:
 - a) the Council receiving additional payment in recognition of the uplift in value that releasing the land would bestow on the respective development site;
 - b) thorough assessment of all relevant financial issues including potential future commercial value; and
 - c) the approval of the Cabinet Member for Environment.

REASONS FOR RECOMMENDATIONS:

Access management of SPA land will potentially bring benefits influencing the behaviour of heathland visitors to protect the important bird species at no cost to the County Council.

Making available County Council land to be used as SANG will potentially enable developer contributions to be used to make capital, maintenance and management improvements.

Agreement of SANG sites on County Council land should not lead to housing development in contravention of Green Belt policy or on other land covered by protective or environmental policies.

Agreement of County Council land as SANG would release land elsewhere for housing development for which the County Council should receive payment in recognition of the uplift in value of the land.

Agreement of SANG on County Council land should not prejudice the Council's options for future use of the land nor its potential commercial value and for capital receipts.

WHAT HAPPENS NEXT:

Natural England hopes shortly to introduce the proposed access management arrangements onto SPA land. The sites referred to in paragraphs 11 and 12 above in Guildford Borough could be made available as potential SANGs subject to the terms and conditions set out in paragraphs 13 and 14 above. Subsequently if approached by other Borough Councils other County Council land could be considered as to its potential as SANGs and could be made available if appropriate for this purpose, subject to the same terms and conditions in paragraph 13 and 14.

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- Consulted:** Tim Hall, Cabinet Member for Corporate Services
Dr Andrew Povey, Leader of the Council
Trevor Pugh, Strategic Director of Environment and Infrastructure
Environment and Economy Select Committee
Surrey Wildlife Trust
Surrey Countryside Access Forum
- Informed:** Guildford Borough Council
- Sources/background papers:**

"The South East Plan: Regional Spatial Strategy for the South East of England", Government Office for the South East, 2009.

"Thames Basin Heaths Special Protection Area Delivery Framework" Thames Basin Heaths Joint Strategic Partnership Board, 2009.

“Thames Basin Heaths Special Protection Area, Avoidance Strategy 2009-2024:
Consultation Draft” Guildford Borough Council, 2009
