

SURREY COUNTY COUNCIL

CABINET MEMBER FOR ENVIRONMENT

DATE: 16 FEBRUARY 2011

**REPORT OF: ASSISTANT DIRECTOR OPERATIONS,
HIGHWAYS AND COUNTRYSIDE**



**SUBJECT: PROPOSED USE OF VALLEY END, CHOBHAM AS SUITABLE
ALTERNATIVE NATURAL GREENSPACE (SANG)**

KEY ISSUE/DECISION:

The Cabinet Member is asked to consider whether the County Council should approve the use of Valley End, Chobham as Suitable Alternative Natural Greenspace (SANG).

DETAILS:

Introduction

- 1 On 5 May 2010 the Cabinet Member agreed a number of recommendations regarding the use of County Council land as Suitable Alternative Natural Greenspace (SANG). These were:
 - 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, Areas of Outstanding Natural Beauty or Areas of Great Landscape Value
 - 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.

Proposal for SANG at Valley End, Chobham

- 2 At a planning appeal to develop land at Fairfield House, London Road, Sunningdale, in the Royal Borough of Windsor and Maidenhead, the applicant

undertook to pay to Surrey County Council the sum of £52,000 (plus VAT if applicable) to enable the County Council to implement measures on land at Valley End in the Parish of Chobham which will result in a SANG being provided as outlined in the Chobham SANG Development Plan dated May 2008, this document being included within the Unilateral Undertaking under which the applicant is obliged to make the payment to the County Council.

- 3 The Chobham SANG Development Plan is attached as ANNEXE 1. The SANG Development Plan was drafted by Surrey Wildlife Trust. Valley End, Chobham is owned by Surrey County Council as part of its Countryside Estate. The Trust manage all the land referred to in the SANG Development Plan as part of the Countryside Estate lease from the Council to the Trust.
- 4 The unilateral obligation was entered into at a time when there was no SANGs policy in place and, as a result, took no account of this policy.
- 5 The planning appeal was subsequently determined and the development at Sunningdale granted permission, following completion of the Unilateral Undertaking on 31 March 2009.
- 6 The Royal Borough of Windsor and Maidenhead has now received the required s106 payments from the developer, including the amount referred to in paragraph 2 above in relation to Valley End, Chobham; work on the development having already commenced.

Consideration of Criteria Relating to Valley End, Chobham as a potential SANG

- 7 As set out in paragraph 1 above, the County Council has established a number of criteria to be considered in relation to creation of SANG on County Council owned land. In relation to the development at London Road, Sunningdale and the proposed SANG at Valley End, Chobham the considerations are as follows:
 - necessary capital, maintenance and management costs are agreed as developer contributions – the sum of £52,000 would enable improvement of paths around Valley End. Interpretation on new information boards and in other ways to do with the site and management of Chobham Common would be put in place. Seating would be introduced and habitat management carried out. Maintenance and management would be undertaken by Surrey Wildlife Trust as part of their contract with the County Council;
 - 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 – the development site at Fairfield House, Sunningdale is not in the Green Belt and is not covered by any other protective or environmental designation;
 - the Council receiving additional payment in recognition of the uplift in value – as set out in paragraphs 4 to 6 above, this application and undertaking was considered before the County Council's SANGs policy was approved. As a result there is no allowance within the sum set aside as part of the agreement for uplift in value. A way of determining SANGs uplift in value within the County Council has not

yet been agreed. One way, which is being used by other local authorities in agreeing SANGs, would be to use a simplified tariff based approach, which could be in the order of £2000 per unit – there are 14 units in the development at Fairfield House, Sunningdale.

- assessment of financial issues including potential commercial value – it is considered the land at Valley End, Chobham has no potential commercial value.
- 8 As set out above the proposals for Valley End, Chobham meet all but one of the County Council's criteria for a potential SANG excepting the Council receiving payment for the uplift in value, due to the application being approved at appeal and prior to the Cabinet Member's agreement of the policy on SANGs.
 - 9 The development at Sunningdale has commenced and the planning authority has received the payment from the developer for creation of a SANG at Valley End. It is considered, in this instance, due to the timing of both the Unilateral Undertaking and the appeal decision that the County Council should accept the payment to create the SANG.
 - 10 In the event of not agreeing to this proposal the Council could become involved in litigation that could be instituted by the developer due to the detrimental effect that a lack of this SANG could have upon the development under construction, the developer claiming legitimate expectation that a SANG would be approved at the time the Unilateral Undertaking was completed.

Consultation

- 11 Surrey Heath Borough Council officers have raised the following issues felt to affect the Borough Council.
- 12 The Borough Council would not agree to their land being used as mitigation for a site outside of their Borough. However, the land at Valley End belongs to Surrey County Council not to Surrey Heath Borough Council.
- 13 Some of the parcels of land included in the Chobham SANG Development Plan are unsuited to designation and management as SANGs. However, it is considered that the land at Valley End is suitable to be a SANG as set out in paragraph 7 above.
- 14 Based on the work the Borough Council is currently doing, to take forward land at Chobham as SANGs it considers a SANG in this location would require a Visitor Survey using a methodology agreed by Natural England to establish capacity, a SANGs Management Plan (including detailed cost works to arrive at a tariff), a Strategic Environmental Assessment and a legal agreement. In addition, all of these need the agreement of Natural England following which it should then be incorporated in the Surrey Heath Interim Avoidance Strategy. However, the SANG at Valley End and the Chobham SANG Development Plan was proposed by the Surrey Wildlife Trust and Natural England and was adopted by the Royal Borough of Windsor and Maidenhead who, following evidence presented to the Inquiry Inspector, agreed that Valley End was suitable to be a SANG, a view supported by the Inspector.

Financial and value for money implications

- 15 As discussed above it is considered that the amount of £52,000 is sufficient to pay for the capital improvement works, but not for the loss of the uplift in value. Management of the site would be undertaken by Surrey Wildlife Trust as part of their contract with the Council. There would be no additional cost or other financial implications for the County Council.

Equalities implications

- 16 The improvement works would be designed to permit access to Valley End by those with limited mobility. This is in line with the County Council's least restrictive access principles.

Risk management implications

- 17 The risk of possible legal action against the County Council is referred to in paragraph 10 above.

Implications for the Council's priorities or Community Strategy/Local Area Agreement targets

- 18 The County Council's approach to the creation of SANGs is in line with the Surrey Partnership Plan.

Climate change/carbon emissions implications

- 19 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 potentially creates and improves open space for recreational use, which will be nearer to where people live, thus reducing private vehicle journeys. The County Council in conjunction with Surrey Wildlife Trust will consider whether some of the car parks on Chobham Common itself could be closed as a result of the creation of such SANGs..

Legal implications/legislative requirements

- 20 The legal implications are referred to in paragraph 10 above.

Section 151 Officer commentary

- 21 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 Valley End, Chobham be approved for use as Suitable Alternative Natural Greenspace in connection with development at Fairfield House, Sunningdale, and receive £52,000 section 106 payment for capital improvement work to the site but not for the loss of uplift in value.

REASONS FOR RECOMMENDATIONS:

Valley End, Chobham meets the County Council's criteria for use as Suitable Alternative Natural Greenspace, except with regard to payment for uplift in value. In this instance failure to proceed with the proposals for the SANG would have the risk of involving the County Council in legal action brought by the developer. Agreement of Valley End for a SANG would enable public access to the site to be improved together with interpretation, seating and habitat management at no additional cost to the County Council.

WHAT HAPPENS NEXT:

Surrey Wildlife Trust would be contracted to undertake the agreed improvement work and ongoing site management and would be paid appropriate amounts from the payment set aside by the Royal Borough of Windsor and Maidenhead.

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Surrey Wildlife Trust

Informed: The Royal Borough of Windsor and Maidenhead
Surrey Heath 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
Cabinet Member for Environment decision – 5 May 2010

CHOBHAM SANG DEVELOPMENT PLAN

Background

Natural England (NE) has produced a draft plan which aims to prevent new housing development having a detrimental effect on the Thames Basin Heaths Special Protection Area (SPA). The SPA has been designated for its populations of 3 bird species; Nightjar, Dartford Warbler and Woodlark. The Interim Strategic Delivery Plan has yet to be finalised but still provides clear and widely supported guidelines. These include two main means of mitigating new development:

- Suitable Alternative Natural Greenspace (SANGs) – Areas providing recreational opportunities separately from the SPA. NE has produced a list of requirements for sites.
- Access management – Effective management of recreational activities on the SPA to reduce impact.

Any effective mitigation has to include effective SANGs co-ordinated with on-site schemes such as wardening and recreational infrastructure. Additionally there is a requirement for surveying and monitoring the effect of mitigation, both on the ecology and visitors. In both Surrey Heath and Windsor & Maidenhead there is a particular problem providing SANGs as there are very few suitable sites.

Chobham Common

Chobham Common is a large area of heathland covering over 540ha designated as SPA, SAC and SSSI. The site is largely owned by Surrey County Council and managed by Surrey Wildlife Trust.

The site is of outstanding importance as an area of heathland. It supports significant populations of the 3 SPA bird species together with outstanding invertebrate and botanical interest.

The Common is now an important open space for people to enjoy the wildlife and landscape and for air and exercise, and attracts an estimated 250-300,000 visits a year. The majority of the visitors arrive by car and travel from within a 10km distance. A smaller number walk from nearby villages, mainly Chobham. Almost half the visitors are accompanied by dogs and this can create conflicts of interest between access and conservation objectives. Dogs frequently enter Calluna areas, bogs and other sensitive habitats, causing disturbance to nesting birds.

The area will be affected by a number of major developments nearby in coming years. Apart from residential developments these will include a large Business Park and other significant projects.

A draft Chobham Common Management plan has been produced and will be the subject of public consultation in Summer 2008. The development of SANGs around Chobham Common will be a key part of reducing the impact of visitors on the SPA whilst enhancing visitor experience. Sites which intercept visitors and can be managed in co-ordination with the SPA will be particularly important.

Chobham SANG

Chobham Place Woods/Valley End

These two areas form a contiguous block of land on the western side of Chobham Common, outside the SPA and SSSI. Valley End is owned by SCC and managed by SWT, Chobham Place Woods is owned and managed by Surrey Heath Borough Council. Most of Valley End and all of Chobham Place Woods have been selected as SNCIs.

Valley End (Chobham Common West SNCI) is mixed secondary woodland and heathland, historically part of Chobham Common but separated by the construction of the M3 motorway. The site is important for heathland habitat and has great potential for heathland restoration.

There are several rights of way, including a new bridge providing bridleway access across the motorway with links to Broomhall and Sunningdale. The site does not currently have a car park or any visitor facilities such as benches or interpretation.

Chobham Place Woods is a mature mixed woodland featuring specimen trees and an avenue leading towards Chobham Place House. The area has significant wildlife value with a number of veteran trees and a range of woodland types.

The site is managed for public access with a car park and network of permissive routes, but no rights of way. The car park has some interpretation and an easy access trail some 700m in length. There are numerous features of interest including ponds, specimen trees and a memorial recording troops departing for the Crimean War. The woodland also has an extensive network of banks and earthworks.

Other Sites

There are a number of smaller sites around Chobham village which are too small individually but combined provide recreation opportunities and more importantly can be linked together to allow a co-ordinated network of routes. This would reduce the overall impact of access on the SPA area and longer term could allow routes linking settlements to a larger SANG. The land is managed by SWT with the following exceptions:

Round Pond Fields is an area of land which is being transferred to SCC and should become part of the SWT managed area in 2009. It is an area of improved pasture and hedges and will allow a range of habitat creation and access projects. It will also help link all the areas of Chobham SANG together and permit a range of long routes for different users.

Little Heath extension is a small parcel of land which is proposed as mitigation for a local housing scheme. The area would be transferred to SWT and incorporated into the adjacent Little Heath, itself an attractive area of heathland and woodland. The land would allow improved habitat management but primarily would provide much better access to the community and an attractive circular route.

Site Areas

Map	Name	Area - ha
1	Valley End	28.0
2	Chobham Place Woods	10.0
3	Round Pond Fields	5.3
4	Burrowhill Green	4.5

Map	Name	Area - ha
5	Land adj. Langshott Farm	1.7
6	Little Heath	4.8
7	Little Heath Extension	0.7
	Total	55.0

SANG Projects

Managed together Chobham Place Woods and Valley End (plus the smaller sites) have the potential to be developed into a highly attractive SANG with all of the features sought by Natural England. With sensitive design access routes can be provided leading away from the adjacent SPA and providing both a range of lengths and mixture of habitats. The historic landscape and features such as ponds further add to the potential for attracting visitors. The opportunity for creating additional heathland has clear ecological benefits for the whole area whilst allowing visitors to experience the heath in a more controlled setting. Co-operation between SHBC and SWT would be required, but the two organisations have a successful history of working together and links at all levels are already well established.

Chobham Place Woods is ideally placed not only to intercept visitors heading to Chobham Common, but is also close enough to the main car parks on the Common to allow longer term visitor displacement from the more sensitive heathland.

SANGs funding would be used for a number of different projects;

- **Staff:** Ranger/wardening staff would fulfil a number of roles including site management and community projects. education would be a primary role not only on-site but with local schools and community groups.
- **Interpretation:** There is considerable opportunity to extend the current provision using both traditional techniques on-site and promotion elsewhere.
- **Visitor Facilities:** Chobham Place Woods provides the opportunity to create a longer waymarked route, easily accommodating the 2.5km length suggested in the NE SANG guidelines. The route would include a variety of habitats including open heathland and features of interest. Dogs could be permitted off lead and connecting paths would allow a choice routes and lengths. Seating and picnic facilities would be provided at suitable points around the site. The smaller sites around Burrowhill would provide a wide range of routes with longer (over 2km) using the edge of the SPA.
- **Survey and monitoring:** Baseline surveys and ongoing monitoring will be undertaken on both visitors and ecology. The visitor surveys will use agreed procedure (eg Local Monitoring Toolkit, Natural England 2007) and will seek to assess the effectiveness of the SANG and the effect on visitor patterns in the area. Ecological surveys will assess the effectiveness of site management work in improving biodiversity and the potential impact of visitors on the site. Surveys on the SANG will be co-ordinated with surveys on Chobham Common and the wider SPA.
- **Habitat management:** Whilst the sites have existing nature conservation value there is opportunity for heathland restoration as well as well as smaller scale projects such as pond restoration or veteran pollard management.
- **Land purchase:** Opportunities to provide additional land could be identified.

The area could be used as a SANG immediately, but would be developed over a number of years to allow effective integration with the whole of the Chobham Common area. The draft ISDP suggests a provision of 8ha per 1000 residents, but

either would be a need to discount the size of Chobham SANG to allow for current use and issues such as wildlife. The total amount of mitigation available requires further investigation but the SANG could provide sufficient mitigation for a significant number of developments in the area.

Natural England staff have visited the sites to assess their potential as a SANG and indicated that in principle the areas would be appropriate, subject to suitable projects being agreed by all parties.

Surrey Wildlife Trust: May 2008