

**THAMES BASIN HEATHS SPECIAL PROTECTION AREA
SUITABLE ALTERNATIVE NATURAL GREEN SPACES
POLICY REVISION**

**County Council SANGS Policy
Consultation upon proposed revisions**

Those local planning authorities affected by the County Council proposals were consulted to enable their views to be taken into account when deciding whether to adopt the proposed changes to the policy, detailed responses being received from Guildford, Runnymede, Rushmoor, Surrey Heath, Windsor & Maidenhead and Woking; all of which welcomed the changes but raised additional concerns.

The responses have been considered by the relevant portfolio holders and will be taken into account when the final report goes to Cabinet in December.

The summary below addresses the responses and further clarifies the intentions of the County Council as regards its policy in order to address some apparent misconceptions as to how the policy is intended to operate.

Summary of responses and further clarification

Concerns in respect of how the policy would work in practical terms.

It is intended that the policy will operate upon the basis that the County Council is acting as a landowner, in relation to the availability of their land as a SANG, and not as a planning authority.

As such the question of whether any County Council land is suitable as a SANG to support development, in addition to the landowner costs, are matters that will be agreed with each developer before a planning application is submitted.

Any agreement between the County Council and the Developer will form part of the application and will confirm the availability of the SANG, should planning permission be granted.

Collection of charges through CIL rather than by a separate landowner agreement.

It is intended that any landowner costs will be agreed and collected outside of the CIL regime.

Lawfulness of uplift charge (or the landowner charge as suggested by several LPA's).

As the County Council are acting as a landowner they are therefore within their rights to seek compensation for the imposition of a covenant in perpetuity upon their land.

It is interesting to note that three of the authorities that responded to the consultation also impose a similar charge or accept that it is reasonable for private landowners to seek recompense in this way.

Uncertainty due to lack of process information/guidance and possible delays in completing all necessary documentation.

As stated earlier it is intended that the availability of land as a SANG to support a development will be agreed before a planning application is submitted to the planning authority.

As a result there should be no delays to the planning application process arising from County Council land being made available as a SANG.

Lack of known proposed sites and scale of charges affects certainty of provision and ability to collect through CIL.

It is intended that a list of available sites will be developed over time, as each SANG comes on line, following earlier developer requests and planning applications. The schedule of landowner charges will be made available to enable developers to calculate the costs involved prior to their planning application being submitted.

The negative effects of the charges upon viability levels of development in each LPA area and other s106 infrastructure.

It is considered that the viability of any particular proposal will vary from case to case particularly where the development costs, including SANGS, have not been taken into account as part of the site valuation/purchase exercise.

The County Council have agreed within the policy that they will review the landowner costs upon an annual basis which will provide an early opportunity to review any negative affects that the level of costs are perceived to have had on the viability levels of particular developments.

Concerns as regards competition with existing SANGS sites.

It is intended that County Council land is to be considered as land of last resort, particularly in a situation where a developer has been unable to secure suitable alternative land as a SANG.

If the concerns expressed as regards the County Council landowner costs are correct then any existing SANGS, with usable capacity remaining, are unlikely to be detrimentally affected.

Evidence required supporting proposed calculations of uplift charge particularly for larger dwellings and an annual review date required.

The proposed landowner costs have been levied upon the basis of the average size of residential units (Source: Dwelling size survey (April 2010) – CABE), taking into account charges levied in relation to existing landholdings and developments, adjusted to reduce the burden upon smaller units of accommodation.

It is intended that the landowner costs will be reviewed annually.

Lack of the full range of residential accommodation (including other types of residential accommodation) in proposed table of uplift charges.

It is not thought reasonable to attempt to list every type of accommodation and it is considered that the range of accommodation listed in the schedule is a reasonable guide to the likely costs a developer will incur when applied to their intended mix of residential accommodation.

Need for planning permission and Environmental Assessments for each proposed SANGS site.

The County Council land will be the subject of an appraisal that will identify key sensitivities and issues for each of the areas of land that would need to be investigated further as part of the planning application that is seeking to include that land as a SANG.

Once agreement is reached with the developer it will be for the relevant local planning authority to determine whether the proposed development, including any changes of land use or management needed in respect of the SANG, requires an Environmental Impact Assessment (EIA) under the provisions of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011.

Should an EIA be required by the local planning authority it will be the responsibility of the developer to carry out the environmental impact assessment of the proposed development and the associated SANG as part of their planning application. If any planning issues arise in relation to any County Council land proposed as a SANG it will be dealt with as part of the developers planning application.

Interaction with Natural England's Strategic Management payment (SAMM) and existing LPA avoidance strategies.

It will be for the planning authority and the developer to determine and agree what costs arise in connection with the SAMM payment as part of the planning application process.

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