

SURREY HEATH BOROUGH COUNCIL



THAMES BASIN HEATHS SPECIAL PROTECTION AREA AVOIDANCE STRATEGY SUPPLEMENTARY PLANNING DOCUMENT 2019



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Foreword

This document updates the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 and takes into account guidance that has been issued since the 2012 SPD was adopted. The SPD sets out the approach that Surrey Heath Borough Council will take to avoiding harm to the Special Protection Area as a result of new housing development.

Produced by the

Planning Policy and Conservation Team

Surrey Heath Borough Council

Surrey Heath House

Knoll Road

Camberley

Surrey GU15 3HD

Email: Policy.Consult@surreyheath.gov.uk

Tel 01276 707100

www.surreyheath.gov.uk

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Executive Summary

The Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005 and is protected from adverse impact under European and UK law. Research conducted on behalf of Natural England in 2005 indicated that the existing level of recreational pressure is having a detrimental impact on the three species of Annex I birds (nightjar, woodlark and dartford warbler) for which the SPA was designated. The breeding success of these ground-nesting birds is affected by disturbance from people and their pets using the SPA for recreational purposes.

Due to this fact, and to the level of house-building expected in the Thames Basin Heaths area, Natural England objected to all planning applications for a net increase in residential development within 5km of the SPA. This affected 11 Local Authorities in Berkshire, Hampshire and Surrey. The whole of Surrey Heath borough is within 5km of the SPA.

In order to allow housing development while still complying with the Habitats Regulations, the affected local authorities established the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) to agree a strategy for the long-term protection of the SPA.

This SPD takes forward the agreed approach set out in the Delivery Framework. This SPD links to the following adopted policies, or successive policies, including Policy NRM6 of the South East Plan and Policy CP14A & B of the Surrey Heath Core Strategy and Development Management Policies Development Plan Document.

This document provides further guidance in relation to the avoidance measures set out in Policy CP14A & B, and successive policies, which the council will facilitate through collection of developer contributions. This involves the provision of Suitable Alternative Natural Greenspace (SANG) and contributions towards Natural England's Strategic Access Management and Monitoring (SAMM) project. Developers should provide avoidance and mitigation measures through this approach to provide avoidance and mitigation for the impact of new residential development on the SPA.

1 Introduction

Thames Basin Heaths Special Protection Area

- 1.1 The Thames Basin Heaths Special Protection Area (SPA) was designated on the 9th March 2005. It is protected from adverse effects under The Conservation of Habitats and Species Regulations 2017 (or as subsequently amended) and European Directive 2009/147/EC. The Regulations deal with both the impact of developments and of Development Plans upon European Sites which include SPAs. Local Planning authorities are identified as a “competent authority” for the purposes of determining whether or not a proposed development scheme or development plan document is likely to have a significant effect upon the SPA. The effect of the Regulations is to require Local Planning Authorities to ensure that any proposed development scheme or Development Plan will not adversely affect the integrity of the SPA.
- 1.2 The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the three following internationally important rare bird species: dartford warbler, woodlark and nightjar. It is spread across nine local authorities in Berkshire, Hampshire and Surrey. The Thames Basin Heaths SPA covers approximately 23% of the Borough as shown on Map 1. Within Surrey Heath Borough Council the SPA comprises of Chobham Common, Brookwood Heaths, Colony Bog to Bagshot Heath and Broadmoor to Bagshot Woods and Heath.
- 1.3 All 3 species of birds nest on the ground or at low level and so are easily disturbed or harmed by human activity. In particular, this includes recreational activity such as dog walking. Predation by domestic cats is also a risk factor, as is the potential for fly tipping and arson on the heathland habitat.

Document Status

- 1.4 This SPD provides an updated avoidance and mitigation strategy to show how the adverse effects of development on the integrity of the Thames Basin Heaths SPA in Surrey Heath Borough Council should be avoided and mitigated.
- 1.5 The following table outlines the elements of national, regional and local policies that are relevant to this SPD.

Table 1: Policy context

Adopted Policy	Policy Reference	Notes
National Planning Policy Framework (NPPF) (2019)	Chapter 15 (Conserving and enhancing the natural environment)	Para. 177 presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or

		projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
South East Plan (2009)	NRM6 Thames Basin Heaths Special Protection Area	The South East Plan (2009) was partially revoked on 25 March 2013. Policy NRM6, which deals with the Thames Basin Heaths Special Protection Area, remains in place. This sets out the principle of the protection of the Thames Basin Heaths SPA in the South East.
Surrey Heath Borough Council Core Strategy and Development Management Policies (February 2012)	CP14A Biodiversity and Nature Conservation CP14B European Sites	These policies set out the principle of the protection of the Thames Basin Heaths SPA in Surrey Heath. Any successive local policies will take forward the principles set out in CP14A and B.

1.6 The above plans and policies are supplemented by the following guidance:

Table 2: Guidance

Guidance	Notes
Thames Basin Heaths Special Protection Area Supplementary Planning Document (January 2012)	This is the Council's existing Avoidance Mitigation Strategy to show how the effects of new (and principally) residential developments on the Thames Basin Heaths SPA should be avoided and mitigated in accordance with the Development Plan. The updated Thames Basin Heaths Special Protection Area Supplementary Planning Document (2019) replaces this guidance.
Thames Basin Heaths SPA Delivery Framework (12 February 2009) (Thames Basin Heaths Joint Strategic Partnership Board)	This Delivery Framework has been endorsed by the Thames Basin Heaths Joint Strategic Partnership Board and is recommended to the local authorities affected by the Special Protection Area (SPA). The Board encourages local authorities to use the Framework to guide the production or revision of local avoidance and mitigation strategies.

Sustainability Appraisal

- 1.7 In accordance with the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (SEA Directive), as transposed into law by The Environmental Assessment of Plans and Programmes Regulations 2004, local authorities are obliged to undertake a Strategic Environmental Assessment (SEA) on any plan or programme prepared for town and country planning or land use which sets the framework for future development consent of certain projects (which includes development sites over 0.5 hectares).
- 1.8 Under Article 3(3) and 3(4) of the SEA Directive, SEA is not required for plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans and programmes”, except where they are determined to be likely to have significant environmental effects.
- 1.9 Surrey Heath Borough Council therefore undertook a SEA Screening. Before making a determination under Regulation 9 the three consultation bodies (Natural England, the Environment Agency and Historic England) were consulted on the SEA Screening Report.

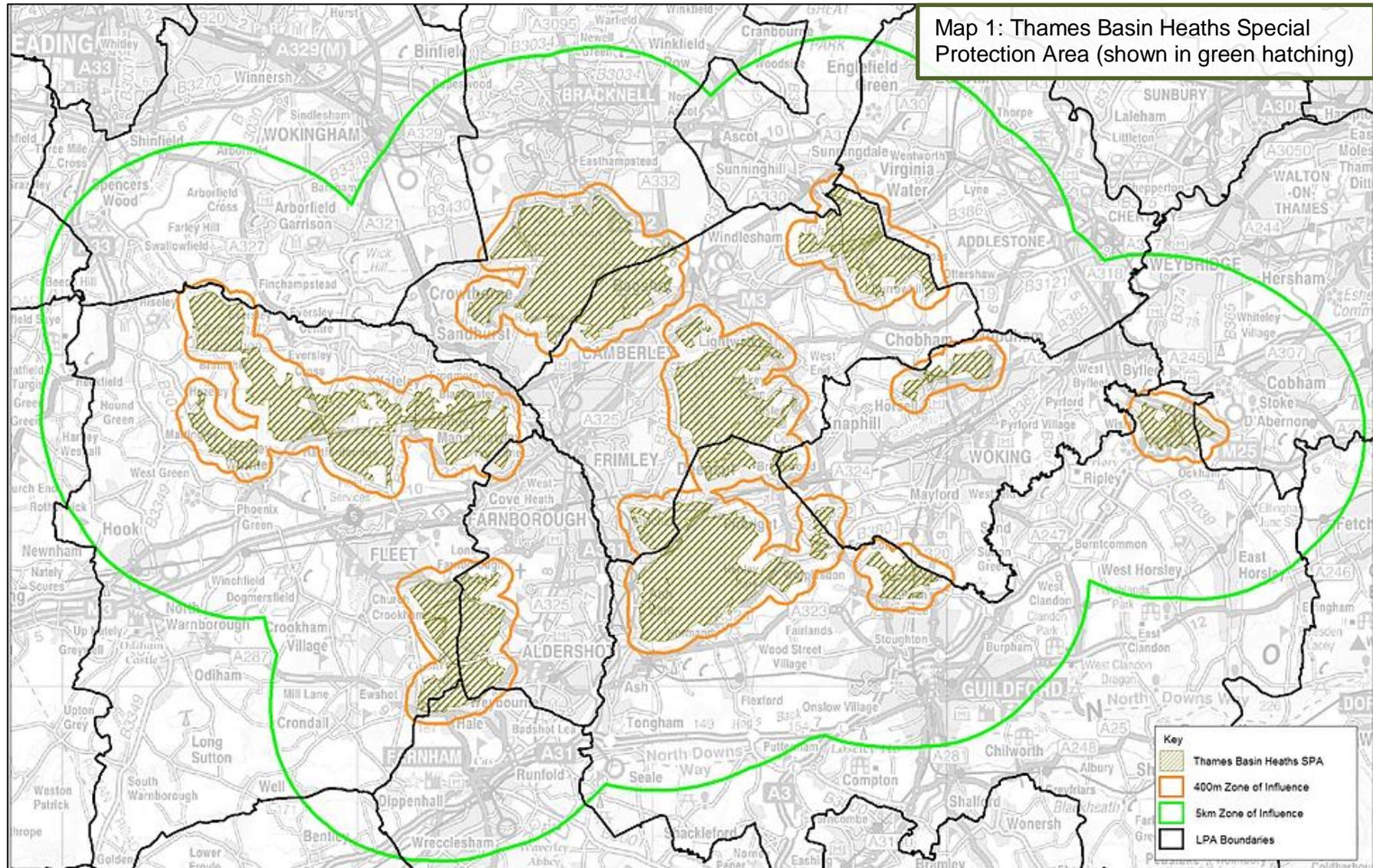
Habitats Regulation Assessment

- 1.10 The Conservation of Habitats and Species Regulations 2017 (or as subsequently amended) implement in Great Britain the requirements of the EU Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (the Habitats Directive) (Council Directive 92/43/EEC). They also protect areas classified under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive). The Regulations aim to protect a network of sites that have rare or important habitats and species in order to safeguard biodiversity.
- 1.11 Under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites. The Competent Authority (in this case Surrey Heath Borough Council) must assess the possible effects of a plan or project on any Natura 2000 sites through a Habitats Regulations Assessment. The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that a Habitats Regulations Screening Assessment cannot take into account any proposed measures to mitigate any likely impact at the screening stage. The council is therefore now required to carry out a full Appropriate Assessment of relevant plans and planning applications.
- 1.12 The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD elaborates on Policies CP14A & B of the Core Strategy & Development Management Policies Development Plan Document (DPD) and South East Plan Policy NRM6 which have already undergone HRA. Further, the SPD only sets out guidance on the approach to avoiding impacts on the SPA and does not set

out proposals for individual SANGs. Therefore, there is no pathway which gives rise to significant effect either alone or in combination. It is therefore considered that an Appropriate Assessment is not required.

Consultation

- 1.11 This document was available for public consultation between 30th November 2018 and 11th January 2019.



2 Principles for avoidance of harm

- 2.1 Due to the large number of local authorities involved and the cumulative nature of the impacts (a result of many individual housing applications) a co-ordinated approach to avoidance measures has been necessary and the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) has been set up to provide the vehicle for joint working between local authorities and other organisations responsible for protection of the Thames Basin Heaths SPA. The JSPB includes Member representation for each affected Local Authority together with a number of stakeholders.
- 2.2 In February 2009 the JSPB endorsed a strategic Delivery Framework. This recommends a combination of three avoidance measures to protect the Thames Basin Heaths from the impacts of new residential development:
- The establishment of a 400 metre buffer around the SPA within which no net new residential development will be permitted.
 - The provision of Suitable Alternative Natural Greenspace (SANG).
 - Strategic Access Management and Monitoring (SAMM) measures, co-ordinated visitor management across the whole of the publically accessible SPA.

The 400 metre Buffer

- 2.3 There is a presumption against residential development within 400m of the SPA boundary. This is measured as the crow flies from the perimeter of the SPA to the point of access on the curtilage of a dwelling, as recommended by the Joint Strategic Partnership Board and set out in the Thames Basin Heaths SPA Delivery Framework (12 February 2009). Where there are multiple points of access on the curtilage of a dwelling, the 400m buffer will be measured to the point of access that is closest in distance to the SPA, as the crow flies. This includes both pedestrian and vehicular accesses.
- 2.4 The impact of net new residential development within 400m of the SPA is likely to be such that it is not possible to conclude no adverse effect on the integrity of the SPA. Therefore there is a presumption against development that results in a net increase in residential units within the 400m buffer zone. A Habitats Regulations Assessment will be needed, and agreed with Natural England, to demonstrate that any development within this zone will not have an adverse effect on the SPA and/or the acceptability of any avoidance and mitigation measures provided.

Suitable Alternative Natural Greenspace (SANG)

- 2.5 Two avoidance measures are promoted by Natural England and endorsed by the JSPB. These are Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). SANGs are areas that currently are not in use for recreation and so are a new alternative provision or are existing areas that are significantly under-used and so have the capacity to absorb

additional recreational use. In the case of the latter category it is important to consider why the site is under-used and whether it truly represents an alternative resource. SANGs should be in place before any development is occupied so that the risk of additional recreational pressure arising on the SPA is avoided.

- 2.6 Access Management is seen as an important part of the avoidance strategy for Surrey Heath. It is proposed to promote the use of SANGs by improving the accessibility of sites, identifying recreational routes (in particular circular walks easily accessible from residential areas) and promoting these measures.
- 2.7 Sections 4 and 5 of this document set out the approach for SANGs to be pursued within Surrey Heath.

Strategic Access Management and Monitoring (SAMM)

- 2.7 SAMM is a project to provide management of visitors across the entire SPA and monitoring of the impact. It addresses the issue of cumulative impact of new development across the SPA.
- 2.8 The SAMM project aims to:
- Promote SANGs as new recreational opportunities for local people and particularly encourage their use during breeding bird season;
 - Create new volunteering opportunities;
 - Provide an SPA-wide education programme including through the Thames Basin Heath Partnership Website - www.tbhpartnership.org.uk which details the project and provides information about SANGs and where to find them;
 - Provide on-the-ground wardening service to supplement existing wardening efforts;
 - Demonstrate best practice for strategic access management of visitors and visitor infrastructure where the supply of greenspace is heavily dependent on protected areas;
 - Monitor visitor usage of SANGs and SPA;
 - Monitor Annex 1 birds on SPA sites.
- 2.9 SAMM is a joint project between the Local Planning Authorities affected by the SPA (namely Guildford, Bracknell Forest, Elmbridge, Rushmoor, Runnymede, Waverley, Woking and Wokingham Borough Councils, Hart District Council and Royal Borough of Windsor and Maidenhead) along with Natural England (as the delivery body) and Hampshire County Council (as the administrative body). The SAMM Legal Agreement was signed by Surrey Heath Borough Council, Natural England and the other ten local authorities affected by SPA issues in July 2011.

3 Types of Development Affected

- 3.1 The duty to consider the possibility of likely significant effect applies to all types of development, not just residential. This document largely concerns itself with the effects arising from development falling within Use Classes C2 Residential Institutions, C3 Dwelling houses and C4 Houses of Multiple Occupation. However, other forms of development may also be required to contribute toward or provide avoidance measures within the proposed development.

C3 (dwellinghouse)

- 3.2 Developments within Use Class C3 (dwellinghouses) where there is a net gain of 1 or more units are considered to give rise to likely significant effect to the SPA and will be required to contribute towards avoidance measures (SANG and SAMM). Replacement dwellings will not be required to provide avoidance measures.

C2 (residential institutions)

- 3.3 Developments within Use Class C2 (Residential Institutions) may be considered to give rise to likely significant effect to the SPA. Such developments may be required to contribute towards avoidance measures. Applications for C2 development will be considered on a case-by-case basis and in reaching a decision the Council will take into consideration how the development will be used and occupied. In the case of Residential Institutions with permanent residents, such as care/nursing homes, the likely activity levels of the residents will be taken into account in assessing whether the development is likely to give rise to a significant impact on the SPA. Natural England will normally be consulted on such applications.

Houses of Multiple Occupation

- 3.4 Conversions from C3 Dwelling Houses to C4 Houses of Multiple Occupation are considered to give rise to likely significant effect to the SPA. Such conversions are included as permitted development under the General Permitted Development Order (2015) (as amended). However, Article 3(1) of the GPDO requires compliance with Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (or as subsequently amended). Conversions such as C3 to C4 use must comply with these Regulations and will therefore be required to contribute towards avoidance measures (SANG and SAMM).

Hotels (C1)

- 3.5 For traditional hotels offering short stay accommodation avoidance and mitigation measures will generally not be required. However, for hotels located within 400m of the SPA with a new car park, measures may be required to ensure that the car park cannot be made available to the general public wishing to access the SPA. For hotels offering accommodation for longer periods of time, such as Apart-hotels where the dwelling is to become the full time address for a person, it will be considered likely to have a significant adverse effect in

combination with other dwellings and will be required to contribute to avoidance and mitigation measures.

Other forms of development

- 3.6 Proposals for other forms of development either by virtue of proximity to the SPA or where the use is quasi-residential will be required to contribute toward avoidance measures. This may include staff accommodation where it becomes the full time address for a member of staff.
- 3.7 Future changes to the GPDO, to other legal/regulatory frameworks or to Government policy may mean that certain types of development which currently require planning permission may not do so in future. However, if there is a net gain in the types of residential units referred to in this section of the document (3 - Types of Development Affected), the development will be considered to have a likely significant effect and will therefore be required to contribute towards or provide avoidance measures (SANG and SAMM).
- 3.8 Mobile or temporary dwellings may be required to contribute towards avoidance measures.
- 3.9 Such cases as set out in paragraphs 3.6 – 3.8 above will be dealt with on an individual basis and applicants are advised to seek advice before submitting a planning application or carrying out conversions under Permitted Development Rights.

4 SANGs in Surrey Heath

Introduction

- 4.1 SANGs provide alternative recreational land to attract new residents away from the Thames Basin Heaths SPA.
- 4.2 Surrey Heath will provide SANGs for new developments at a standard of at least 8 hectares per 1,000 head of population as set out in the JSPB Delivery Framework. All SANGs, including on-site provision, will be expected as a minimum to meet the 8ha per 1,000 new population standard. The provision of new SANG will be subject to a case-by-case consultation with Natural England and depending on the characteristics of the site or the proposed development, as well as its proximity to the SPA, a level of provision in excess of 8ha/1000 may be required.
- 4.3 As a guide, it will usually be possible for developments of fewer than 136¹ net dwellings to take up capacity at strategic SANGs, subject to availability. However, it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. Strategic SANGs are owned and maintained by a relevant local authority or similar body and provide avoidance measures for developments that cannot provide their own on-site SANG. Further guidance on types of SANGs and the site size threshold is set out in paragraphs 4.19 to 4.27 of this document. Information about available strategic SANGs is provided on the Council's website at – <https://www.surreyheath.gov.uk/SANG>

SANG Catchments

- 4.4 SANGs have catchment areas which are based on the overall size of the SANG. Residential developments with a net increase of 10 or more units that are allocated to a SANG should be located within the specific SANG's catchment area. SANG catchment areas are as follows:
- i) SANG of 2-12ha will have a catchment of 2km
 - ii) SANG of 12-20ha will have a catchment of 4km
 - iii) SANG of 20ha+ will have a catchment of 5km
- 4.5 The standards for proximity to SANG apply to all residential developments with a net increase of 10 or more units. Developments with a net increase of less than 10 units need not be within a specified distance of a SANG provided that overall there is sufficient SANG capacity within the Borough. Natural England have indicated that where a suite of smaller SANGs can be linked through access management measures to function in combination as a much larger SANG, this will be accepted in lieu of the above.

¹ This is the minimum number of dwellings necessary to generate a requirement for a minimum 2ha SANG (at an average of 1.84 persons per dwelling based on the average occupancy rates for existing allocations for strategic SANG capacity in Surrey Heath and a SANG standard of at least 8ha per 1,000 new population). In practice SANGs are much larger than 2ha since they must provide a minimum 2.3 - 2.5km walk.

SANG Capacity

- 4.6 Capacity at strategic SANGs is based on a tiered structure so that larger houses, which are likely to accommodate more people, use up more of the SANG capacity than small houses. This is in line with the approach adopted by neighbouring authorities and by the SAMM project. Therefore rather than being considered in terms of the numbers of dwellings, SANGs are considered in terms of the number of additional people that can be mitigated for. Average occupancy rates will be taken to be as follows:

Table 3: SANGs Occupancy Rates

Dwelling Size	Occupancy ²
1 bedroom	1.40
2 bedroom	1.85
3 bedroom	2.50
4 bedroom	2.85
5+ bedroom	3.70

- 4.7 Where calculating the number of bedrooms for the purposes of determining the amount of SANG capacity a development requires, additional habitable rooms capable of realistic conversion to bedrooms will be included. Habitable rooms capable of future conversion into a bedroom will include, for a dwelling house with more than one storey, any room at first floor level and above with an external window (excluding bathrooms and the like), with a floor area greater than 6.5 sqm.
- 4.8 Carrying capacity refers to the quantity of new visitors or recreational activity that a SANG can accommodate without detriment to the site. For new SANGs with no existing usage the carrying capacity will normally be the 8ha per 1,000 population standard. Further guidance on carrying capacity is provided in paragraphs 4.15 to 4.18 of this document.

Delivery of SANG

- 4.9 Sufficient SANG must be delivered (identified, functional and secured in perpetuity) in advance of dwelling occupation to ensure that there is no likely significant effect on the Thames Basin Heaths SPA. The Council will seek to ensure that adequate SANG capacity is provided in the borough to provide avoidance measures for the expected amount and location of development.
- 4.10 SANGs are expected to be provided and funded in order that they can function in perpetuity which is considered to be at least 125 years, in accordance with

² Occupancy rates taken from Natural England's SAMM Tariff Guidance document, March 2011 and based on analysis of Census 2001 data for Thames Basin Heaths Authorities.

legislation which defines the 'in perpetuity' period (Perpetuities and Accumulations Act 2009).

- 4.11 The in perpetuity provision of SANG means that increased local pressure on the Thames Basin Heaths SPA will be offset in perpetuity. In considering what represents an "in perpetuity" solution for the purposes of funding, the Council will have regard to the following matters as appropriate:
- The funding must be sufficient for the indefinite future.
 - Where appropriate, as the basis for calculations, regard will be given to the statutory definitions of in perpetuity in force at the time.
 - Funding mechanisms must be reliable, workable and enforceable, providing sufficient funding for the long term management of the SANG over an indefinitely long period to the satisfaction of the Council as the competent authority.
- 4.12 Natural England's preference is for SANGs to be handed over to local authorities or similar bodies. This is to ensure that in perpetuity management can be securely provided by a body that is unlikely to become insolvent or dissolve. Where SANG land is not owned by the Council, Natural England may require the Council to agree 'step-in rights' either for itself or an approved and named organisation to ensure that mitigation is secure. Step-in rights will always be required where a third party management company is proposed to own and/or manage a SANG.
- 4.13 The use of step-in rights will be triggered where a SANG's Management Plan is not being fulfilled, or in instances where it is necessary to ensure a SANG remains funded and maintained in perpetuity. In all cases where SANG land is not owned by the Council, the Council will seek an interest in the land to ensure that the SANG endures and the funding is used as set out in the SANG agreements. In every situation where step-in rights are required, they will be secured through a Section 106 or similar legal agreement and must be agreed with Natural England.
- 4.14 All proposals for SANGs must include an in depth SANG Management Plan that clearly outlines the practical habitat management and explains how the requirements of the SANG Guidelines (see section 6) will be met. The SANG Management Plan should include details of the managing body or organisation, capital costs and costs for the in perpetuity management of the SANG in order to demonstrate that the SANG will deliver effective avoidance both at the outset and in perpetuity. The Management Plan should have regard to Policies CP14A and B of the Surrey Heath Core Strategy (2012) as well as any subsequent biodiversity and nature conservation policies in emerging Development Plan Documents, and Chapter 15 of the NPPF (Conserving and Enhancing the Natural Environment).
- 4.15 For new SANGs with no existing usage the carrying capacity will normally be the 8ha per 1,000 population standard. Carrying capacity refers to the quantity of new visitors or recreational activity that a SANG can accommodate without detriment to the site. Visitor surveys will be carried out on potential SANGs prior to their adoption so that current usage levels can be assessed. Calculations of

the capacity of individual SANGs will be set out in the proposal document for each SANG and will be agreed with Natural England.

- 4.16 Where a proposal for a SANG includes the use of existing public open space, the existing rights and patterns of public use must be taken into account and protected, and a degree of discounting people capacity must be applied to reflect this. Discounting is used to account for the existing visitor capacity for a given area, meaning the overall capacity of the SANG is reduced because some of the visitor capacity is already used. The impact of the proposed improvements to the land and accessibility through implementation of a SANG will, to some extent be absorbed by existing visitors' use of the site area.
- 4.17 In the case of SANGs which have a recognised nature conservation interest, capacity will only be released where monitoring indicates that additional usage is having no adverse effect and the site can accommodate more recreational usage. In such cases it will be difficult to identify a definitive capacity. Surrey Heath may be reliant on such sites. For this reason, it may be necessary to identify SANG capacity at a rate that is above the 8ha per 1,000 population standard.
- 4.18 The Council will continue to work with other Councils, organisations and separate parties to deliver new SANGs. Joint working between the Council and other parties may be appropriate where the Council alone cannot provide sufficient SANG or there is the opportunity to add value and/or capacity to individual SANG by developing a network of SANG across local authority boundaries.

Strategic SANGs

- 4.19 Strategic SANGs are located throughout Surrey Heath Borough or within close proximity of the Borough, in order for their catchment areas to be effective. They are owned and maintained either by Surrey Heath Borough Council, or in instances such as where the SANG is located outside of the Borough, by an adjoining authority.
- 4.20 The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units. In addition, larger developments in the Western Urban Area³, that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs. This approach may also apply to sites outside this area that have particular, site-specific circumstances which support the need for off-site SANGs provision, subject to the availability of SANG capacity.
- 4.21 Developments in Surrey Heath that are allocated capacity at strategic SANGs as avoidance measures are required to make financial contributions towards their enhancement, and ongoing management and maintenance. Contributions are currently taken through the Community Infrastructure Levy (CIL), where the

³ The Western Urban Area comprises the settlement areas of Camberley, Frimley, Frimley Green and Mytchett.

development is CIL liable. In instances where a development is not CIL liable, contributions are taken through a unilateral undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990.

- 4.22 A list of strategic SANGs that Surrey Heath allocates to at the time of this document's production is included in Table 4. Appendix 1 is an accompanying map which demonstrates the location of the strategic SANGs included in Table 4 and their catchment areas.

Table 4: Surrey Heath Strategic SANGs

Strategic SANG	Total People Capacity for SANG
Chobham Meadows	2516
Windlemere	2000
Shepherds Meadows	1200
Hawley Meadows	1091
Swan Lakes	194
Blackwater Park	434
Chobham Place Woods	280

Bespoke SANGs

- 4.23 Bespoke SANGs provide avoidance measures for a specific development. New developments of more than 136 units will generally be expected to provide a bespoke SANG rather than relying on capacity at Surrey Heath's available strategic SANGs.
- 4.24 The figure of 136 units is a starting point only, and it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. In instances where a development of more than 100 units seeks to use capacity at a strategic SANG, the Council will need to consider whether this would result in an overall shortage of capacity within the relevant strategic SANG's catchment area.
- 4.25 Additionally, in some circumstances, sites of fewer than 100 units may be asked to make some on-site provision. Where the Council considers that an individual development proposal represents phased or piecemeal development of a larger overall site, the total capacity of the larger site will be taken into account when reaching a decision on whether an individual proposal should provide on-site mitigation. Proposals for any bespoke SANG will be considered on a case-by-case basis, in consultation with Natural England.

- 4.26 As stated in paragraph 4.20, to help facilitate development at sites located in the Western Urban Area⁴ that are unable to realistically provide land for SANGs on-site, the Council will consider the possibility of allocating strategic SANG for sites over the threshold of 136 units in this location, subject to the availability of capacity.
- 4.27 Use of this capacity will be considered by the Council on a case by case basis, as a balance should be maintained which ensures delivery of sustainably located sites above 136 units, whilst also providing capacity for smaller sites which rely on strategic SANGs. The Council cannot guarantee that all relevant development sites can be accommodated through this arrangement.

⁴ The Western Urban Area comprises the settlement areas of Camberley, Frimley, Frimley Green and Mytchett.

5 Guidelines for the creation of SANG

5.1 The following guidance is based upon the Delivery Framework and Natural England's guidance on the creation of SANG⁵.

SANGs may be created from:

- I. existing open space of SANG quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public.
- II. existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA
- III. land in other uses which could be converted into SANG

5.2 No guidance is included on minimum site size, but the requirements set out in Appendix 2, including in particular the requirement for a circular walk, may affect the practical size of a SANG.

5.3 Appendix 2 sets out a full list of requirements for the creation of new SANGs.

⁵ Thames Basin Heaths Special Protection Area: Mitigation Standards for Residential Development (English Nature (now Natural England), May 2006)

6 Strategic SANG Contributions

- 6.1 New development will be required to make financial contributions toward both SANG and SAMM. Contributions may in part be used to fund the staffing costs for monitoring and administration either within the Borough Council or by a joint body to oversee parts or all of this work. Monitoring will include surveys to be undertaken in future to observe visitor numbers to SANGs and the SPA.
- 6.2 For developments that must provide avoidance measures and which are not providing a bespoke on-site SANG solution, contributions must be made to the Council for the use of capacity at one of the strategic SANGs the Council allocates to. Capacity at strategic SANGS will generally be reserved for applications of up to 136 net additional units, where it is available. However, it is recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. Furthermore, in some cases, strategic SANG capacity may be reserved for planned developments in Camberley Town Centre which cannot realistically provide their own land for SANGs.
- 6.3 Applications that require the allocation of strategic SANG capacity will be reserved when the application is registered. Strategic SANG capacity will be reserved on a first come, first served basis. This is likewise the case for appeals that are registered. In the eventuality that an application is refused, or an appeal is dismissed, any capacity that has been reserved for an application will be removed. The Council monitors SANG capacity on a monthly basis. Should strategic SANG capacity become limited in the Borough, SANG capacity will be monitored on a fortnightly basis.
- 6.4 SANG contributions for Residential (C3) developments are currently taken through CIL, which came into effect on 1st December 2014. The Council's CIL Charging Schedule includes a lower tariff for residential developments which either do not require avoidance measures, or provide bespoke SANG, and a higher tariff for developments which require use of strategic SANG. CIL tariffs are charged on a per square metre basis. The cost of the SANG element of CIL is £125.00 per square metre. The Council's CIL Regulation 123 List includes strategic (shared) SANG for development that cannot secure its own SANG solution as one of the Council's infrastructure projects to be funded through CIL. SANG monies collected through CIL are ring-fenced for the delivery, maintenance and management of strategic SANGs in perpetuity.
- 6.5 For developments that are not CIL liable but nonetheless include a net increase in residential units, SANG contributions are secured through a unilateral undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990. If the Council were unable to fund the provision of SANG for residential development types that are not CIL liable, the impacts from these developments on the SPA could not be avoided. Consequently, such

developments would fail to meet the requirements of the Conservation of Habitats and Species Regulations⁶, which could therefore not be discharged.

- 6.6 As such, the Council levies a contribution of £112.50 per square metre for residential floorspace that is not CIL liable, at sites of 1 or more net new units. This could be either new residential floorspace or floorspace that is converted to residential use. As with the proportion of CIL that is collected for SANGs, this money is ring-fenced for the delivery, maintenance and management of strategic SANGs in perpetuity. The types of development affected that are liable for this contribution are set out below:

Table 5: Development Types Requiring Avoidance Measures for SANG that are not CIL Liable

Development Types Liable for the SANGs Contribution	SANGs Contribution
Change of use to Residential use through the Prior Approval process under the General Permitted Development Order 2015 (as amended)	£112.50 per sqm of residential floorspace
Self and custom build housing	
Affordable Housing as defined in the NPPF ⁷	
Applications where less than 100sqm residential floor space is created	
Conversions to residential use from use class C1, C2 and any use class in categories A, B, D, Sui Generis, or other uses not categorised (as set out in the Town and Country Planning Use Classes Order), through planning permission where the applicant can demonstrate that the building or part of the building has been in continual lawful use for a 6 month period within the last 3 years	
Conversions to a C2 use where the development may be considered to give rise to likely significant effect to the SPA	

- 6.7 For residential conversions within use class C3 (Residential) and C4 (Houses of Multiple Occupation), where no additional floorspace is created, but the overall number of units increases, avoidance measures must also be provided through the allocation of SANG. Such development types include, though are not limited to, the following:

- sub-divisions of existing Residential (C3) use units;
- conversions from existing Residential (C3) use dwellings to a House in Multiple Occupation (HMO) (C4) use.

⁶The Conservation of Habitats and Species Regulations 2017-
<http://www.legislation.gov.uk/ukxi/2017/1012/made> (or as subsequently amended) -
<http://www.legislation.gov.uk/ukdsi/2019/9780111176573>

⁷ Affordable Housing as defined in Annex 2 of the NPPF (Glossary) -
<https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

6.8 The Council recognises that a SANGs contribution of £112.50 per square metre would represent a disproportionately high payment where applied to developments that are already in residential use. Therefore, for the types of development set out in paragraph 6.7, the SANGs contribution will be calculated using their net additional person capacity. This will be charged at £2,832 per net additional person allocated SANG capacity, based on the average occupancy rates for dwellings set out in Table 3. The calculations setting out the Council's per person capacity cost for its strategic SANGs are included in Appendix 3.

6.9 For residential sub-divisions, the occupancy of the existing dwelling should be taken into consideration when calculating the contributions to be paid. To give a worked example:

Example: Conversion of a 4 bedroom house to two 2 bedroom houses:

Existing Occupancy: 1×2.85 (1 x 4 bed) = 2.85

Proposed Occupancy: 2×1.85 (2 x 2 bed) = 3.70

Net Occupancy: $3.70 - 2.85 = 0.85$ additional people

Therefore mitigation would be required for 0.85 additional people.

6.10 In the case of a conversion from Residential (C3) use to HMO (C4) use, each C4 bedroom will be considered to have an average occupancy rate of 1 person, unless there is evidence to suggest that a higher rate of occupation will be achieved. The occupancy rate of the existing Residential (C3) unit as set out in Table 3 will be subtracted from the occupancy of the HMO to calculate the number of persons for whom avoidance is required. A worked example is shown below to illustrate this calculation:

Example: Conversion of a 3 bed Residential (C3) use to a 5 bed HMO (C4):

Existing Occupancy Rate: 1×2.5 (1 x 3 bed) = 2.5 people

Proposed HMO Occupancy Rate: 1×5 (5 bedroom HMO) = 5 people

Net Occupancy requiring mitigation: $5 - 2.5 = 2.5$ additional people.

6.11 It should be noted that the development types shown in Table 5 and the residential conversions listed in paragraph 6.7 may not form an exhaustive list of residential developments providing net additional units that are not CIL liable. The Council will seek appropriate SANGs contributions for any other residential development types that are not CIL liable but are required to provide avoidance measures for their impact on the TBH SPA.

6.12 Should the Council undertake a CIL Review, alternative mechanisms for the funding of SANG that are separate from CIL will be considered. This may include the use of unilateral undertaking made pursuant to Section 106 of the

Town and Country Planning Act 1990 for all types of residential development that require avoidance measures through the allocation of capacity at strategic SANGs.

Expenditure of SANGs monies

6.13 Money that is collected for SANG will be used for the following potential expenditure relating to the delivery of the Surrey Heath Borough Council Thames Basin Heaths SPA Avoidance Strategy SPD:

- Initial capital enhancements of new strategic SANGs in accordance with the relevant SANG Management Plan.
- In perpetuity management and maintenance of strategic SANGs.
- Facilitation costs associated with the operation and review of the strategy.

7 SAMM Contributions

- 7.1 Strategic Access Management and Monitoring (SAMM) is a further avoidance measure, which is separate from SANGs. A contribution towards the SAMM project is required for all net new residential development. Whereas SANG contributions are collected individually by each local authority, the Joint Strategic Partnership Board (JSPB) endorsed the principle of a separate single tariff to fund SAMM measures, to be collected centrally and used strategically across the SPA. SAMM funds are not used for the delivery, maintenance or management of SANGs.
- 7.2 The SAMM Project is funded by Section 106 contributions. The tariff is collected from the relevant local authorities by an administrative body (Hampshire County Council) and the delivery managed by Natural England. The JSPB has agreed that the SAMM contribution should be applied on a 'per bedroom' basis. Local occupancy rates have not been applied to the SAMM contribution, as accurate and up-to-date figures for occupancy rates in Surrey Heath Borough are not currently available. Therefore, sub regional averaged figures are used to calculate SAMM contributions. This is based on a programme of access management and monitoring measures set out in the Thames Basin Heaths SAMM Project Tariff Guidance document, produced by Natural England in March 2011⁸.
- 7.3 The SAMM tariff set out in the guidance document at footnote 8 is the contribution which is applied by Surrey Heath Borough Council. In compliance with Natural England's SAMM Tariff Guidance document, this has been converted to a 'per bedroom' tariff which equates to £263 per person +8%, as set out in the following table:

Table 6: SAMM Contribution per Unit

Number of Bedrooms	Occupancy	Tariff
1	1.40	£399
2	1.85	£526
3	2.50	£711
4	2.85	£807
5+	3.70	£1052

- 7.4 In Addition to the SANG and SAMM tariffs, the Borough Council may require developers to meet the Council's legal costs of processing the legal agreement and internal monitoring/administration of the agreement and payments. The details of the requirements for such payments will be provided on the Council's website.

⁸ Thames Basin Heaths Strategic Access Management and Monitoring Project Tariff Guidance document - <https://www.surreyheath.gov.uk/sammtariff>

- 7.5 Contributions may be updated on an annual basis to reflect increased costs or works. This will not affect contributions already paid or committed. Where a development site is entirely self-mitigating through a bespoke onsite SANG, contributions will still be required to provide SAMM contributions. Where developments are seeking to contribute to a SANG controlled by a third party all contributions must be paid to the Borough Council who will release funds to the third party in accordance with the arrangements in place to deliver and maintain the SANG. An administration cost would also be applied in such instances to account for officer hours. This will ensure that the Council fulfils its duty as competent authority to ensure that avoidance measures are provided to the required standard and that monies are available for access management and monitoring.

Glossary

Appropriate Assessment - An assessment, required under the Habitats Directive, if a plan or project is judged as likely to have a significant effect on a Natura 2000 site.

Community Infrastructure Levy - The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.

Competent Authority - The decision maker under the Habitats and Species Regulations 2017 (or as subsequently amended): often the local authority, but could be a planning inspector or other body responsible for assessing a plan or project.

Delivery Framework - Sub-regional guidance on Thames Basin Heaths SPA avoidance and mitigation methods, produced and endorsed by the Thames Basin Heaths Joint Strategic Partnership Board.

Development Plan - A set of documents, which at the time of this SPD's adoption comprises certain saved policies from the Surrey Heath Local Plan 2000, the Core Strategy and Development Management Policies DPD, the Camberley Town Centre Area Action Plan, the Surrey Waste and Minerals Plans, and the saved policies in the South East Plan. Section 54A of the Town and County Planning Act 1990 requires that planning applications and appeals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan Document - A Local Development Document which forms part of the statutory development plan, examples include the Core Strategy and Area Action Plans.

Local Plan - A Local Plan forms part of the development plan system set out in the Town and County Planning Act 1990. Local Plans set out a vision and a framework for the future development of an area, addressing housing, the economy, community facilities and infrastructure, the environment, adapting to climate change and securing good design. Local Plans (together with any adopted neighbourhood plans) are the starting-point for considering whether planning applications can be approved.

National Planning Policy Framework (NPPF) - A document that sets out the government's planning policies for England. It guides planning decisions and sets the framework for the production of planning documents at the local level.

Natura 2000 sites - an ecological network of sites (SPAs and SACs) established under the Habitats Directive to provide a strong protection for Europe's wildlife areas.

Special Area of Conservation - Nature conservation site designated under the Habitats Directive for its habitat or species interest.

Special Protection Area - A nature conservation site designated for its bird interest under the Birds Directive, but subject to the assessment procedure set out in the Habitats Directive.

Strategic Access Management and Monitoring Project - Overseen by Natural England, implements standard messages and additional wardening and education across the Thames Basin Heaths SPA.

Suitable Alternative Natural Greenspace (SANG) - Open space, meeting guidelines on quantity and quality, for the purpose of providing recreational alternatives to the SPA.

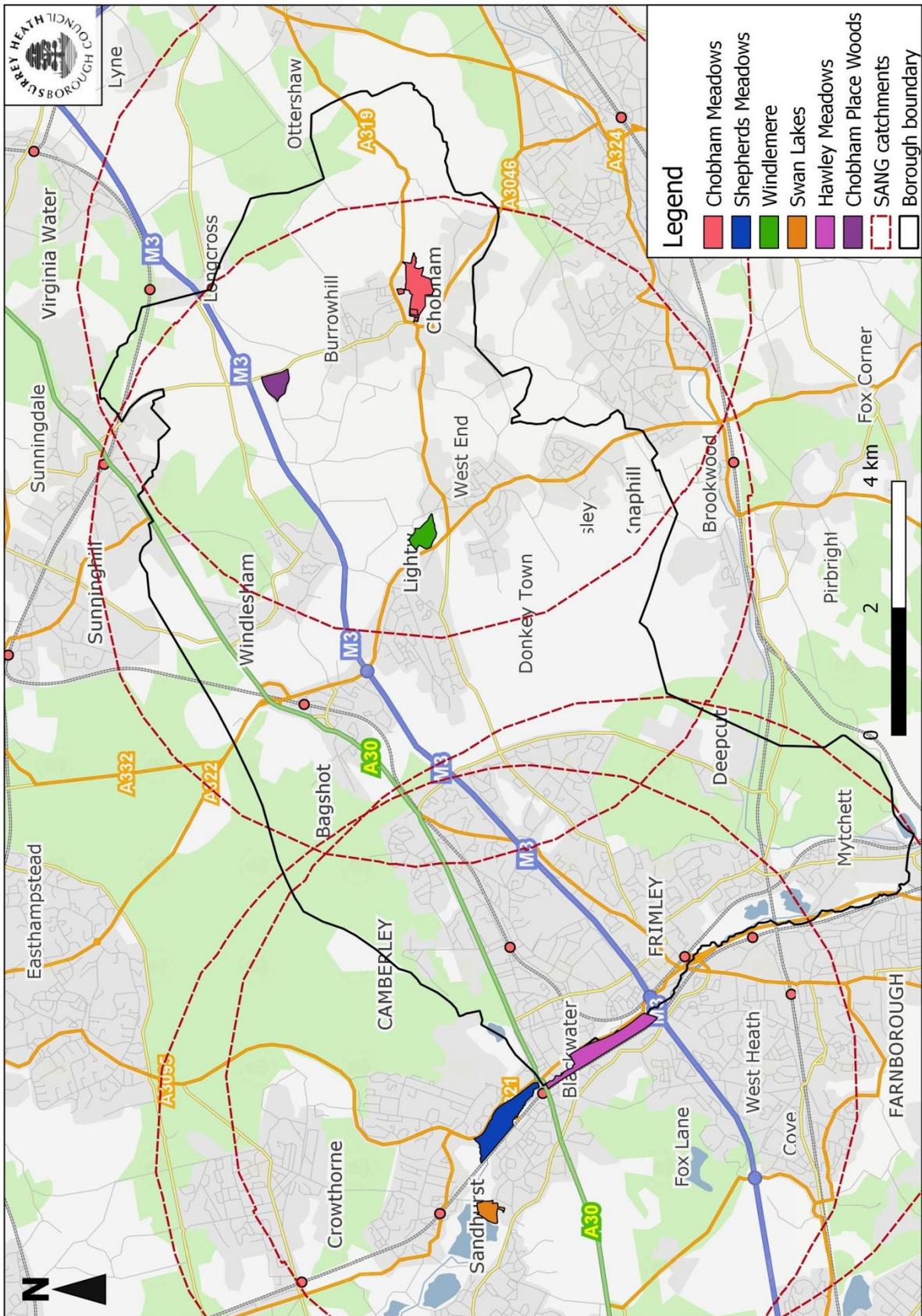
Supplementary Planning Document - A planning document produced at the local level to build upon and provide more detailed advice or guidance on local policies.

Thames Basin Heaths Joint Strategic Partnership - Partnership of Thames Basin Heaths-affected Local Authorities and key stakeholders, which form and oversee the implementation of sub-regional guidance, for example the Delivery Framework.

Abbreviations

CSDM DPD	Core Strategy and Development Management Policies Development Plan Document
CIL	Community Infrastructure Levy
DPD	Development Plan Document
EU	European Union
HMO	Houses of Multiple Occupation
JSPB	Joint Strategic Partnership Board
NPPF	National Planning Policy Framework
SAMM	Strategic Access Management and Monitoring
SANG	Suitable Alternative Natural Greenspace
SEA	Strategic Environmental Assessment
SEP	South East Plan
SPA	Special Protection Area
SPD	Supplementary Planning Document

Appendix 1: Map of Strategic SANGs Allocated to



Appendix 2: Guidelines for Creation of SANGs

The wording in the list below is precise. The requirements referred to as “must” are essential in **all** SANGs. Those requirements listed as “should have” should all be represented **within the suite** of SANGs, but do not all have to be represented in every site. All SANGs should have at least one of the features on the “desirable” list.

Must have

- For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it.
- It should include a circular walk of 2.3-2.5km around the SANGS. On sites with car parks this should start and finish there.
- Sites of 10ha or more must have adequate car parking. These should be clearly signposted and easily accessed.
- Car parks must be easily and safely accessible by car and should be clearly sign posted.
- The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
- The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s
- SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).

Should have

- SANGS should be clearly sign-posted or advertised in some way.
- SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.
- SANGS should link into longer walks of 5km or more through footpath or other green networks

Desirables

- It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.
- Where possible it is desirable to choose sites with a gently undulating topography for SANGS
- It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.
- It is desirable that SANGS provide a natural space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.
- Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.
- Larger SANGS or those grouped close together should aim to provide longer walks of 5km or more.
- Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate.

Appendix 3: Summary of SANG costs

The cost of managing strategic SANGs includes three areas:

- Initial Enhancement works costs associated with bringing a SANG up to the necessary standard;
- Maintenance costs in perpetuity associated with the management of SANGs;
- Facilitation costs including contingency to forward plan and deliver the complete avoidance and mitigation strategy.

A summary of the cost per person for managing strategic SANGs in Surrey Heath is detailed in table 7. For residential conversions detailed in paragraph 6.7 of this document, the cost per person will be charged at £2,832.

Table 7: summary of the per person costs for SPA Avoidance and Mitigation Works and Measures

SPA Avoidance and Mitigation Works and Measures	Cost per person
SANG initial enhancement works	£66
SANG Maintenance cost in perpetuity (125 years)	£1,772
Facilitation sum	£994
Total cost per person	£2,832