

SHBC/4

Background to the Thames Basin Heaths Special  
Protection Area

Surrey Heath Community Infrastructure Levy



February 2014

- 1.1 This statement sets out a background summary to the Thames Basin Heaths SPA and the mechanism which has been agreed to avoid significant effect arising from residential development.
- 1.2 The Thames Basin Heaths Special Protection Area (TBHSPA) covers an area of 8,400ha over 13 Sites of Special Scientific Interest across Berkshire, Hampshire and Surrey. 23% of the area of Surrey Heath is covered by this designation. The SPA offers protection to three ground nesting bird species, the Woodlark (*Lullula arborea*), Nightjar (*Caprimulgus europaeus*) and Dartford warbler (*Sylvia undata*). The SPA was first provisionally identified in 1994 and designation confirmed on 9<sup>th</sup> March 2005. Parts of the SPA are also designated as Special Areas of Conservation (SAC), most notably the Thursley, Pirbright, Ash and Chobham Common SAC.
- 1.3 Article 4(4) of the European Birds Directive (79/409/EEC as updated by 09/147/EC) requires member states to take appropriate steps to avoid significant deterioration of habitats or disturbance affecting the birds. The European Habitats Directive (92/443/EEC) requires protection of designated habitats and species of community interest and introduces the requirement to undertake Appropriate Assessment within Articles 6(3) & 6(4). European Law has been transposed into UK legislation through the Conservation of Habitats & Species Regulations 2010.
- 1.4 Since the SPA was confirmed in 2005 by the European Commission, Natural England has objected to any net additional residential dwellings within 5km of the SPA. This is on the basis that recreational impacts (such as walking and dog walking) and urbanisation will lead to disturbance of the three ground nesting birds species and deterioration of the habitat on which they nest. As the entire area of Surrey Heath lies within 5km of the SPA, every net additional dwelling is considered to have an impact.
- 1.5 In light of the advice from Natural England and prior to the South East Plan, a joint project had been set up between the Thames Basin Heaths authorities, Natural England and the RSPB. It is not proposed to explain this work in any detail, but it was through this project that Suitable Accessible Natural Greenspace (SANG), space standards for SANG and the 400m exclusion zone were developed to ensure that an avoidance strategy was in place to protect designated habitats.
- 1.6 SANG are alternative areas of land which are used to attract the occupants of new residential development for general recreation purpose rather than them using the SPA. The 400m exclusion zone was developed as this is the zone where no avoidance measures will work either because of cat predation or proximity to the SPA for recreation and urbanising effect. The concept of

SANG, SANG standards and the 400m exclusion zone were examined through the South East Plan process, through a series of Assessor hearings. Access Management in the form of SAMM is a project to provide management of visitors across the SPA and the monitoring of the impact.

- 1.7 The Assessor considering the Thames Basin Heaths SPA issue on behalf of the South East Plan panel considered the SANG & SAMM projects and recommended that a new policy be included in the South East Plan to deal with the Thames Basin Heaths SPA. This is Policy NRM6 [SHBC/3]. Whilst the South East Plan has since been revoked the evidence which underpinned the SPA issues remains relevant and Policy NRM6 has been saved by the Secretary of State and remains part of the Development Plan for Surrey Heath.
- 1.8 Policy NRM6 took forward the SANG concept and established the 400m exclusion zone, the 5km zone of influence around the SPA, that mitigation is to be delivered prior to occupation and in perpetuity, the SANG standard of 8ha per 1,000 new occupants, the need for access management (SAMM) and confirmed the Thames Basin Heaths Delivery Framework [SHBC/1] as the mechanism through which NRM6 would be delivered.
- 1.9 In response to the South East Plan Assessors findings, the local authorities affected by the Thames Basin Heaths SPA along with Natural England, RSPB, local wildlife trusts and major landowners set up a Joint Strategic Planning Board (JSPB) to take forward the Assessors recommendations. The JSPB agreed the approach to SANG across the SPA and published the Thames Basin Heaths Delivery Framework in March 2009. The Delivery Framework sets out a consistent approach to the SPA in terms of the type of development that may have effect and the criteria for the delivery of avoidance measures. The JSPB also agreed the approach to a joint Strategic Access Management & Monitoring project (SAMM).
- 1.10 The approach of Policy NRM6 and the Thames Basin Heaths Delivery Framework have been taken forward into the Core Strategy and Development Management Policies DPD (CSDMP) as adopted Policy CP14B. This reiterates the 400m exclusion zone, the provision of SANG at 8ha per 1,000 occupants and strategic access (SAMM) as well as confirming that all net new residential dwellings shall provide or contribute toward the provision of SANG.
- 1.11 To complement Policy CP14B the Borough Council has produced a Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPA SPD) [SHBC/2]. Section 7 of the SPA SPD sets out that new development will be required to make financial contributions to both SANG and SAMM with payment normally on commencement. Paragraphs 5.1 – 5.7 of the SPD set out how contributions toward shared SANG will be calculated for

developments up to 100 dwellings, based on standard occupancy rates which have been agreed across the Thames Basin Heaths area and that major or large new developments (100 net additional units or more) will be expected to provide bespoke on-site SANG. The SPD goes on to include guidelines for the creation of SANG with reference to Natural England's standards in Annex 2 of the SPD.

- 1.12 As such, in order to avoid impact to the SPA, all net additional dwellings must make a contribution toward SAMM and either provide or contribute toward SANG to accepted standards including its management and maintenance in perpetuity.
- 1.13 The SAMM project is not considered to be infrastructure for the purposes of the Planning Act 2008 (as amended) or the CIL Regulations 2010 (as amended) as it relates only to access management and monitoring arrangements. However, SANG is considered to constitute infrastructure for the purposes of CIL and as such is subject to a charge. Therefore, to fulfil its duties under the Conservation of Habitats & Species Regulations 2010 the Borough Council must ensure that any CIL charge is sufficient to enable development to avoid impact through the use of SANG.