

# SURREY HEATH BOROUGH COUNCIL

## LOCAL DEVELOPMENT FRAMEWORK 2011-2028



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



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January 2012

# Foreword

The Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD) was adopted by the Borough Council's Executive on 4<sup>th</sup> January 2012 and forms part of the Surrey Heath Local Development Framework 2011-2028.

This document is an update to the Thames Basin Heath Interim Avoidance Strategy (IAS) which was adopted by the Council in 2008. 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. The content of the SPD reflects guidance that has been issued in the time since the original IAS was adopted, in particular the Joint Strategic Partnership Board's Delivery Framework. It also takes account of Natural England's Strategic Access Management and Monitoring (SAMM) project and recent legislative changes.

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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. The agreed approach set out in the Delivery Framework, and in Policies NRM5 and NRM6 of the South East Plan, has been taken forward into local policy through 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, 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. This approach allows the Council to conclude that developments taking place within between 400m and 5km of the SPA are not likely to have a significant impact on the SPA.

This document updates the approach set out in the Thames Basin Heaths Interim Avoidance Strategy which was adopted by Surrey Heath in 2008. In particular it takes account of the Joint Strategic Partnership Board's Delivery Framework and Natural England's Strategic Access Management and Monitoring (SAMM) project.

# 1 Introduction

## Document Status

- 1.1 The Surrey Heath Borough Council Local Development Framework (LDF) outlines the strategies and policies to address future development in the Borough. The overarching document within the LDF is the Core Strategy which sets out the level and spatial distribution of development up to 2028. The Examination in Public of the Core Strategy and Development Management Policies Development Plan Document (CSDM DPD) closed in November 2011 and it is expected that the DPD will be adopted around April 2012.
- 1.2 At the time of writing, the South East Plan (SEP)<sup>1</sup>, set out the long-term planning framework for the region for the years 2006-2026. However, it is expected that the SEP will be revoked through the forthcoming Localism Act. SEP Policy NRM5: Conservation and Improvement of Biodiversity and NRM6: Thames Basin Heaths Special Protection Area set out the approach that Local Authorities should take to avoiding the impacts of new development on the SPA. The emerging Surrey Heath CSDM DPD is in general conformity with the SEP, and, specifically, policy CP14A & B will carry forward the approach of Policies NRM5 and NRM6 into local policy.
- 1.3 Supplementary Planning Documents (SPDs) expand on or provide further guidance on policies in the Core Strategy. SPDs are part of the Local Development Framework and are a material consideration in the determination of planning applications. The primary role of this document is to provide guidance to ensure new development delivers Core Strategy objectives in addition to national and local natural resource management aims. This SPD has been produced in support of Policy CP14A & B of the Surrey Heath CSDM DPD and sets out how that policy will be implemented to ensure that new development within Surrey Heath will not adversely affect the integrity of the Thames Basin Heaths Special Protection Area. This document replaces the Thames Basin Heaths Interim Avoidance Strategy as adopted in July 2008.
- 1.4 This document does not set out the evidence on harm but has been prepared having regard to relevant documents including studies undertaken to address the impact of recreational activity.
- 1.5 This document is intended to provide general guidance on the Council's approach to avoidance of likely significant effect on the Thames Basin Heaths SPA arising from new development. Details of individual SANGs are set out in site-specific proposal documents which will be available on the Surrey Heath website as any individual SANG is adopted. These documents will contain detailed site information including calculations of visitor capacity, schedules of works required (including costings) and levels of developer contributions.

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<sup>1</sup> The South East Plan - Regional Spatial Strategy for the South East of England (May 2009)

- 1.6 In preparing this document the Council has consulted with Natural England (the Government's nature conservation body), with the other members of the Thames Basin Heaths Joint Strategic Project Board and with other local organisations affected by this issue. A list of organisations and individuals consulted on this document is attached at Appendix 1.
- 1.7 This document has been subject to an SEA screening (in accordance with Regulation 9(1) of the SEA Regulations 2004<sup>2</sup>) which found that SEA is not required because the plan or programme is in elaboration of an existing plan or programme (and is therefore a minor modification to that plan or programme), and is unlikely to have significant environmental effects.

## **2 Policy Background**

### **International and National Policy**

- 2.1 The European Union (EU) has introduced two pieces of legislation that deal with protection of rare species and habitats. These are generally referred to as the Birds Directive<sup>3</sup> and the Habitats Directive<sup>4</sup>. The Birds Directive identifies rare species of European wild birds that need protection. Member States are required to take special measures to conserve the habitats of certain rare species of birds. In particular each Member State was required to classify the most suitable areas of such habitats as Special Protection Areas (SPAs). Even if none of the rare birds are there, the land must be protected and managed to favourable condition. This gives the best chance for species recovery by optimising the chance for successful breeding and expansion of bird territory
- 2.2 The EU legislation has been transposed into UK legislation as the Habitat Regulations, which were most recently updated in 2010<sup>5</sup>. 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.
- 2.3 Development can have direct and indirect impacts on natural resources. Ensuring that new development maintains, enhances, restores or adds to biodiversity interest is a key principle of UK national planning policy (Planning Policy Statement 9: Biodiversity and Geological Conservation, 2005).
- 2.4 The effect of this guidance and legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty

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<sup>2</sup> Environmental Assessment of Plans and Programmes Regulations 2004

<sup>3</sup> EC Council Directive 79/409/EEC

<sup>4</sup> EC Council Directive 92/43/EEC

<sup>5</sup> The Conservation of Habitats and Species Regulations, 2010

of care to protect biodiversity. Where a European Site (such as an SPA) could be affected by a plan or project then a Habitats Regulations Assessment must be undertaken. This identifies the interest features of the site (such as birds, plants or animals), what they could be harmed by and assesses whether the proposed plan or project could cause that harm to occur. If at the end of the process local authorities are still not certain that harm, or “a significant adverse effect on site integrity” will not occur then they are legally obliged not to approve the proposed plan or project, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest. A Habitats Regulation Assessment (including Appropriate Assessment) has been carried out on the emerging Core Strategy and concludes that there will be no adverse impacts to the SPA arising from the policies contained within the CSDM DPD.

### **Thames Basin Heaths Special Protection Area**

- 2.5 The Thames Basin Heaths Special Protection Area (SPA) has been designated by the European Union. It is spread across nine local authorities in Berkshire, Hampshire and Surrey. The designation affects the heathland areas which do, or could, support the following 3 species of rare birds: Dartford warbler, nightjar and woodlark. The SPA is fragmented and is interspersed by urban areas. This fact makes it particularly vulnerable to the effects of new development and urbanisation. The designation was finally confirmed 9<sup>th</sup> March 2005. The Thames Basin Heaths SPA covers approximately 23% of the Borough as shown on Map 1.
- 2.6 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.

### **Regional and Local Policy**

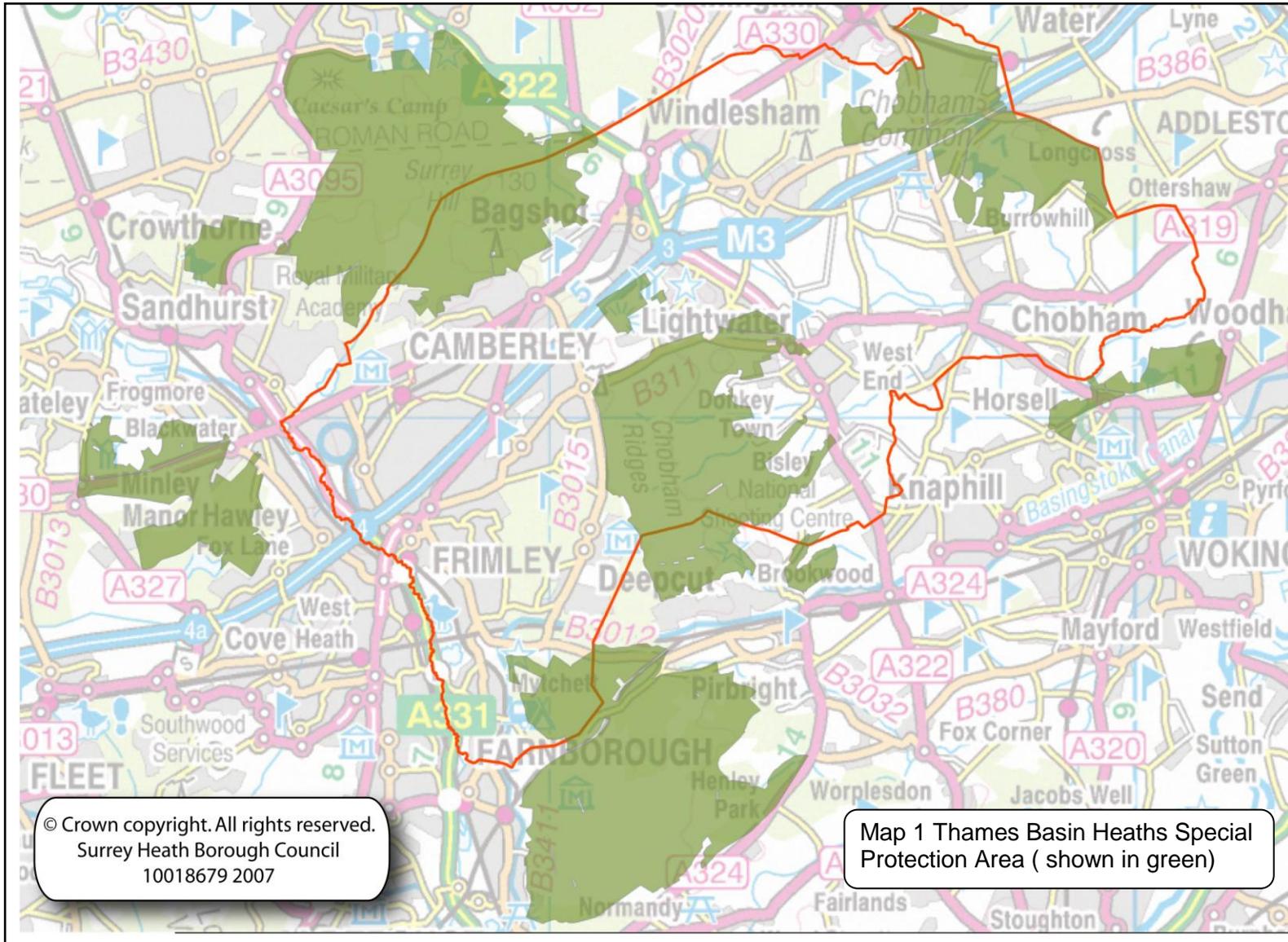
- 2.7 The principle of protection of the SPA is set out in South East Plan (SEP) Policy NRM5 and the need to provide measures to ensure avoidance of the impacts of new development on Thames Basin Heaths SPA is embedded within Policy NRM6. The Appropriate Assessment of the SEP identified that such policies were necessary to mitigate the environmental impacts of development.
- 2.8 SEP Policy NRM5: Conservation and Improvement of Biodiversity requires that Local Authorities avoid a net loss of biodiversity and actively pursue opportunities for a net gain. The policy sets out the protection for different types of conservation sites and insists upon the testing of alternative housing distributions to ensure that there is no adverse impact on European sites. The Policy also identifies opportunities for biodiversity enhancement and encourages habitat restoration, enhancement and re-creation targeted within areas of strategic opportunity.

- 2.9 SEP Policy NRM6: Thames Basin Heaths Special Protection Area requires that new residential development which is likely to have an effect on the integrity of the SPA demonstrates that adequate measures are put in place to avoid or mitigate any potential adverse effects. The policy sets out an exclusion zone, a zone of influence and a combination of avoidance and mitigation measures which may be necessary. These include provision of at least 8ha of Suitable Alternative Natural Greenspace (SANG) per 1000 new residents and collection of a joint contribution to fund a strategic access management and monitoring programme. The mechanism for implementation of the policy is the Thames Basin Heaths Delivery Framework<sup>6</sup> and the policy states that its principles should be incorporated into Local Authorities' LDFs.
- 2.10 In addition Natural England have advised that new development within 5km of the SPA should not be permitted unless it can be shown that it will not result in additional pressure for recreational use on the SPA. Recreational use harms the habitat and can disturb the birds. The 5km distance was identified following visitor surveys on the sites which showed that the majority of visitors originate from within 5km of the SPA<sup>7</sup>.
- 2.11 The Thames Basin Heaths Joint Strategic Partnership Board was set up to deliver a strategic framework for avoidance measures across the SPA. The Joint Delivery Framework sets out an agreed approach to the delivery of avoidance measures, detailed in section 3. The approach set out in this document is in line with the Joint Delivery Framework.
- 2.12 CSDM Policy CP14: Biodiversity and Nature Conservation, incorporates the approach of Policies NRM5 and 6 and the Joint delivery Framework into local policy. In particular it sets out when an assessment will be necessary, and states that effective avoidance measures must be demonstrated and secured.

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<sup>6</sup> Thames Basin Heaths Special Protection Area Delivery Framework (Thames Basin Heaths Joint Strategic Partnership Board, 2009)

<sup>7</sup> Visitor Access Patterns on the Thames Basin Heaths, Liley, D, Jackson, D. & Underhill-Day, J. (2005). English Nature.



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10018679 2007

Map 1 Thames Basin Heaths Special  
Protection Area ( shown in green)

### **3 Principles for avoidance of harm**

- 3.1 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.
- 3.2 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**

- 3.3 This buffer addresses the most acute effects of urbanisation such as litter, fire setting and cat predation. It is neither reasonable nor enforceable to prevent people from keeping cats. Nor is it possible to prevent litter spread or fire setting, the latter is largely associated with young children playing on the heathland. As a result Natural England has advised that no net new residential development should be permitted within 400 metres of the Thames Basin Heaths SPA.

#### **Suitable Alternative Natural Greenspace (SANG)**

- 3.4 Two avoidance measures are promoted by Natural England and endorsed by the JSPB. These are SANG (Suitable Alternative Natural Greenspace) and SAMM (Strategic Access Management and Monitoring). 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.

- 3.5 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
- 3.6 Sections 5 and 6 of this document set out the approach for SANGs to be pursued within Surrey Heath.

### **Strategic Access Management and Monitoring (SAMM)**

- 3.7 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.
- 3.8 The project has been designed through a series of workshops with landowners and managers and is modelled on the countryside project for the Dorset Heaths. The project will be run through a steering group and aims to provide additional wardening support across the SPA together with equipment and materials to support this. The support will be targeted with areas most under pressure being addressed first. Alongside this a monitoring of visitor numbers and behaviour will be undertaken on a regular basis. This project is currently being finalised and most local authorities are now taking contributions toward this project.
- 3.9 SAMM is a joint project between the Local Planning Authorities affected by the SPA (namely Surrey Heath, 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).

## **4 Types of Development Affected**

- 4.1 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.
- 4.2 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.

- 4.3 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.
- 4.4 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 (1995) (as amended). However, Article 3(1) of the GPDO sets out that such development can only be classed as permitted development subject to the provisions of regulations 60 to 63 of the Conservation (Natural Habitats, & c.) Regulations 1994. Under the provisions of these Regulations, the Borough Council considers that such conversion is likely to adversely affect the integrity of the SPA. Therefore such conversions will require the consent of the Borough Council and are **not** considered permitted development. Such development is likely to be required to contribute towards avoidance measures (SANG and SAMM).
- 4.5 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 developments in Use Class C1 (Hotels), for example when the accommodation is intended for longer-term guests. Such cases will be considered on an individual basis in consultation with Natural England.
- 4.6 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 housing units as set out in paragraph 4.4 above 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).
- 4.7 Mobile or temporary dwellings may be required to contribute towards avoidance measures. Such cases will be considered on their individual merits.
- 4.8 Such cases as set out in 4.3 – 4.7 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.

## 5 **SANGs in Surrey Heath**

- 5.1 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. As a guide, it will usually be possible for developments of fewer than 100 net dwellings to take up capacity at Council-provided SANGs, subject to availability. Further guidance on the site size threshold is set out in paragraph 5.7. The up-to-date details of available SANGs will be made available on the Council's website.

- 5.2 In the case of Surrey Heath's first SANG at Chobham Place Woods, for the purpose of translating this into a requirement for new dwellings a household size of 2.4 persons per dwelling<sup>8</sup> was used in accordance with the Delivery Framework. This SANG is now full.
- 5.3 For the Hawley Meadows and Blackwater Park SANG and any future SANGs, capacity calculations will be 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 boroughs and by the SAMM project. Therefore rather than being considered in terms of the numbers of dwellings, going forward SANGs will be considered in terms of the number of additional people that can be mitigated for. Average occupancy rates will be taken to be as follows:

Dwelling Size	Occupancy <sup>9</sup>
1 bedroom	1.40
2 bedroom	1.85
3 bedroom	2.50
4 bedroom	2.85
5+ bedroom	3.70

- 5.4 When calculating the number of bedrooms for the purposes of calculation of the contribution, 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.
- 5.5 As set out in Paragraph 4.2, SANG and SAMM contributions will only be required where there is a net gain in dwellings. Where there is a net increase, the occupancy of the existing dwelling should be taken into consideration when calculating the contributions to be paid. To give a worked example:

<sup>8</sup> Average household size in Surrey Heath in the 2001 Census was 2.48 persons per household

<sup>9</sup> 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.

*A 5 bedroom house is knocked down and replaced by 9x2 bedroom houses:*

*Existing Occupancy: 1x3.70 (1 x 5 bed) = 3.70*

*Proposed Occupancy: 9 x 1.85 (9 x 2 bed) = 16.65*

*Net Occupancy: 16.65 – 3.70 = 12.95*

*Therefore mitigation would be required for 12.95 additional people.*

- 5.6 In the case of conversions from C3 Dwellinghouse to C4 HMO, 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 C3 dwellinghouse (based on the table above) 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 C3 dwellinghouse to 5 bed HMO:***

<i>Existing Occupancy Rate (C3):</i>	<i>(3 bed, from table)</i>	<i>2.5 people</i>
<i>HMO Occupancy Rate:</i>	<i>(1 x 5)</i>	<i>5 people</i>
<i>Avoidance Measures Required:</i>	<i>(5 - 2.5)</i>	<i><u>2.5 people</u></i>

- 5.7 In the period up to 2028 Surrey Heath is expected to grant planning permission for 3240<sup>10</sup> new homes and this will require the provision of over 60 hectares of SANG. Major or large new developments will be expected to provide bespoke on-site SANG rather than relying on the suite of SANGs being developed by the Borough Council. The suite of SANGs will provide avoidance measures for those small and medium sites that are unable to provide avoidance measures on-site. Developments of more than 100 dwellings<sup>11</sup> will generally be expected to provide on-site SANG. Sites of fewer dwellings may in some circumstances 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.

- 5.8 In considering the location of new SANG in relation to new development, Surrey Heath will adopt an approach based on that set out in the Delivery Framework as follows.

- i) SANG of 2-12ha will have a catchment of 2km
- ii) SANG of 12-20ha will have a catchment of 4km

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<sup>10</sup> Requirement derived from emerging Surrey Heath Borough Council Core Strategy and Development Management Policies Development Plan Document.

<sup>11</sup> 100 dwellings is the minimum number necessary (at an average of 2.48 people per dwelling and 8ha per 1000 population SANG requirement) to generate a requirement for a 2ha SANG (which is the smallest SANG by area which would be acceptable according to Natural England's guidelines).

iii) SANG of 20ha+ will have a catchment of 5km

- 5.9 The standards for proximity to SANG will apply to all residential sites of 10 or more units. Sites 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
- 5.10 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 a level of provision in excess of 8ha/1000 may be required.

### **Carrying Capacity**

- 5.11 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. For sites already in use which have the capacity to absorb additional recreational use without detracting from the attractiveness of the site a discount will be applied to capacity. Visitor surveys will be carried out on potential SANGs prior to their adoption so that current usage levels can be assessed. For example a new 20 hectare SANG could provide for up to 2500 people. Where the same size site exists and is already experiencing low to moderate levels of usage a discount will be applied. For example, if a 50% discount were applied a 20ha site would only mitigate for 1250 additional people. 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.
- 5.12 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 more SANG capacity than the 8ha standard would initially suggest is required.

### **In Perpetuity**

- 5.13 SANGs are expected to be provided and funded for “in perpetuity”. For this reason the Council’s preferred approach is that SANGs should be provided on land that is, or could be, owned and managed by organisations that will exist in law to all intents and purposes “in perpetuity” and so will provide enduring ownership. Thus the preference is for SANGs to be on land owned and managed by local authorities, by charities with a dedicated land management function or by similar bodies. Where developers bring forward SANGs on privately owned land these will be required to be transferred into enduring

ownership as set out above. Where such land is not owned by the Council, it 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.

- 5.14 For the purpose of calculating in perpetuity management costs the Council will consider what is appropriate for each site. . 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 had 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 proper future long term management of the SANG over an indefinitely long period to the satisfaction of the Council as competent authority.

## **6 Guidelines for the creation of SANG**

- 6.1 The following guidance is based upon the Delivery Framework and Natural England’s guidance on the creation of SANG<sup>12</sup>.

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

- 6.2 No guidance is included on minimum site size, but the requirements set out in Appendix 4, including in particular the requirement for a circular walk, may affect the practical size of a SANG.

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

## **7 Developer Contributions**

- 7.1 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 check visitor numbers to SANGs and the SPA. Payment of such contributions will normally be required on

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<sup>12</sup> Thames Basin Heaths Special Protection Area: Mitigation Standards for Residential Development (English Nature May 2006)

commencement of the development. 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.

- 7.2 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 on a private SANG within site then contributions will still be required to the non-SANG element (i.e. towards the SAMM project). 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. 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.
- 7.3 The level of developer contribution required for any individual SANG will be calculated on a site-by-site basis and will depend on the costs of the individual works required to bring the site up to the required standard. Full details of the costs and tariffs will be set out in each SANG proposal document which will be available on the Council's website following adoption of each SANG.
- 7.4 The level of developer contribution required for SAMM will be set out in Natural England's SAMM Tariff Guidance document<sup>13</sup>. This document is subject to review and tariffs may be amended subject to agreement by the JSPB.
- 7.5 Currently, the standard SAMM tariff has been set at £630 per dwelling. It is proposed that a differentiated tariff be adopted, based on occupancy rates. At the time of adoption of this SPD, the rates were set at £263 per person as follows, although as outlined in paragraph 7.4 these figures are subject to change:

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

<sup>13</sup> Thames Basin Heaths Strategic Access Management and Monitoring Project Tariff Guidance (Natural England, review ongoing)

## 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.

**Competent Authority** – The decision maker under the Conservation (Natural Habitats, &c.) Regulations 1994 (see Regulation 6): 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 Document** - A Local Development Document which forms part of the statutory development plan, examples include the Core Strategy and Area Action Plans.

**Local Development Document** – comprising two types, Development Plan Documents and Supplementary Planning Documents, which together form the Local Development Framework.

**Local Development Framework** - The portfolio of Local Development Documents which sets out the planning policy framework for the Borough.

**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.

**Planning Policy Statement** - Guidance documents which set out national planning policy. PPGs (Planning Policy Guidance Notes) are being reviewed and updated and are gradually being replaced by PPSs.

**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** - Open space, meeting guidelines on quantity and quality, for the purpose of providing recreational alternatives to the SPA.

**Supplementary Planning Document** - An LDD which does not form part of the statutory development plan, but is part of the LDF. SPDs elaborate upon policies and proposals in a DPD.

**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**

<b>CSDM DPD</b>	<b>Core Strategy and Development Management Policies Development Plan Document</b>
<b>EU</b>	<b>European Union</b>
<b>JSPB</b>	<b>Joint Strategic Partnership Board</b>
<b>LDF</b>	<b>Local Development Framework</b>
<b>SAMM</b>	<b>Strategic Access Management and Monitoring</b>
<b>SANG</b>	<b>Suitable Alternative Natural Greenspace</b>
<b>SEA</b>	<b>Strategic Environmental Assessment</b>
<b>SEP</b>	<b>South East Plan</b>
<b>SPA</b>	<b>Special Protection Area</b>
<b>SPD</b>	<b>Supplementary Planning Document</b>

## Appendix 1: List of organisations and individuals consulted during preparation of the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD

Organisation/Individual Name	Agent if Applicable
Accent Peerless Ltd	
Adams Hendry	
Aitch Group	GVA Grimley
Alliance Environment & Planning	
Alliance Environment and Planning Ltd	
Annington Developments Ltd	
Arcadia Ventures (Southern) Ltd	
Ash and Ash Vale Parish Council	
Aviva Investors	Barton Willmore LLP
Bacron Developments Ltd	Bell Cornwell LLP
Bancroft Developments	
Barker Parry Town Planning	
Barratt Southern Counties	
Basingstoke and Deane Borough Council	
Basingstoke Canal Authority	
Basingstoke Canal Authority	
Batcheller Thacker	
Bell Cornwell Partnership	
Bellway Homes	
Bellway Homes Ltd	
Berkshire Joint Strategic Planning Unit	
Bisley Parish Council	
Bisley Parish Council	
BJC - Bryan Jezeph Consultancy Ltd	
Blackwater and Hawley Town Council	
Blackwater Valley Countryside Partnership	
Blackwater Valley Friends of the Earth	
BNP Paribas Real Estate	
Bovis Homes Ltd	
Boyer Planning	
Bracknell Forest Borough Council	
Broadway Malyan Planning	
Cala Homes	
Carter Jonas	
Cathedral Holdings Ltd.	
CDHA/HYDE HA	
Charles Church (Southern) Limited	DPP

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Charles Church Southern	
Chobham Common Preservation Committee	
Chobham Parish Council	
Chobham Parish Council	
Circuit Planning Representative	
Coast Properties (Bagshot) Ltd	Rapleys LLP
Colliers CRE	
Council for the Protection of Rural England	
CPRE (Surrey Heath Branch)	
CPRE (Surrey Heath Branch)	
CPRE Surrey	
Crest Nicholson	
Crest Nicholson Developments Limited	Barton Willmore LLP
Crown Golf	Terence O'Rourke
CSJ Planning	
Cunnane Town Planning	
Cushman & Wakefield / Healey & Baker	
D & M Planning Limited	
DB Real Estate	
Defence Estates	
Defence Estates	GVA Grimley
Derek Horne & Associates	
DevPlan	
DPDS Consulting Group	
DPP - Development Planning Partnership	
Drivers Jonas	
East Hampshire District Council	
EC Harris LLP	
Edwards Elliott	
Elmbridge Borough Council	
English Heritage (South East Region)	
English Heritage (South East Region)	
English Rural Housing Association	
Environment Agency South East	
Environment Agency South East	
Eton College	Porta Planning LLP
Eyles	
Fairview New Homes Ltd	RPS plc
Firfield Glyn	
First Wessex Housing Group Ltd	Gregory Gray Associates
Firstplan	
Foundation	
Foy Planning Consultancy	

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Fusion Online Limited	
Future Energy Solutions	Terence O'Rourke
George Wimpey	
George Wimpey Southern Ltd	
George Wimpey West London Ltd	
GL Hearn	
Gondala Holdings	RSA
Gregory Gray Associates	
Guildford Borough Council	
GVA Grimley	
Hallam Land Management Limited	
Hampshire County Council	
Hanover Housing Association	
Hart District Council	
Heine Planning Consultancy	
Home Builders Federation	
Homes and Communities Agency	
Howard Sharp & Partners	
Iceni Projects	
Jim Guest Design	
Joint Nature Conservation Committee	
Julian Brown Consultancy	
Kier Property Limited	Gerald Eve
King Sturge	
King Sturge	
Kingfisher Housing Association	
Lambert Smith Hampton	
Leigh & Glennie	
Lennon Planning - DO NOT USE	
Lin Blakely Property Management	
Mansard Country Homes Ltd	
Mansard Country Homes Ltd	
Mason	
MBH Partnership	
McCarthy and Stone Ltd	Planning Bureau Ltd
McKay Securities Group	Indigo Planning
MGA Town Planning & Development Consultants	
Michael Cox Associates	
Miller Homes	
Montagu Land	
Mr M Fane	
Mr M Keyte	
Mrs A McGee	

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Nathaniel Lichfield & Partners	
Nationcrest	
Natural England	
Natural England	
Normandy Parish Council	
Open Spaces Society	
Paragon Community Housing Group	
Paul Dickinson and Associates - Town Planning & Development Consultants	
Pavilion	
Persimmon Homes South East	
Pirbright Parish Council	
Rail Estate	
Rail Estate	
Rapleys LLP	
Redrow Homes	
Redrow Homes Eastern Division	
Richard Bonny Architectural Design	
Rippon Development Services	
Robert Stephens and Company Ltd	
Roger Tym & Partners	
RPS	
RPS Planning	
RPS Planning and Development	
RSPB (South East Office)	
Runnymede Borough Council	
Rushmoor Borough Council	
Sandhurst Town Council	
Sentinel Housing Association	
Sentinel Housing Association	RPS Planning
Shepperton Homes	
Sigma Planning Services	
Solutions in Building Ltd	
South East England Forest District	
Spelthorne Borough Council	
Stonham Housing Association	
Sunningdale Parish Council	
Sunninghill & Ascot Parish Council	
Surrey Bat Group	
Surrey Community Development Trust	
Surrey Countryside Access Forum	
Surrey County Council - Biodiversity Team	
Surrey County Council - Biodiversity Team	

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Surrey County Council - Planning Implementation Team	
Surrey Heath Borough Council	
Surrey Heath Borough Council	
Surrey Wildlife Trust	
Tandridge District Council	
Taylor Wimpey Developments Ltd	
Taylor Wimpey UK Ltd	Woolf Bond Planning LLP
Taylor Woodrow	
Terence O'Rourke	
Terence O'Rourke - Bournemouth	
Tetlow King Planning	
Thames Valley Housing Association	
The National Trust	
The Royal Borough of Windsor and Maidenhead	
The Stilwell Partnership	
Vail Williams LLP	
West End Parish Council	
West End Parish Council	
Westwaddy ADP	
White Young Green Planning	
Windlesham Parish Council	
Windlesham Parish Council	
Winkfield Parish Council	
Woking Borough Council	
Wokingham Borough Council	
Woodland Trust	

## 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.