

Guildford Borough Council's information, advice and guidance on SPAs (published in September 2006)

What are Special Protection Areas (SPAs)?

Special Protection Areas are areas that have been identified by the Government as needing special protection for rare or vulnerable species of birds that are considered to be under threat or in decline.

They came about as a result of the Habitats and Birds Directives, which in 1979 and 1992 respectively, introduced obligations on members of the European Union to identify important sites of European nature conservation ('European sites') in their countries. Members had to ensure that measures were taken to protect threatened species and habitats.

In 1994, both the Habitats and Birds Directives were transposed into UK law through the Conservation (Natural Habitats, &c.) Regulations 1994. These regulations came into force on 30 October 1994.

Are there any Special Protection Areas in the Thames Valley?

In March 2005, a number of areas of heathlands located in the Thames Valley were identified as needing special protection as they support internationally important populations of three rare birds; Dartford warbler, woodlark and nightjar. This area, across Berkshire, Hampshire and Surrey, has been designated the 'Thames Basin Heaths Special Protection Area' (TBH SPA).

Within the borough of Guildford, there are six designated areas included in the Thames Basin Heaths Special Protection Area.

What is Natural England's (formerly English Nature) role in this?

Natural England is the Government agency that champions the conservation of wildlife and geology throughout England. They are leading the 'Thames Basin Heaths Area Based Delivery Project'; a three-year project, which focuses resources on particular sites within this area.

Natural England believe that the UK's rare bird populations are vulnerable to disturbance from recreational use of their natural habitats and have advised that new housing within 5kms of an SPA may cause such harm. This harm can be caused by disturbance to the birds from a growth in the number of walkers, cats and dogs frequenting the heathland and other recreational uses created by additional housing.

Natural England has stated that housing schemes at a distance of 400m to 5km away from the SPA will create disturbance, which can only be prevented if alternative open space is provided by the developer.

Natural England also states that housing schemes within 400m of the SPA are unlikely to be able to prevent harm to the SPA and providing alternative space is not realistic.

How will this change be delivered?

Natural England has produced a Delivery Plan. They hope this plan will establish a new strategic approach to the planning of housing development near SPAs and will mean that local planning authorities will not have to assess the impact and apply the requirements of the legislation on a case-by-case basis.

As part of this plan, Natural England have identified a series of three planning 'buffer' zones around an SPA.

- Zone A - Up to 400m from the SPA
- Conditioned Zone B - From 400m to 2km from the SPA
- Conditioned Zone C - From 2km to 5km from the SPA

How will the designation of the SPA affect development in the borough of Guildford?

In determining planning applications, we must consider the European law that governs the protection of SPAs. This law states that developments must be resisted unless we can be certain that there will be no harm to the SPA.

A key feature of the legislation is the need for an assessment of any development's potential impact on the SPA's important bird populations. This assessment must not only determine whether damage would arise from that individual development, but it must also look at the cumulative impact of planned developments across the whole area, including areas within other local authorities' boundaries.

Any assessment will also need to consider opportunities to avoid harm to the SPA through management and mitigation. For example, mitigation might mean us providing new or improved public open space in one area to attract recreation away from the SPA. For a development in any one district, opportunities for this kind of mitigation could arise in a number of other districts.

One of the key issues for us will be whether enough alternative open space can be provided. In order to overcome the need for individual developers to provide their own mitigation land the Council has adopted it's own strategy - the SPA Interim Avoidance Strategy September 2006.

What is the SPA Interim Avoidance Strategy?

This strategy identifies open spaces within the borough (avoidance land) and proposes related improvement works, which will increase their recreational

capacity. To fund this work, the Council will impose a tariff on new residential development, which falls within 5km of the SPA boundary.

Planning applications which comprise a net increase of one dwelling or more will now be assessed in the context of the Strategy. The tariff payable will depend on the zone (B or C) within which the development is located and the size of the dwellings proposed. Residential development within 400m of the SPA (zone A) is unlikely to be granted planning permission because Natural England considers it unlikely that the impact of new development could be effectively mitigated.

We would advise any developers considering schemes within the 5km zone to:

- Be aware that Natural England considers it extremely unlikely that the impact of new residential development within 400 m of the SPA could be effectively mitigated, unless there are effective physical barriers between the development site and SPA boundary e.g: railway, main road, river etc.
- Refer to the SPA Interim Avoidance Strategy (Sept 06) and discuss at an early stage in the development of proposals the implications of these for the SPA with officers from Planning Development Services. It is likely that the payments made under the Interim Strategy will necessitate the completion of a legal agreement. Developers are encouraged to secure the completion of this document (which may include the provision of other contributions) at a very early stage in the planning process.