



GUILDFORD  
BOROUGH

**Public consultation 22 June – 10 September 2009**

## **Consultation summary – Thames Basin Heaths Special Protection Area Avoidance Strategy 2009-2014**

**The Thames Basin Heaths Special Protection Area Interim SPA Avoidance Strategy was adopted by Guildford Borough Council in September 2006. In order to update the document and to bring it in line with developments at the strategic level, a review has been undertaken. This document provides planning guidance in relation to new residential development and its impact on the SPA. We would welcome your comments.**

### **1.0 Introduction**

- 1.1 The Thames Basin Heaths (TBH), an internationally designated Special Protection Area (SPA), is fragmented by urban development. The cumulative effect of further residential development up to 5 kilometres from these protected heaths will have a significant adverse effect on the heaths and in particular, on three rare species of birds - nightjar, Dartford warbler and woodlark. Avoidance and/or mitigation measures are required to avoid a situation arising from European legislation in which local authorities in the area will not be able to grant planning permission for further residential development.
- 1.2 In September 2006 the Council adopted an Interim SPA Avoidance Strategy which enabled residential development to take place across most of the borough whilst at the same time offering protection to the TBHSPA. A Strategic TBH Delivery Framework was endorsed by all SPA affected authorities in February 2009 that has necessitated a review of the Council's Interim Strategy.
- 1.3 This document contains a summary of the approach the Council will follow to avoid harm to the heaths arising from additional residential development.

### **2.0 The Approach**

- 2.1 Key element - All net new residential development, when considered alone or in combination with other plans or projects, is likely to have a significant effect on the SPA and should therefore provide or contribute to, the provision of avoidance measures.
- 2.2 Parts of the borough affected - Within an exclusion zone up to 400m from the SPA boundary, there will be a presumption against additional net new dwellings. The avoidance measures will be applied within a

“zone of influence” - 400m to 5km from the perimeter of the SPA. Beyond the zone of influence and up to 7km from the SPA boundary i.e. 5 – 7km, applications for large scale development proposals should be assessed on an individual basis.

- 2.3 Types of development covered - Reflecting the precautionary principle and the need to consider the in-combination effects of development, this strategy applies to all net new development which provides permanent accommodation. Sheltered accommodation, accommodation for elderly, communal homes, hostels, and affordable housing are included within the provisions of this strategy. With regard to houses in multiple occupation (HMO), the first 6 bedrooms equate to one dwelling unit. Every additional bedroom over and above 6 will count as individual additional units. Class C1 development (hotels, boarding and guest houses) will be assessed on a case by case basis. However, residential staff accommodation will need to contribute to avoidance measures. Class C2 (residential schools and colleges, hospitals and convalescent or nursing homes) will be similarly considered and the level of care required by the residents, and the likelihood of pet ownership (to assess likelihood of cat predation and disturbance by dogs) will be taken into account.
- 2.4 Significantly large residential development proposals which on account of their scale and potential impact on the SPA, and their ability to offer their own avoidance measures, will be considered on a case by case basis, depending on their type, character and specific location.
- 2.5 Replacement dwellings will not generally be required to make a contribution to the provision of avoidance measures.
- 2.6 All other applications for planning permission for developments in the vicinity of the SPA which on account of the proposed use, or scale of development, will be screened to assess whether they will have a likely significant effect.
- 2.7 This strategy applies to applications for full or outline planning permission. Reserved matters, discharge of conditions, or amendments to existing planning consents will be considered on an individual basis and may be subject to the principles set out within this strategy or to a Habitats Regulations assessment.

### **3.0 Avoidance measures**

- 3.1 To meet the requirements of the Habitat Regulations, measures to avoid any likely significant effect of development must be provided for in perpetuity.

#### Provision of SANG

- 3.2 Avoidance land may either be provided in the form of new alternative semi-natural open space, and/or by improved accessibility to Suitable

Alternative Natural Greenspace (SANG) which are already in public use.

- 3.3 SANG will be delivered by the Council (or a group of Councils) and funded by developer contributions.
- 3.4 SANG provision will be funded by developer contributions, collected by the Council at a level which reflects the land acquisition costs, upgrading costs, maintenance and management costs in perpetuity.
- 3.5 Alternatively, SANG may be provided by developers for individual developments. SANG should be land of appropriate character and be in accordance with the guidelines set out by Natural England.
- 3.6 Sufficient SANG will be provided in advance of dwelling completion to ensure that there is no likely significant effect on the SPA.
- 3.7 SANG will be provided on the basis of at least 8ha per 1,000 population and will normally have a catchment area of 5km.
- 3.8 Developments of less than 10 dwellings that arise within 5km of the SPA boundary do not need to be within a specified distance of SANG provided that a sufficient quantity and quality of SANG land to cater for the consequent increase in population is identified and available in the borough (or agreed in an adjoining district) and functional in advance of completion. However, all net new dwellings (including on sites of less than 10 dwellings) will be required to contribute to the provision of avoidance measures.
- 3.9 Sites identified by the Council and approved by Natural England as SANG, are as set out below.
  - Riverside Nature Reserve, Guildford - provides avoidance mainly for development arising within the Guildford urban area and settlements to the east, up to 5km from the SANG boundary.
  - Chantry Wood, Guildford. - provides avoidance mainly for development arising within the Guildford urban area and settlements to the south, up to 5km from the SANG boundary.
  - Lakeside Nature Reserve, Ash Vale - provides avoidance for development arising in the Ash/Ash Vale urban area and settlements to the east, up to 5 km from the SANG boundary.
  - Effingham Common, Effingham - provides avoidance for development arising up to 400m from the SANG boundary. A site for a small (6 space) car park to serve this area is being investigated. Once this is in place, the area around the SANG for which avoidance will be provided will be extended to 5km, taking in settlements to the south and west, including parts of East and West Horsley and Ripley.
  - Broad Street and Backside Common and Stringers Common – Informal agreement has been reached at officer level between the relevant parties that land at Broad Street and Backside Common (128 ha) and Stringers Common (29.6ha) can be designated as SANG. When fully

operative this potential new SANG will provide avoidance cover for most of the currently uncovered western part of the borough and for north Guildford.

3.10 Additional potential SANG sites which are being investigated with a view to implementation as soon as possible include:

- Blackwater Valley - Natural England has agreed in principle to the concept of a single Blackwater Valley SANG. Within the Blackwater Valley, Tongham Pools has been identified as a potential SANG by Natural England. Vehicular access from Guildford Borough is restricted but there are opportunities to improve this, using SPA contributions.
- Burpham Court Farm and extension to Riverside Nature Reserve - Some extensions to Riverside Nature Reserve SANG have been agreed in principle including Burpham Court Farm (BCF), which adjoins the Riverside Nature Reserve and has been identified as potential SANG for the Slyfield Area Regeneration Project (SARP).

3.11 Financial contributions from developers will be used to upgrade SANG sites. The cost of each improvement with an allowance for maintenance/replacement has been calculated to give a total cost for improving a site. The aim for each SANG site is to identify works that will improve its overall "quality". This enhances its capacity for recreation, makes it more attractive to users, and increases residents' choice of sites to visit, thereby providing a range of sites of comparable interest and quality and removing visitor pressure on the fragile habitat of the TBH SPA.

3.12 The amount of SANG needed to ensure that anticipated future residential development in the borough does not have a significant effect on the SPA has been calculated by identifying the likely population increase due to new housing. The total amount of SANG required 2009-2014 is 35.6 ha. The total existing (and proposed) SANG amounts to 282.4 ha.

3.13 A tariff based approach enables developers to calculate the financial contribution they will be expected to provide. The tariffs have been set by taking account of total cost of capital works and land management costs over 20 years at 2% per annum inflation, with an additional 35% endowment contribution.

#### Access Management and Monitoring of the SPA

3.14 Avoidance in the form of access management and monitoring of the SPA will be delivered by landowners and managers including the Surrey Wildlife Trust, funded by developer contributions, and provided for in perpetuity.

3.15 The access management tariff has been provisionally set at £630 per dwelling. The JSP Board has still to endorse this approach and the tariff amount which, it is anticipated, will apply from October 2009. The

Access Management element of the total tariff will apply to each new dwelling irrespective of its size and number of bedrooms and will also be required in relation to large new developments which provide their own SANG.

#### **4.0 Monitoring**

4.1 The Council reports monthly to Natural England on SANG delivery within the borough. Visitor surveys on the borough's SANGS have been conducted on the Council's existing SANG over the last three summers (2006, 2007, 2008) and the results reported to Natural England. The Council also prepares an Annual Monitoring Report and Position Statement at the end of each year.

#### **5.0 Implementing the strategy**

5.1 The Avoidance Strategy will be a material consideration in determining planning applications. Subject to all other Development Control considerations and the approval of the Council, a planning obligation pursuant to Section 106 Town and Country Planning Act 1990 as amended will be prepared requiring the developer to provide or contribute towards the cost of the avoidance measures, in accordance with this Interim Avoidance Strategy. The monies agreed under the planning obligation must be paid to the Council on the commencement of development. This will allow the Council time to implement works before the development is occupied.

#### **6.0 Total tariff - SANG provision plus Access Management and Monitoring of the SPA**

Size of dwelling (No. of bedrooms)	Contribution to SANG (£)	Contribution to Access Management Measures, Monitoring and Review of the SPA (£)  (implementation date to be confirmed)	Total contribution (£)
1	£4,603.61	£630 (tbc)	£5,233.61
2	£5,594.68	£630 (tbc)	£6,594.68
3	£7,525.91	£630 (tbc)	£8,155.91
4+	£8,927.01	£630 (tbc)	£9,557.01

#### **7.0 Review**

7.1 This strategy will be kept under close review to ensure it continues to meet the requirement of avoiding any risk of harm to the SPA.

#### **8.0 Consultation**

8.1 Public consultation on this strategy will run for 12 weeks between 22 June and 10 September 2009. The responses and any changes arising will be reported to the Executive on 29 October 2009. Any subsequent amendments will be printed and posted on the Council's website at the end of October 2009.

## How to comment

We think it is important that you are involved in the preparation of the Thames Basin Heaths Avoidance Strategy 2009 - 2014. If you have any views on any part of this document, or the full strategy, now is the time to tell us.

To comment on the Thames Basin Heaths Avoidance Strategy 2009 - 2014 or to read this and any of the supporting documents please visit the Council's website [www.guildford.gov.uk/spa](http://www.guildford.gov.uk/spa) where you will find a full version of the Strategy and Background Paper and then,

- complete the online form, or
- e mail us at [spa@guildford.gov.uk](mailto:spa@guildford.gov.uk), or
- write to us at:

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