

### Waverley Borough Council

#### AVOIDANCE STRATEGY FOR THAMES BASIN HEATHS SPECIAL PROTECTION AREA – ... 2009

- 1 **The purpose of the Avoidance Strategy**
  - 1.1 The purpose of the Avoidance Strategy is to provide guidance to developers when making planning applications for new housing which may have an effect on the Thames Basin Heaths Special Protection Area (SPA). The approach of Waverley Borough Council ("the Council") to the provision of avoidance measures is to avoid the effect of a net increase in population within 5km of the Thames Basin Heaths Special Protection Area ("SPA") on that SPA's conservation interests. The Avoidance Strategy indicates how the Council proposes to approach the discharge of its legal obligations under the Conservation (Natural Habitats &c.) Regulations 1994 ("the Habitats Regulations").
  - 1.2 Under the Habitats Regulations, the Council is the "competent authority" to consider whether applications for development are "likely to have a significant effect" on a European site, of which the Thames Basin Heaths SPA is one. On completing an Appropriate Assessment of such a development proposal, the Council shall agree to a plan or project (such as an application for residential development) only after having ascertained that it will not adversely affect the integrity of the European site. Whether a proposal is likely to have a significant effect on the SPA (with the consequence that an Appropriate Assessment is required), must be ascertained by considering the proposal both alone and in combination with other plans or projects. In practice, Natural England advise that *any* application for residential development resulting in an increase in the number of dwellings within 5km of it will, without avoidance measures, be likely to have a significant effect on the SPA within the meaning of the Habitats Regulations.
  - 1.3 The Council has established an approach so it may determine planning applications for residential development in the Farnham area on the basis that they do not have a significant effect on the Special Protection Area. The Avoidance Strategy provides guidance to developers in relation to the level of avoidance measures that the Council expects to see incorporated within planning applications in the light of Natural England's advice. In this instance, "avoidance measures" means providing or contributing towards Suitable Alternative Natural Greenspace (SANG) and contributing towards a programme of strategic access management and monitoring of the SPA.

1.4 This Avoidance Strategy relates only to proposals for residential development (Use Class 3 excluding householder development and Use Class C1 and C2 staff residential accommodation). There are likely to be cases where non-residential development would have a significant effect on the integrity of the SPA; but this Avoidance Strategy does not provide guidance in relation to such development. To address the requirement of the Habitats Regulations, proposals for such development may therefore require an Appropriate Assessment in consultation with Natural England.

1.5 The Avoidance Strategy will be taken into account for development control purposes as a material planning consideration.

## **2 The Thames Basin Heaths Special Protection Area (SPA)**

2.1 The SPA was designated on 9<sup>th</sup> March 2005 and, since then, the site has been protected by the Habitats Regulations. It has several conservation objectives, but in particular it is a European designation for rare wild birds, and on the Thames Basin Heaths protects woodlark, Dartford warbler and nightjar. These species are particularly subject to disturbance from walkers, dog walking and cat predation, because they nest on or near the ground.

2.2 Only a small part of the SPA, about 80ha, is within Waverley. It is located to the north of Sandy Hill in Farnham. The vast majority of the SPA lies outside Waverley to the north. However, for the purposes of this Avoidance Strategy, the zone of influence of the SPA extends 5km from the perimeter of the SPA and therefore, affects most of Farnham.

## **3. The Thames Basin Heaths Delivery Framework**

3.1 The Thames Basin Heaths Delivery Framework was published in February 2009 and has an important bearing on the way in which the Council deals with applications that may have a significant effect on the SPA.

3.2 The Delivery Framework was produced by the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) on behalf of the member Local Authorities and other stakeholders. (It can be viewed on the South East Partnership Board website: <http://www.se-partnershipboard.org.uk/page/5/view/129/sub/77/thames-basin-heaths>). The JSPB encourages local authorities to use the Framework to guide the production or revision of local avoidance and mitigation strategies.

- 3.3 The Delivery Framework is important as it gives guidance to all the affected local authorities on how to deal with development proposals within the zone of influence of the SPA.
- 3.4 The Delivery Framework was prepared as a non-statutory document within the context of the South East Plan.
- 3.5 The aim, objectives and key principles of the Delivery Framework are set out as follows:

"Aim

*This Delivery Framework sets out the Thames Basin Heaths Joint Strategic Partnership Board's (JSPB) recommendations on measures to enable the delivery of dwellings in the vicinity of the SPA - without having a significant effect on the SPA as a whole. It focuses on avoiding the impact of recreation and urbanisation on the SPA habitat and interest features.*

*Local authorities should refer to this Delivery Framework in the preparation of local or joint mini-plans, development plan documents (DPDs) and/or supplementary planning documents (SPDs). They should ensure that appropriate references are made to the provision of SPA-related impact avoidance measures in their Local Development Framework (LDF) and supporting implementation documents, in line with policy within the South East Plan.*

*Adopting the Framework approach into SPD/DPD does not negate the need to undertake a Habitats Regulations Assessment (which is also referred to as an Appropriate Assessment) on that document and in developing planning documents which relate to the SPA, local authorities should satisfy themselves as to whether the document requires a Habitats Regulations Assessment or should be subject to Strategic Environmental Assessment. This Delivery Framework should not be used directly for development control purposes.*

Objectives

*The objectives of the Delivery Framework are to recommend:*

- *a consistent approach to the protection of the SPA from the significant effects of residential development.*
- *the type and extent of residential development that may have a significant effect alone or in combination on the SPA.*
- *Key criteria for the delivery of avoidance measures.*

*The Delivery Framework will be accompanied by a programme of actions for the local and collective delivery and implementation of avoidance measures and a clear strategy for monitoring the SPA.*

### Key principles

The following key principles summarise the overarching context for the recommendations within this Delivery Framework.

- *All net new residential development - when considered either alone or in combination with other plans and projects - is likely to have a significant effect on the SPA and should therefore provide or contribute to the provision of avoidance measures.*
- *Development can provide - or make a contribution to the provision of - measures to ensure that they have no likely significant effect on the SPA. In doing so, residential development will not have to undergo an appropriate assessment. The option remains for developers to undertake a Habitats Regulations screening assessment and where necessary a full appropriate assessment to demonstrate that a proposal will not adversely affect the integrity of the SPA*
- *A three prong approach to avoiding likely significant effect on the SPA is appropriate, however this framework focuses on the two prongs of SANG (Suitable Alternative Natural Greenspace) and access management, which the JSPB currently considers are the most appropriate avoidance measures.*
- *This Framework sets out the JSPB's recommended approach to the provision of avoidance measures. Its key objective is to recommend consistent standards for the application and provision of avoidance measures. However, as a strategic document it cannot address every foreseeable circumstance. It is acknowledged that there may be some exceptional circumstances where local authorities consider that a more or less prescriptive approach needs to be taken, or greater local specificity is needed, in the light of local circumstances or evidence base, or the detail of the proposed new residential development. Such circumstances should be carefully justified.*
- *It should be noted that the JSPB has no formal control on the planning decisions which are to be made in respect of the Thames Basin nor does it set any formal planning policy. However, the JSPB will retain an overview of local authority mini-plans and avoidance strategies, SPDs and DPDs, and will seek to ensure that a consistent approach is being applied and sufficient avoidance measures are being provided."*

3.6 The Delivery Framework states that the recommended avoidance measures should be applied within a "Zone of Influence", which is defined as the area from 400m from the perimeter of the SPA (measured as the crow flies to the nearest part of the curtilage of the dwelling) to 5km from the perimeter of the SPA, (measured as the crow

flies from the primary point of access to the curtilage of the dwelling). (See Plan 1). It states that in exceptional circumstances, it may be appropriate to modify the extent of this zone to take account of physical obstructions to cat, human movement or access. It also states that large scale development proposals beyond the Zone of Influence should be assessed on an individual basis.

- 3.7 The Delivery Framework also states that within 400m of the perimeter of the SPA, the impact of additional residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect on the SPA. Therefore, the Delivery Framework states that there should be a presumption against development within this zone.
- 3.8 The Delivery Framework states that the avoidance measures recommended should be sought in relation to development for one or more net new dwellings, including staff residential accommodation.
- 3.9 As set out above, the Delivery Framework focuses on two types of avoidance measure - the provision of SANG and Access Management of the SPA itself. The Delivery Framework provides guidance on both of these measures, for example in terms of the type and size of land suitable as SANG and the amount of SANG needed and the broad principles of the access management of the SPA. The measures set out in this Avoidance Strategy are consistent with the guidance set out in the Delivery Framework.

#### **4. The South East Plan**

- 4.1 The South East Plan was published by the Government on 6th May 2009. This forms part of the Development Plan to be used when assessing development proposals. South East Plan Policy NRM6 deals specifically with the Thames Basin Heaths Special Protection Area. The policy is set out in full in Appendix 1.
- 64.2.1 Policy NRM6 states that new residential development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths SPA will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects and that such measures must be agreed with Natural England. The policy identifies the same broad zone of influence as set out in the Delivery Framework. It states that where development is proposed within the 400m to 5km zone, mitigation measures will be delivered prior to occupation and in perpetuity. It adds that these measures will be based on a combination of access management of the SPA and provision of SANG. The Policy sets out standards and arrangements for the provision of SANG and access management.
- 4.3 The avoidance and mitigation measures set out in this Avoidance Strategy are consistent with Policy NRM6.

## **5. Options for a Developer to meet Avoidance Requirements**

5.1 In terms of the provision of SANG, there are three options open to developers for meeting avoidance requirements:

- provide new SANG themselves;
- buy into provision of new SANG assembled by the local authority; or
- buy into the upgrading of an existing SANG site owned by the local authority or a third party.

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

6.1 The significance of the role the Council can play in enabling avoidance measures is readily apparent. There are very few areas of informal open land within the built-up area of Farnham that are potential SANG and only one significant area that is within the Council's ownership, i.e. Farnham Park.

6.2 A detailed site quality checklist providing criteria for assessing avoidance sites is included in the SEERA document on guidelines for the creation of Suitable Alternative Natural Green Space" June 2008 (See Appendix 2). At present, only Farnham Park provides an immediate opportunity to provide SANG within Waverley in accordance with the advice from Natural England. Other opportunities to provide further SANG in the future are being investigated (See Section 11).

## **7. Farnham Park**

7.1 Farnham Park is owned by the Council. It is a mediaeval deer park associated with Farnham Castle covering an area of 130ha (See Plan 2). It contains around 85 hectares of semi-natural grassland, woodland and scrub which was confirmed by Natural England, as an area of SANG quality. The Park is situated to the north of the town centre (the nearest entrance is only 200m away) and extends northwards to Hale, with the northern boundary about 800m from the SPA boundary. The Park is located within the Zone of Influence of the SPA (i.e between 400m and 5km of the perimeter of the SPA) and is well placed to provide avoidance measures for Farnham.

7.2 In January 2004, the Council published the document "Farnham Park: Historic Landscape Survey and Restoration Management Plan" prepared by Land Use Consultants, which the Council adopted in

October 2004. The Restoration Plan includes details of appropriate infrastructure improvements for the long-term conservation and management of the Park, some of which would accommodate an increase in visitor numbers.

- 7.3 Farnham Park meets the criteria for SANG because of its central location and semi-natural nature and can therefore provide green space avoidance measures for development within the Zone of Influence of the SPA.
- 7.4 In 2007 Natural England confirmed that 85ha of Farnham Park is semi natural and qualifies as potential SANG. Its overall size means that it can serve a development catchment of 5km from its boundaries covering all of the SPA Zone of Influence in Waverley. However, Natural England advised that the actual amount of land that can be effectively enhanced and linked to development contributions in accordance with Natural England green space standards is less than this. This is a function of (a) existing visitor capacity; and (b) the range of potential enhancement measures that, if implemented, would serve to attract potential SPA users to the Farnham Park SANG. Farnham Park's large size and the fact that the access points are located all around the perimeter results in users being well distributed around the Park. Staff managing the Park are aware that the central areas generally feel underused and could accept a greater visitor capacity without affecting the Park's natural, open character or biodiversity.

## **8. Visitor Capacity in Farnham Park**

- 8.1 It is estimated by the Council's Leisure Services that the SANG area of the Park is currently used at about 50% visitor capacity. This has been appraised based on long-term observation of the usage of the Park, and on visitor surveys carried out in May 2007 and 2009. However, in 2007, Natural England recommended a precautionary approach to the SANG area. It was assumed at that time that user capacity was at 75%, yielding a potential SANG capacity of 21.25ha.(85ha X 25%).
- 8.2 When agreeing to the earlier "Miniplan" in 2007, Natural England further reduced the SANG capacity from 21.25ha to 10.9ha, taking account of the situation at the time and the potential future improvements to the SANG, including car parking.

## **9. Enhancement Measures**

- 9.1 Natural England regards car parking as a significant aspect when considering the appropriateness of a site as a SANG. Therefore, since the adoption of the original Miniplan in 2007, some of the existing car parks surrounding the Park have been enhanced by improving the surfaces and layout and by signing, and are being promoted through information boards and leaflets. In the preparation of this new Avoidance Strategy, further access to the Park has been agreed with

Natural England from a parking area outside the Park on the east side. It is on the old carriageway adjacent to Hale Road which is no longer part of the highway.

- 9.2 The scope to improve and enhance the Park means that it has been able to contribute as avoidance space. Whilst Farnham Park is both a Site of Nature Conservation Importance and an Historic Park & Garden, Natural England accepts that it has the capacity to provide avoidance space to divert use of the Special Protection Area during the bird nesting season and to cope with an increase in use without environmental damage. Since the Miniplan first came into operation a number of aspects have been developed.
- a) a full-time ranger based on-site;
  - b) improved visitor interpretation and education; and
  - c) enhanced public access points.
- 9.3 A full time ranger manages the impact of additional visitors and provides reassurance and security for users and delivers the Park's long-term management plan, including monitoring and responding to biodiversity and landscape changes.
- 9.4 Improved visitor interpretation and education - through a Park information office, leaflets, walks and talks improves visitors' understanding of the importance of the site and appropriate behaviour.
- 9.5 The proposed enhanced public access points with orientation maps and Park information will direct users to appropriate areas to meet their recreational needs and ensure appropriate behaviour.
- 9.6 All these improvements have enhanced the role of the Park as SANG, and the ongoing programme will continue the process. Appendix 3 sets out in detail the enhancements that have been completed and are still underway.

## **10. Current SANG Capacity at Farnham Park**

- 10.1 Having regard to improvements that have already been made to the SANG in Farnham Park and the further improvements that are planned, and taking account of the outcome from visitor surveys, Natural England has agreed that the SANG capacity in Farnham Park can be increased from the present limit of 10.9ha. In view of this, the Council has agreed to increase the capacity of Farnham Park SANG by 4ha (which allows for an additional 208 new dwellings). Those proposing to build new houses within the SPA Zone of influence have the opportunity of avoiding having an adverse impact on the SPA by contributing to the maintenance and improvement of the Farnham Park SANG. Details of the relevant costs are set out in Appendix 4



## 11 Identification of new SANG

11.1 In the short term, Farnham Park will continue to be a source of SANG for developers. However, the Council is looking at three additional sites with potential to provide further SANG in the future:-

1. Farnham Quarry
2. The land to the east of Farnham Park
3. Alice Holt Forest

### Farnham Quarry

11.2 The Farnham Quarry site is situated to the north of the A31 and to the west of the A331 Blackwater Valley route. It is clearly visible from the A31 travelling east towards the Hog's Back. It is anticipated by Hansons, the owners of Farnham Quarry, that extraction of sand and gravel from Farnham Quarry will cease in April 2010. The restoration plan is for part of the northern area of the site, to become public open space and the southern part will be a nature reserve with limited access. Natural England has indicated that in principle, part of the site could be suitable as SANG. If agreed, it could potentially become SANG within about 5 years, depending on how long the restoration takes to establish, and create a suitable place for visitors with an appropriate quality of landscape. The site checklist for the creation of SANG, produced by SEERA in June 2008, (Appendix 2), indicates that SANG does not have to be wooded, so restoration to grassland with immature woodland would be acceptable.

### Land to the east of Farnham Park,

11.3 This privately owned land adjoins Farnham Park on its eastern side and has access from Hale Road. The total site is ha. However, the owner currently has plans to use that part of the land as a green burial ground. Discussions have taken place with the owner about the possibility of using the southern part of the land as SANG. Again, Natural England has indicated that, in principle, it could be suitable as SANG. Further detailed discussions would be needed if this land were to be brought forward as SANG, including identifying any specific improvements to the land and the arrangements for securing its use as SANG in perpetuity..

## Alice Holt Forest

- 11.4 Alice Holt Forest lies to the south west of Farnham. It is within the district of East Hampshire and is also to be included in the recently agreed South Downs National Park. Preliminary discussions have taken place with the Forestry Commission about the possibility of using land at Alice Holt Forest as SANG. Indications are that this could result in the identification of about 10ha of SANG. Natural England has indicated that, in principle, it could be suitable as SANG. The area is mixed habitat and is managed but semi wild. Identification as SANG would again be dependent on reaching agreement with the landowners regarding any improvement works required to support its use as SANG and the arrangements for maintaining the SANG in perpetuity.

## Blackwater Valley

- 11.5 There have also been preliminary discussions with the other local authorities in the Blackwater Valley, including the Blackwater Valley Countryside Service, to see if it is possible to share the areas of open space of SANG quality, though no sites have been identified. No decision has been reached as yet but talks are ongoing. Again this would only be a longer-term solution.

## Summary of Potential Alternative Sites

- 11.6 It is evident from this assessment of other sites in the Farnham area that the number of alternatives to Farnham Park in the short term is very limited at present, and the Park still offers the best option for the immediate delivery of additional SANG.

## **12 Calculation of the Financial Tariffs**

- 12.1 Appendix 4 shows the amount of financial contribution required from each additional residential unit (assuming no on-site provision) to provide the SANG required within Farnham Park to avoid significant impact on the SPA. The cost per hectare of works is linked to the South East Plan's standards for improved open space of 8ha per 1000 additional residents to produce a tariff for developer contributions.
- 12.2 The tariff has been calculated on the basis that the SANG capacity of 21.25ha will be achieved through improvements to car parking capacity or confirmation of the estimated 50% visitor capacity through surveys.
- 12.3 The tariff allows the capital cost of enhancements and the capital sum needed to generate the annual costs in perpetuity for staff and site maintenance and capital replacement. The tariff will be updated on an annual basis in line with an appropriate Index.

### **13. Strategic Access Management and Monitoring**

13.1 In February 2009 Natural England reported to the Thames Basin Heaths Joint Strategic Partnership Board on the Strategic Access Management and Monitoring Arrangements for the Thames Basin Heaths Special Protection Area. This was in response to the three-prong approach referred to in the Delivery Framework. The second prong is described in that document as access management but it also includes monitoring.

13.2 The purpose of this Natural England project is to provide measures to limit the damage caused by visitors to the Special Protection Area. This can include "soft measures" such as education and wardening, or "hard" measures such as limiting car parking, or pathways. The proposed project will provide:

- a wardening service;
- monitoring of visitors, providing bird surveys, planning applications;
- education and communication with key organisations;
- working with landowners.

13.3 The Strategic Access Management and Monitoring measures are to be funded by the affected Local Authorities collecting Section 106 payments for these measures in addition to any contributions they collect for SANG provision. Natural England has identified a tariff of £630 per dwelling for the proposed Access Management and Monitoring. This is based on an assumption about the amount of new housing to be built within the area affected by the SPA, set against a detailed programme of works. This additional tariff has been agreed by the Thames Basin Heaths Joint Strategic Partnership Board.

13.4 The Councils affected by the SPA are at different stages in the preparation or review of their Avoidance Strategies and not all will be in a position to start collecting this additional tariff at the same time. Therefore, Natural England has been seeking agreement in principle to the collection of the tariff, even if some local authorities cannot implement the tariff immediately. All the Districts have also been invited to sign a Memorandum of Agreement between Natural England and themselves to formalise the arrangements for collecting the additional tariff. Money collected for monitoring purposes by Waverley will be passed to Natural England once all relevant parties have agreed the Memorandum of Agreement.

### **14. Implementation**

- 14.1 The Council has received £443,462 in Section 106 funding (with an added amount for the 5% monitoring fee,) up to 1<sup>st</sup> April 2009, relating to the implementation of this Avoidance Strategy. This is accounted for by a dedicated code within the Council's Agresso accounts system.
- 14.2 £ 267,310 has been spent on the capital improvements to the Park, listed in Appendix 3.
- 14.3 The Council has been committed to providing the SANG as soon as was reasonably practicable and occupation of dwellings has run at least in parallel with improvements to the Park, such that measures come on stream as or before residents move into the dwellings. The Council is keeping records of developments that are paying tariffs towards the improvement of Farnham Park and is reporting this to Natural England monthly.

## **15. Monitoring and Review**

- 15.1 Monitoring of housing and site improvements has been carried out, but at this stage, it is in the nature of the monitoring process that it will take some time to assess the effectiveness of SANG. However, the Council is committed to the monitoring set out in Appendix 5.
- 15.2 Visitor surveys carried out in May 2007 and 2009 provide a baseline survey against which changes in visitor use of the Farnham Park SANG over time can be measured at five year intervals. Consultants have advised on a monitoring strategy for Farnham Park, and Appendix 5 details an assessment of their recommendations and a timetable of implementation. Implementation will also be influenced by the Access Management and Monitoring Project to ensure consistency. Monitoring will assist in identifying trends and changes in visitor use and its impacts, however it will take some years before trends can be seen.

*A number of variables will determine how quickly the SANG will be consumed by residential permissions. The Council will continue to monitor the planning permissions granted within the Zone of Influence and how this affects the available SANG capacity at Farnham Park.*

### The occupancy rate and the 1000 population standard

- 15.4 The occupancy rate (the number of people per dwelling) is derived from the Surrey Planning Collaboration Project work on Section 106 agreements and is based on the 2001 Census for Surrey. The 8 hectares per 1000 population standard is derived from the original Natural England Delivery Plan, which preceded the Delivery Framework. The same standard has been carried through into the Delivery Framework and the South East Plan Policy NRM6.

## 16. Options for Developers

16.1 Developers' attention is drawn to Regulation 48 of the Habitats Regulations, which sets out the Council's obligations as the "competent authority":

*48(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which*

*(a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and*

*(b) is not directly connected with or necessary to the management of the site,*

*shall make an appropriate assessment of the implications for the site in view of that site's conservation objectives*

*48(5) In the light of the conclusions of the assessment, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.*

16.2 All applications for residential planning permission must be determined on a case-by-case basis and assessed against any concerns of adverse effect on the SPA identified by Natural England. When submitting an application for residential development, applicants need to consider how they can avoid or mitigate the impact of their proposal. If developers are not contributing their own land to avoid significant effect on the SPA in accordance with Natural England's standards (a minimum 2ha is required), they will be expected to make a financial contribution based upon the tariffs in this Avoidance Strategy. Natural England agrees that providing further funds to enhance Farnham Park in line with this guidance will mean that development proposals will not be likely to have a significant effect on the SPA and there will therefore be no need to conduct an Appropriate Assessment. There is no proposal to discriminate between types of residential development (i.e. flats and houses) because advice from Natural England is that there is no discernible difference in recreational impacts created by the occupants. Even if a developer can provide their own SANG, it will still be necessary to make the appropriate contribution towards the Strategic Access Management and Monitoring measures.

16.3 Developers making outline planning applications will need to provide complete information on the number of dwellings and bedrooms per dwelling, so that the required calculations for contributions may be made. Without being able to ascertain the exact number of dwellings and bedrooms, (and therefore likely occupants), the Council cannot satisfy itself that the level of any proposed SPA contribution is adequate, and so would be unable to grant planning permission. A

bedroom is defined in the Supplementary Planning Guidance "Density and Size of Dwellings: Policy H4 of the Waverley Borough Local Plan 2002" (Waverley Borough Council 2002). On plans for new homes, "a room shown as a study nursery, bonus room or other name, but which could effectively be considered as a bedroom for the purposes of Policy H4" shall be regarded as a bedroom.

- 16.4 Financial contributions will be secured by way of a Section 106 Agreement. Payment will normally be no later than 28 days before commencement.
- 16.5 If developers are unable, or unwilling, to make such contributions towards SANG provision, the expectation remains, on the basis of Natural England's advice, that the proposed development will be likely to have a significant effect on the SPA and the requirement for an Appropriate Assessment will arise in accordance with Regulation 48 of the Habitats Regulations.

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