

APPENDIX O

WAVERLEY BOROUGH COUNCIL

EXECUTIVE - 3 FEBRUARY 2009

Title:

THAMES BASIN HEATHS SPECIAL PROTECTION AREA:-

- **PROPOSED DELIVERY FRAMEWORK;**
- **PROPOSALS BY NATURAL ENGLAND FOR ACCESS MANAGEMENT AND MONITORING**

[Portfolio Holder: Cllr Mrs Carole Cockburn]

[Wards Affected: All Farnham Wards]

Summary and purpose

The Delivery Framework for the Thames Basin Heaths SPA has been produced by the Joint Strategic Partnership Board (JSPB), which brings together the local authorities and other key partners. Arising from this document, Natural England has put forward detailed proposals for co-ordinated access management and monitoring in relation to the SPA, again on behalf of the Joint Strategic Partnership Board. Following consideration at the last meeting of the JSPB, local authorities have been invited to comment on the latest version of the Delivery Framework, together with the proposals for access management and monitoring, prior to the next meeting of the JSPB on 12th February 2009.

How this report relates to the Council's corporate priorities:

The use of the Delivery Framework as a guidance in preparing policy for the SPA together with appropriate and arrangements for associated access management and monitoring will contribute towards the fulfilment of the environmental priorities of the Corporate Plan.

Equality and Diversity Implications:

There are no equality and diversity implications.

Resource/Value for Money implications:

The resource implication from these two documents is that there could potentially be a tariff levied by Waverley from developers for Access Management and Monitoring, in addition to any tariff required for the delivery of SANG.

Legal Implications:

It would be necessary for affected authorities to sign a Memorandum of Agreement relating to the implementation of the access management and monitoring proposals.

The Thames Basin Heaths Delivery Framework

1. During 2007 and 2008, a number of Local authorities, including Waverley produced Miniplans in response to the requirements of the Habitat Regulations 1994, and a document "The Thames Basin Heaths Delivery Plan" written by Natural England. (see the preceding report for the explanation about the Miniplan).
2. It became evident that the different Miniplans needed to be coordinated so that they would be consistent, and therefore the JSPB, with support from SEERA, agreed to produce a draft Delivery Framework on behalf of all the Local Authorities affected by the Thames Basin Heaths Special Protection Area.
3. This approach complied with the views of the South East Plan EIP Panel, which agreed that strategic partnership to co-ordinate policy for the protection and management of the SPA would be appropriate.
4. The Delivery Framework has been produced by the Thames Basin Heaths Joint Strategic Partnership Board, which is a body made up of all the affected Local Authorities, Natural England, SEERA, The Home Builders Federation, Defence Estates, RSPB, GOSE, Forestry Commission. The Board represents the bodies most affected by the Special Protection Area and is in a good position to produce an authoritative framework.

Status of the Delivery Framework

5. The Delivery Framework is not itself a policy document, but is intended to provide guidance for individual local authorities preparing new or amended Miniplans. It will also provide guidance for the other partners, for landowners and developers.

Summary of the December 2008 draft of the Thames Basin Heaths Delivery Framework

6. The Delivery Framework has evolved over a period of time and has been amended by the Partners through consultation and consideration at earlier meetings of the JSPB. The latest version of the Delivery Framework, which follows discussion at the JSPB meeting in October, is attached as Annexe 1 to this report. In summary, the Delivery Framework covers the following:-

Aim

7. The aim of the document is to set out the Board's recommendations of the measures that "will enable the delivery of housing in the vicinity of the Special Protection Area without that development having a significant effect on the Special Protection Area as a whole."

Objectives

- To recommend a consistent approach to protecting the Special Protection Area from the impacts of residential development.
- To identify the types of development that might affect the Special Protection Area.
- To recommend key criteria for the delivery of avoidance measures.

Key Principles

- All new residential development is likely to affect the Special Protection Area and therefore should provide or contribute to avoidance measures.
- If they do so developers will not have to do a Habitats Regulation Assessment.
- The most appropriate forms of avoidance are regarded as SANG (suitable alternative natural greenspace – like Farnham Park) and access management. (Access management means measures to limit the damage caused by visitors to the Special Protection Area, eg wardening or limiting car parking).
- There may be exceptions to the Board's approach, and "it has no formal control on the planning decisions which are to be made in respect of the Thames Basin Heaths nor does it set out any formal planning policy".
- Local authorities should refer to the Delivery Framework when developing Miniplans and Local Development Frameworks.
- The Board will retain an overview over Miniplans and Local Development Frameworks and seek to ensure that a consistent approach is being applied and sufficient avoidance measures are being provided.

What development is covered?

Location

8. The "zone of influence" is applied from 400m from the perimeter of the Special Protection Area to 5km. (Within this zone in Farnham, all residential development is subject to the tariff set out in the Miniplan). Within the 400m zone there is a presumption against all new residential development, though in exceptional circumstances this may be modified. Large-scale development outside the zone of influence should be assessed on an individual basis.

Type of development covered

9. Avoidance measures should be sought in relation to proposals for one or more net new dwellings and one or more net units of residential staff accommodation.

Avoidance measures

SANG (Suitable alternative natural greenspace)

10. The provision of alternative recreational land to attract new residents away from the Special Protection Area is a key part of the approach of the Delivery Framework. The land should be delivered by Local Authorities and funded by developers, and it must be provided in perpetuity (99 years). Joint working between Local Authorities may be appropriate, and opportunities for cross boundary working should be explored. SANG should be provided on new or existing public open space (like Farnham Park.) SANG should be provided on the basis of at least 8ha per 1000 population and should be at least 2ha in size. As a guide, the catchment of SANG should be
 - SANG of 2-12ha will have a catchment of 2km;
 - SANG of 12-20ha will have a catchment of 4km;
 - SANG OF 20ha+ will have a catchment of 5km.

Access management

11. The Delivery Framework states that access management should be co-ordinated strategically by Natural England, working with Local Authorities and land managers. The funding for the project should be levied from developers through the Local Authorities and then pooled for strategic allocation.
12. Monitoring should be carried out by Local Authorities, Natural England and existing landowners and managers. The charge levied on developer contributions should include an allowance for the cost of the monitoring. The work should be coordinated strategically. It should address habitat condition and bird numbers; the provision of SANG and housing delivery; access management; visitors surveys.

Officer Comment

13. The emerging Delivery Framework will provide a clear and consistent framework for the production of Miniplans and LDF documents relating to the SPA. The Council should note the document and its status and acknowledge that it will be taken into consideration when reviewing the current Miniplan and when developing any subsequent SDDs or DPDs for the Local Development Framework.

Proposals by Natural England for Access Management and Monitoring

14. Proposals for access management and monitoring in relation to the SPA have been emerging over a number of months and considered by the JSPB. At the JSPB meeting on 21st October 2008, Natural England presented a detailed report proposing a project for access management and monitoring on the Thames Basin Heaths. Members of the Board have been invited to consider that report and give comments for consideration by the JSPB at its next meeting on 12th February 2009. A copy of the report that was considered at the last meeting of the JSPB is attached as Annexe 2.
15. The Board had formally approached Natural England to see if it would take on the role of managing developer contribution for access management and monitoring and whether Natural England would co-ordinate delivery of these measures. This work has been going on for some time, looking at how to produce a project at the strategic level that would be consistent across the affected local authorities.
16. A preliminary report was submitted to the Board in June 2008 and this generated some concern from a number of local authorities.
17. In their October report, Natural England responded that they would be prepared to carry out a co-ordinating role, explained how they would propose to do it and what the implications would be for the partners.

The proposed service

18. The proposals include:-
 - There would be a wardening service, this would be an additional on the ground presence from existing managers on the Special Protection Area;
 - there would be monitoring, delivering key elements of the monitoring strategy, specifically within the framework of this proposal;
 - there would be education and communication, working with key organisations such as Wildlife Trusts;
 - a facilitation role enabling the land managers to work together.

The case for Natural England being co-ordinator

19. Natural England asserts that it is in a position to take on a co-ordination role and will work in the following ways:
 - Natural England will co operate with Hampshire County Council who will manage financial contributions (based on experience on other projects);
 - Natural England will set up a Project Board to establish reporting protocols;

- Natural England will co-ordinate on the ground delivery of strategic access management and monitoring in partnership with the Wildlife Trusts and Bracknell Forest Borough Council;
- Natural England will seek sign up to a Memorandum of Agreement between the partners.

Implications for Waverley

20. The Natural England report sets out the responsibilities for the Local Authorities under this project, and these have implications for Waverley which are to:
- based on the projected number of housing completions, officers understand that the additional tariff for the access management and monitoring may be approximately £245 per dwelling, potentially rising to £300 if the proposals were extended to cover a 17-year period. For comparison purposes, the current tariff for the Farnham Park SANGS, based on a 3-bedroom dwelling, is £1,874 per unit, excluding the monitoring and administration fees;
 - signing up to the associated Memorandum of Agreement;
 - providing monitoring data and some local survey work relating to the SANGS.

The Memorandum of Agreement

21. The Memorandum sets out the principles which shall govern the relationship between Natural England and the Partners, including their respective obligations and rights. A copy of the draft Memorandum of Agreement is attached as Annexe 3. It will be scrutinised by the Legal Section and any comments will be reported orally at the meeting.

Officer Comment

22. In considering proposals for access management and monitoring that would be included in any revised tariff, it is important to ensure that:
1. all the work is necessary to meet the requirements;
 2. any duplication is avoided, for example in terms of monitoring;
 3. they are linked to the impact of new development and do not include any tasks/functions for which funding is already available.
23. The authorities affected by the SPA submitted a joint response to earlier proposals from Natural England for access management and monitoring. Again, this response emphasised the need to ensure that the monitoring and access management works are focussed on what is needed and avoid duplication or the collection of data that is not needed.

24. In principle, officers support the need for a co-ordinated scheme for access management and monitoring. However, there are some issues that need to be resolved before the details of any scheme can be agreed. The comments are as follows:
- The costings and the estimated charge per dwelling are based on assumptions about the number of dwellings likely to be delivered within the affected areas each year. Given the current economic downturn, what happens if fewer dwellings are delivered?
 - The proposals for monitoring are quite extensive. It is important to ensure that monitoring proposals are all necessary.
 - Allied to the above point, given the amount of monitoring work proposed, is the estimated cost realistic or is it likely to cost more in reality?
 - What happens if not all the affected local authorities sign up to the proposals?
 - The proposals include some local survey work utilising Citizens Panels. What are the resource implications for Waverley in supporting this local survey work?
25. Officers are due to attend a Thames Basin Heaths officer meeting on Friday 16 January, when it is anticipated that some of these issues will be discussed. An oral report will be made on any additional issues that arise out of that meeting.

Conclusion

26. With regard to the latest version of the Delivery Framework, it is recommended that Members formally note the document and agree to take it into account in the review of the Miniplan and any subsequent LDF work relating to the SPA.
27. With regard to the proposals for access management and monitoring, Officers accept the need, in principle, for having a consistent and co-ordinated approach. However, officers still have some concerns about the details of what is proposed, for the reasons outlined in paragraph 24 above. These concerns should be conveyed back to the JSPB at its next meeting on 12 February.

Recommendation

It is recommended that the Executive:-

1. notes the current version of the Delivery Framework and agrees that it should be taken into account in reviewing the Miniplan and in any other SPA related work for the LDF; and
2. notes the proposals by Natural England and acknowledges the need for a scheme for access management and monitoring. However, the Council has

concerns about the current proposals for the reasons set out in paragraph 24 above.

Background Papers (CSP)

There are no background papers (as defined by Section 100d(5) of the Local Government Act 1972) relating to this report.

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