

# APPENDIX K

## WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 29 JUNE 2010

---

**Title:**

**AVOIDANCE STRATEGY FOR THE THAMES BASIN HEATHS SPECIAL  
PROTECTION AREA – REVISED TARIFF FOR STRATEGIC ACCESS  
MANAGEMENT AND MONITORING**

**[Portfolio Holder: Adam Taylor-Smith]  
[Wards Affected: Farnham]**

---

**Summary and purpose:**

In December 2009, the Council resolved to adopt a new Avoidance Strategy for the Thames Basin Heaths Special Protection Area (SPA). That included the identification of additional Suitable Alternative Natural Greenspace (SANG), in Farnham Park. However, it was also agreed that the new SANG would not become available until either the adoption of the Farnham Design Statement as supplementary planning guidance, or the 31<sup>st</sup> July 2010, whichever is sooner. The new Avoidance Strategy also includes an additional tariff relating specifically to the Strategic Access Management and Monitoring of the SPA. On the advice of Natural England that tariff was set at £630 per dwelling. Following legal advice, it has been decided that a proportionate tariff, based on occupancy, should be used instead of the flat rate. The purpose of this report is to seek approval to amend the Avoidance Strategy accordingly. It is also to seek agreement to Waverley signing the associated legal agreement, along with the other affected authorities, which deals with the arrangements for collecting and distributing the new tariff.

---

**How this report relates to the Council's Corporate Priorities:**

The revised tariff will be part of the Council's strategy for providing appropriate mitigation of the impact of new residential development within the zone affected by the Thames Basin Heaths SPA. It would, therefore, accord with the Council's priority of protecting the environment.

**Equality and Diversity Implications:**

There are no equality and diversity implications arising specifically from this report.

**Climate Change Implications:**

There are no climate change implications arising specifically from this report.

### **Resource/Value for Money implications:**

The intention is that the proportionate tariff will be set at a level such that the average amount per dwelling will still be £630, which is the figure derived from Natural England's original costed programme.

### **Legal Implications:**

The Avoidance Strategy is the mechanism for allowing residential development to take place within 5km of the SPA, whilst still complying with the Habitats Directive. Based on legal advice obtained by the affected local authorities, it has been decided that a proportionate tariff for the Strategic Access Management and Monitoring (SAMM) project should be applied rather than a flat rate. The associated legal agreement provides the necessary framework for collecting and distributing the tariff.

---

### **Background**

1. Members will be aware that as part of the measures to mitigate the impact of new residential development within the zone of influence of the Thames Basin Heaths SPA are the proposals from Natural England for Strategic Access Management and Monitoring of the SPA. These measures require the collection of a financial contribution from prospective developers over and above the contribution towards the provision of Suitable Alternative Natural Greenspace (SANG).
2. In December, the Council resolved to adopt a new Avoidance Strategy for the Thames Basin Heaths, albeit that the implementation of the Strategy and the release of additional SANG capacity in Farnham Park was deferred until the adoption of the Farnham Design Statement as supplementary planning guidance or 31<sup>st</sup> July 2010, whichever is sooner.
3. The new Avoidance Strategy agreed in December, includes a tariff of £630 per dwelling towards the Strategic Access Management and Monitoring (SAMM) project. However, some concern was raised amongst the affected authorities about whether a flat rate per dwelling fee would meet the tests of Circular 05/2005, which relates to the use of Planning Obligations. Advice was sought from Counsel on this matter, and on the best mechanism for collecting and distributing the tariff. In essence the advice given is that the flat-rate tariff should be replaced by a proportionate tariff based on occupancy. In Waverley's case, the change from a flat rate fee for the SAMM project to a proportionate tariff would bring it more in line with the approach taken to SANG contributions. These already vary depending on the size of the dwelling.

### **The New SAMM Tariff**

4. As explained above, the intention is that the new proportionate tariff should still secure the equivalent of an average of £630 per dwelling. In order to calculate this, the same occupancy rates have been applied as are used to calculate the SANG contribution. Using the average occupancy rate of 2.4 persons per dwelling, the £630 per dwelling becomes £263 per person. As a result, Officers have produced the following proportionate tariff:

One bedroom dwelling =	£345
Two bedroom dwelling =	£463
Three bedroom dwelling =	£660
Four bedroom dwelling =	£752
Five+ bedroom dwelling =	£981

These proposed tariffs are subject to agreement with Natural England.

### **The Proposed Legal Agreement**

5. As explained above, it will be necessary for each affected local authority to be party to a legal agreement to deal with the arrangements for collecting and distributing the SAMM tariff. This has been produced by solicitors commissioned jointly by the affected local authorities. A copy of the draft agreement is attached as Annexe 1 to this report.

### **Implications of the Abolition of the South East Plan**

6. The original SAMM tariff of £630 per dwelling was based on a costed programme that assumed a certain amount of new housing taking place over the life of the South East Plan (i.e. to 2026). Clearly, in the light of the new Government's commitment to get rid of Regional Spatial Strategies and top-down housing targets, there will be uncertainty on exactly how much housing will now be provided in the South East. This, in turn, may affect the tariff that Natural England considers is needed to deliver an effective SAMM project. This is clearly something that will evolve as the new Government's position on housing delivery becomes clearer. However, given that Natural England is keen to progress with the SAMM project, it would not want to see further delay in implementing the associated SAMM tariff. Therefore, it is recommended that the proportionate tariff, based on the £630 per dwelling average, be implemented as an amendment to the approved Avoidance Strategy and that it be reviewed once Natural England has carried out its own review of the SAMM project and associated costs etc.

### **Recommendation**

It is recommended that the Executive:

1. agree to the revised tariff for the SAMM project as an amendment to the Avoidance Strategy previously agreed; and
2. agree to sign the associated legal agreement as set out in Annexe 1 to the report.

---

### **Background Papers**

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

---

**CONTACT OFFICER:**

**Name:** Graham Parrott

**Telephone:** 01483 523472

**E-mail:** [graham.parrott@waverley.gov.uk](mailto:graham.parrott@waverley.gov.uk)

comms\executive\2010-11\290610\020 SPA revised SAMM tariff report.doc