

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 5 JULY 2011

Title:

HINDHEAD CONCEPT STATEMENT AVOIDANCE STRATEGY

[Portfolio Holder for Planning: Cllr Adam Taylor-Smith]

[Wards Affected: Hindhead]

Summary and purpose:

In July 2008, the Council adopted the Hindhead Concept Statement as a material consideration for planning purposes. The Council commissioned a Habitat Regulations Assessment of the Concept Statement which was completed in December 2010. This concluded that new development in central Hindhead has the potential to have an adverse impact on the Wealden Heaths Phase II Special Protection Area (SPA). It went on to say, however, that if specific avoidance measures are put in place then there would not be an adverse impact. One of the key concerns is the impact of regular dog walking on the SPA from people living in close proximity. The purpose of this report is to seek approval for the proposed Avoidance Strategy and associated legal agreement, which deals with the arrangements for collecting and distributing the new tariff.

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

The Avoidance Strategy will be the Council's strategy for providing appropriate mitigation of the impact of new residential development within the Hindhead Concept Statement area. 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 Avoidance Strategy sets out the requirement for Section 106 agreements on new dwellings within the Hindhead Concept Statement area. The Avoidance Strategy will secure the necessary financial contributions towards measures to enhance and promote dog walking routes outside the heathland area of the Wealden Heaths Special Protection Area (SPA) together with education and monitoring. Details of the financial contributions are set out in Appendix 3 of the proposed Avoidance Strategy.

Legal Implications:

The Avoidance Strategy is the mechanism for allowing residential development to take place within the Hindhead Concept Statement area, which is in close proximity to the Wealden Heaths SPA, whilst complying with the Habitats Regulations. To meet the requirements of the EU Directive, this report identifies proportionate measures to mitigate the potential adverse impacts of development on the Wealden Heaths SPA. In due course, a legal agreement will be executed between the Council and the National Trust for the latter to administer the Avoidance Measures identified in the report.

Introduction

1. It is anticipated that there will be proposals for redevelopment on some of the sites in Hindhead that front onto the existing A3, as a result of the opening of the tunnel. In fact there have already been two planning applications for mixed use redevelopment, including new housing, on the Drummonds site, which is located on the northern side of the existing A3 (in 2007 and 2010). In both cases the schemes were refused on a number of grounds, including prematurity pending the opening of the tunnel and the potential impact on the nearby Wealden Heaths Phase II SPA.
2. The Hindhead Concept Statement was adopted as a material planning consideration in July 2008. The document sets out the broad principles to guide the redevelopment/regeneration of the London Road area of Hindhead, following the opening of the Hindhead tunnel and the closure of the existing A3 to through traffic.
3. RPS were commissioned to carry out a Habitat Regulations Assessment (HRA) of the Concept Statement (titled Hindhead Concept Statement – Report on the Conservation Regulations Assessment). For the purposes of the assessment, it was assumed that development within the Concept Statement area could result in the development of up to 100 dwellings. The HRA was completed in December 2010 and concluded that without avoidance or mitigation measures, development in the Hindhead Concept Statement area has the potential to lead to the following adverse impacts on the SPA:
 - An increase in recreational access by people with dogs on to the SPA on a daily basis by residents of the new dwellings and any employees of the businesses that bring their dog(s) to work
 - An increase in the incidence of uncontrolled fires affecting the habitat on which the Annex 1 birds depend.
 - Garden waste tipping if residential development were to take place immediately adjacent to the SPA
4. To address this impact, the HRA recommended:
 - a combination of measures to encourage dog walking by future local residents and employees from the proposed Hindhead Concept Statement regeneration area to take place away from the heathland areas of the SPA.

- A programme of education targeted at new residents, visitors to the heathland and children attending local schools about the risk of heathland fires and their effects
- Measures such as green waste collection and/or composting facilities to preclude garden waste tipping from development adjoining the SPA boundary.

The Strategy

5. Attached as Annexe 1 is a copy of the proposed Avoidance Strategy. Given the localised nature of the Strategy, there has only been limited consultation. It has been developed taking account of views of the National Trust, Natural England and local landowners. Further details are set out in the Avoidance Strategy itself. The proposed Avoidance Strategy has two key elements:
 - Details of the Avoidance Measures
 - The collection of a tariff to contribute towards their implementation
6. Unlike the Thames Basin Heaths SPA, where there are criteria and guidance on identifying Suitable Alternative Natural Greenspace (SANG), Natural England have confirmed that there are no guidelines for establishing what is required to address the potential for significant harm to other SPAs.
7. It is acknowledged that the absence of a wider consultation on the Strategy may affect the weight that it would be given in decision making, for example at appeal. However, there is general support for development in the Hindhead area to come forward due to the significant changes that will take place this year following the opening of the tunnel. The Hindhead Concept Statement was produced specifically to guide redevelopment proposals in this area. This Strategy focuses on the potential impacts on the SPA arising from new residential development. It is considered that specific avoidance/mitigation measures are needed to address the particular circumstances in Hindhead, namely the potential for a significant number of new homes being built adjacent to or very close to the SPA. Without this Strategy, there would be likely to be the need for Appropriate Assessments to be carried out on a case-by-case basis.

Next Steps

8. There will be a requirement for the Council to enter into a legal agreement with the National Trust to enable the measures to be carried out. In preparing the Strategy, officers have worked very closely with Natural England and the National Trust. It is recognised by the partners involved that there will need to be a formal mechanism to deal with the collection and allocation of the funds.
9. It is understood that the National Trust is considering replacing its visitor centre in Hindhead. However, there is no precise timescale for this and the site is outside the specific development area that was considered in the HRA for the Hindhead Concept Statement. There will need to be a separate assessment of the potential impact of that development as and when those proposals come forward.

Conclusions

10. Careful consideration has been given to representations raised in consultation with the National Trust, Natural England, local landowners and Members. The level of measures put forward in the Avoidance Strategy is considered to be proportionate.

Recommendation

The Executive recommends to Council that:-

1. the Hindhead Avoidance Strategy attached as Annexe 1 be adopted; and
2. the Head of Planning Services be authorised to enter into a Section 106 Agreement with the National Trust to manage the collection and distribution of the required financial contributions.

Background Papers

Hindhead Concept Statement – Report on the Conservation Regulations Assessment (December 2010)

Hindhead Concept Statement (2008)

South East Plan (2009)

CONTACT OFFICER:

Name: Paul Falconer

Telephone: 01483 523417

E-mail: paul.falconer@waverley.gov.uk