

WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 5 MARCH 2013

Title:

AVOIDANCE STRATEGY FOR THE THAMES BASIN HEATHS SPECIAL PROTECTION AREA – RELEASE OF ADDITIONAL SUITABLE ALTERNATIVE NATURAL GREENSPACE (SANG) AT FARNHAM PARK

**[Portfolio Holder: Cllr Bryn Morgan]
[Wards Affected: Farnham Wards]**

Summary and purpose:

In December 2009, the Council adopted an Avoidance Strategy for the Thames Basin Heaths Special Protection Area (SPA). This included the identification of additional Suitable Alternative Natural Greenspace (SANG) in Farnham Park. This report seeks the release of the remaining SANG capacity in Farnham Park to ensure the continued delivery of much needed housing, including affordable housing, in Farnham.

The Community Overview and Scrutiny Committee considered this report at its meeting on 28th January 2013. Comments from the Committee are included at the end of the report.

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

SANG is 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 and accords with the Council's priority of protecting the environment. The Avoidance Strategy will allow planning permission to be granted for new affordable housing in Farnham in accordance with the Council's priorities. If further SANG is not released it will mean that in the short term otherwise acceptable brownfield schemes in Farnham will not be able to be progressed and will increase pressure for greenfield release of housing in an unplanned manner both on the edge of Farnham and other towns in Waverley.

Financial Implications:

The adopted Avoidance Strategy sets out the requirement for Section 106 agreements on new dwellings within the Farnham area. The costings are based on the release of the full 21.25 ha of SANG. The amended Avoidance Strategy will continue to secure the necessary contributions towards the Farnham Park SANG, together with contributions towards strategic access management and monitoring of the Special Protection Area (SPA) agreed by the Council in July 2010.

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.

Background

1. The Thames Basin Heaths (TBH), an internationally designated Special Protection Area (SPA), is fragmented by urban development. The SPA lies very close to the north side of Farnham. The cumulative effect of further residential development up to five 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. In response, Natural England produced a Thames Basin Heaths Delivery Plan in 2006.
2. A key element in the plan was for councils to identify Suitable Alternative Natural Green Space (SANG) for people to go to, which has a similar feel of open natural space as the Special Protection Area. Developers who want to build housing in Farnham can provide their own SANG or sign a Section 106 Agreement and pay a tariff towards the maintenance and improvement of SANG.
3. SANG is part of a three-pronged approach to safeguarding the Special Protection Area devised by Natural England. The other prongs are access management and habitat management.
4. The Council produced an Interim Miniplan in April 2007. The approach adopted by the Council was to identify Farnham Park as SANG. The Interim Miniplan explained the approach, set out the tariff and the improvements that the funding would produce.
5. When the interim Miniplan was approved by the Council in April 2007, it assumed a SANG capacity of 10.9 hectares sufficient to grant permission for 567 dwellings.
6. Natural England had confirmed during the preparation of the Interim Miniplan that 85 hectares of Farnham Park qualified as SANG. The view of the Council's Leisure Department at that time was that the Park was being used at 50% capacity. Taking a precautionary approach, an assumption of 75% user capacity was made yielding SANG capacity of 21.25 ha. This figure was subsequently reduced further to 10.9 to take account of limitations in the levels of car parking available to visitors.
7. By early 2009, almost all the available SANG had been taken by planning applications, such that no further housing could be granted planning permission in Farnham. As a result, a review of the Interim Miniplan commenced, together with public consultation.

8. In December 2009, the Council adopted an Avoidance Strategy to increase the SANG capacity in Farnham Park by a further 3.45ha to 14.35ha, sufficient for a further 179 dwellings. The Avoidance Strategy also agreed the collection of a tariff towards Strategic Access Management and Monitoring. Although Natural England were supportive of an increase in the SANG capacity in Farnham Park from the original 10.9ha to 21.25ha, the Council agreed a limited increase in SANG capacity. This precautionary approach was recommended for a number of reasons:
 - In recognition of the need for monitoring of the use of the Park to ensure its character is not harmed
 - Having regard to the possibility that other sites will become available as alternative SANG
 - To allow for further review of the Council's approach to SPA mitigation and avoidance once the LDF Core Strategy has progressed further.

9. The recommendations agreed by Full Council on 15th December 2009 were:
 - The SPA Avoidance Strategy be adopted.
 - A further 3.45 hectares of Farnham Park be designated as SANG (equivalent to 179 further homes) and to be made available as such on adoption of the Farnham Design Statement as local supplementary planning guidance or on 31st July, whichever is the sooner
 - A revised tariff taking into account inflation, changes in medium term interest rates and the proposed contribution towards the SPA Access Management and Monitoring project of Natural England be agreed as set out in the Avoidance Strategy.
 - No further designations of Farnham Park as SANG will be considered until either the Core Strategy is adopted or July 2012 whichever is the earlier.
 - This Council's assurance is given that no further significant capital works will be undertaken in Farnham Park other than those proposed in the Historic Landscape Survey and Restoration Management Plan, and that maintenance and minor improvement works will be in accordance with this already agreed plan, modified only with the approval of stakeholders, in particular Farnham Town Council.
 - Officers to continue to assist Farnham Town council with a view to the early conclusion of the Farnham Design Statement, recognising always that this is a Farnham Town Council project.
 - Officers continue their investigations of alternatives to Farnham Park as previously agreed with the Executive with the objective of enabling appropriate medium term options to be considered at a later date.

Current Position

10. The total SANG capacity at Farnham Park agreed by Natural England is 21.25 ha. The costings for the SANG improvements measures (including ongoing maintenance) which provide the basis for the tariff assumed a full release of this. To date the Council has released 14.35 hectares of SANG at

Farnham Park in two tranches. 10.9 hectares was released in 2007 sufficient to grant permission for 567 additional dwellings. A further 3.45 hectares was released in 2010, sufficient for a further 179 dwellings.

11. To date 665 dwellings have been allocated SANG, including 235 at East Street. Of this, 230 dwellings have been completed with the surge in 2010-11 linked to the completion of the Farnham Hospital development. It is estimated that there is remaining SANG capacity at Farnham Park for 81 dwellings under the current Avoidance Strategy. A further release of SANG is required as approximately 12.75ha out of the agreed 14.35ha has been allocated. Based on historic trends, the existing supply of SANG is likely to run out by 2014/15. Releasing the remaining 6.9 ha of SANG capacity now would provide certainty for the delivery of the new housing within the developed area of Farnham envisaged in the draft Core Strategy. The ability to identify “deliverable” sites against the Council’s housing targets is a requirement under paragraph 47 of the National Planning Policy Framework (NPPF).

Table 1- SANG Capacity (Figures to 18/12/12)

Total SANG Area (ha)	Total SANG Capacity (dw)	Dwellings Allocated to Date	Amount of SANG Allocated (ha)	Remaining Unallocated (ha)	Remaining Unallocated Capacity (dwellings)
14.35	746	665	12.8	1.6	81

Table 2 – Completion of dwellings subject to SANG contribution

Year	No. of Dwellings
2007-2008	0
2008-2009	0
2009-2010	16
2010-2011	164
2011-2012	37
2012-2013 (to 1/1/13)	13

Table 3 – SANG Capacity in relation to Core Strategy

	No. of Dwellings
Housing expected in Farnham through Core Strategy	1295
Greenfield Sites (expected to identify own SANG)	434
Existing Permissions (SANG already allocated)	467
Remaining housing development in Farnham requiring SANG	394
SANG Capacity with proposed release	439

12. Natural England is supportive of an increase in the SANG capacity in Farnham Park from the existing 14.35ha to 21.25ha. In terms of the number of dwellings, the capacity would be increased by 358.

Capital investment at Farnham Park to deliver SANG

13. With the exception of a potential access strip to the eastern car park all the capital works set out in the Avoidance Strategy have been carried out. These include improvements to access points, increase in car parking capacity, new signage, leaflets and interpretation panels. A full time Park Ranger is also now in position. Natural England is satisfied that the Park has adequate capacity in its current state for an increase without any further enhancements. Any further tariff collected would therefore be used to support long-term maintenance of the Park.
14. NE's criteria for a SANG is that it is a 'semi-natural space with little intrusion of artificial structures'. The same balance between formal amenity grass area and wilder hay meadows will be maintained, as detailed in the Park's 'Management and Implementation Plan' that aims 'To manage Farnham Park as an historic landscape for the benefit of biodiversity and local recreation'. This does not conflict with its use as a SANG. It is clearly the case that a "successful" SANG would mean it is used by more people for dog walking than at present, which will not impact on the biodiversity importance of the Park, which is principally veteran trees and great crested newts.
15. At the time of the consultation on the original Avoidance Strategy, concerns were raised regarding the urbanisation of Farnham Park and the impact on wildlife as a result of the capital works. Waverley has a responsibility to conserve and enhance the character and biodiversity of Farnham Park. The enhancements, already agreed by Natural England (NE) to meet the SANG requirements, are ones consulted on and recommended in the 'Historic Landscape Survey and Restoration Management Plan' (published in 2004 before the Interim 2007 Miniplan) and do not adversely affect the character of the park.

SANG Monitoring – Farnham Park

16. An element of the SPA tariff goes to Natural England specifically for Strategic Access Management and Monitoring (SAMM). A legal agreement has been signed by all the Local Authorities involved with the Thames Basin Heaths SPA Joint Strategic Partnership Board to implement the SAMM project. Natural England is responsible for implementing the SAMM project which comprises of:
 - Employment of a Project Co-ordinator and one warden initially
 - monitoring of visitor use (of the SPA and SANGs)
 - monitoring population of the three SPA birds
 - presence on all sites
 - working with existing rangers and wardens to provide consistent messages to SPA visitors and promote use of the SANGs

17. The Council is also committed to monitoring set out in Appendix 5 of the Avoidance Strategy. This comprises:
 - Pressure and infrared counters to provide continuous counts of visitor numbers
 - Car Park Counts
 - Visitor Surveys
 - Monitoring incidents and management changes that may affect visiting Farnham Park
 - Wildlife Monitoring to identify if the wildlife of Farnham Park is being affected by increasing visitor numbers
18. The Council's Countryside Manager, has confirmed that visitor surveys using Natural England's methodology were carried out in early Summer 2007 and 2009. The two surveys showed a similar pattern of use, despite slightly differing weather conditions, which gives confidence that the survey methodology is providing a robust baseline against which trends can be observed. The planned interval of surveys is every 5 years.
19. The 2009 survey indicated:-
 - 8% increase in the number of dog walkers in the Park
 - 6% increase in those coming by car to Farnham Park.
 - 11% increase in Farnham park users that also visit the SPA.
20. These may indicate that the SANG is working and people are being diverted from the SPA, but from two surveys it is not possible to know if these are trends or just normal variation. Encouragingly, of those who used the SPA there was a good awareness of the importance of rare ground nesting birds and a willingness to use alternative sites to the SPA during the sensitive bird nesting season.
21. The survey and people counter results have been shared with the SPA Access Management and Monitoring Project and the Access Management Partnership in order to contribute to the wider monitoring of the Thames Basin Heaths SPA and SANGS.
22. In terms of monitoring of permissions, a monthly update on the amount of SANG allocated and remaining is reported to the Western Area Planning Committee.

Alternative SANG

23. In December 2009, the Council agreed that officers should investigate alternative SANG and that there should be no further release of land at Farnham Park prior to adoption of the Core Strategy or July 2012, whichever was earlier.

24. A review of potential SANGs was produced by Jed Griffiths in September 2009 during the preparation of the current Avoidance Strategy. Apart from Farnham Park, seven alternative sites were identified. In terms of alternatives to Farnham Park, the three preferred options for further consideration were land east of Farnham Park, Farnham Quarry and Alice Holt Forest.
25. Farnham Quarry is currently being restored by the owner Hanson and will be open to the public. The restoration plans do not include car parking and do not include a circular walk to the SANG guidelines due to presence of lakes.
26. Alice Holt is owned by the Forestry Commission and is mainly wooded. While some areas may be open following felling, these areas would be limited and would not be open in perpetuity. Also, the car park has parking charges and this would affect the ability of the SANG to encourage visitors away from the SPA.
27. Discussions have taken place with the owners of the land to the east of Farnham Park but no agreement has been reached. The site area is approximately 5.2 hectares (12.86 acres) and is currently used as a paddock. The area could provide SANG for 650 occupiers, (or 270 dwellings based on 2.4 people per dwelling). The securing of the site as SANG would be a natural extension of Farnham Park and the existing car parking area immediately to the east of the site would give access to Farnham Park from the east.

SANG and CIL

28. Under the CIL Regulations, the pooled collection of S106 contributions towards infrastructure must be secured through CIL after April 2014. SANG falls within the definition of infrastructure.

What happens if no SANG is delivered

29. If no SANG is delivered, this would result in acceptable brownfield development in Farnham not being able to proceed and lead to pressure for unplanned greenfield development on the edge of Farnham or elsewhere in the borough if the Council's housing targets are going to be met.

Comments from the Community Overview and Scrutiny Committee

30. The Committee considered the report and the proposals for the release of the remaining SANG at its meeting on 28 January 2013. The Committee resolved that the recommendations be endorsed subject to the following comments being considered by the Executive:
 1. There was concern about whether or not SANGs actually worked as an effective avoidance measure. Natural England had advised that it could take 5 years to prove whether SANGs did work and a survey had been undertaken last year but the results had not yet been published. It was felt that all the evidence about the effectiveness of SANG should be reviewed before the Council made a decision on releasing the

remaining SANG capacity in Farnham Park. Both the surveys carried out by Natural England and Waverley BC should be made available to Members for consideration, and written assurance from Natural England that the Eastern Car Park would be acceptable and meet the standards laid down by them and the European Directive.

2. The Committee noted that money was collected from Developers via section 106 agreements for infrastructure, but even if continued to take this in perpetuity there would still not be enough money for future maintenance. Therefore, the Council should consider reviewing charges to developers.
3. There was concern about the urbanisation of Farnham Park and Members did not want to see too many urban features so that it could keep its semi-natural feel and beauty. Any future improvements should be discussed with the Town Council and other interested parties fully before they were taken forward.
4. The Committee questioned the figures for the usage of the Car park as a number of places were used by Commuters as it was free and there was no time limit.

Conclusion

31. The capacity identified at Farnham Park and agreed with Natural England is 21.25 ha. The capital costs and ongoing maintenance of the Farnham Park SANG were based on 21.25 ha. However, the Council has so far only agreed to release 14.35 ha and a further 6.9 ha of SANG is available. There are no alternative sites that could immediately provide SANG.
32. The 6.9 ha would be sufficient to meet the identified housing target for Farnham up to 2028, excluding any greenfield releases promoted in the Core Strategy where developers would be expected to provide their own SANG.

Recommendation

It is recommended that the Executive agrees to:

1. release a further 6.9 ha of land at Farnham Park for SANG; and
2. authorise the Head of Planning Services, in consultation with the Planning Portfolio Holder, to make minor editorial changes to the Avoidance Strategy in the light of recommendation 1.

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: Paul Falconer

Telephone: 01483 523417

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