

WAVERLEY BOROUGH COUNCIL

EXECUTIVE 12 JULY 2016

Title:

**THAMES BASIN HEATHS SPECIAL PROTECTION AREA (SPA)
AVOIDANCE STRATEGY**

**[Portfolio Holder: Cllr Brian Adams]
[Wards Affected: All Farnham wards]**

Summary and purpose:

Consultation on a review of the Council's Thames Basin Heaths SPA Avoidance Strategy took place in March/April 2016. The purpose of the review was to release the extra SANG capacity (numbers of dwellings) at Farnham Park that had been identified through the results of new visitor survey data. It also included an update of the tariff for developer contributions.

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

SANG is part of the Council's strategy for providing appropriate avoidance measures for new residential development within the zone affected by the SPA and accords with the Council's priority of protecting the environment. The Avoidance Strategy allows planning permission to be granted for new housing in Farnham in accordance with the Council's priorities. If further SANG capacity is not identified, acceptable schemes in Farnham may not be able to be progressed

Financial Implications:

The current SANG tariff has been reviewed in the light of the potential increase in the SANG capacity of Farnham Park.

Legal Implications:

In order to discharge its legal obligations under the Conservation of Habitats and Species Regulations 2010, the Council must have in place avoidance measures in the form of SANG and SAMM.

Introduction

1. On 1 March 2016, the Executive approved the draft review for public consultation. The consultation period ran for six weeks, closing on 25 April 2016. A total of 23 responses were received in that time. These were mainly from individual residents or residents' groups, but also included promoters of potential housing sites in the Farnham area, Natural England and the RSPB.
2. The main comments were –

In support

- Process of calculating enhanced capacity is valid
- Updated strategy is appropriate

Objecting

- Visitor survey methodology/results are flawed
- Visitor numbers to the SPA have increased, not reduced – opposite to what is intended
- Process of calculating enhanced capacity is flawed or not clear

Other matters

- Developments of over 50 dwellings between 5km and 7km of the SPA may have an impact on the SPA, and may therefore be required to provide mitigation
- 400m exclusion zone should be increased
- Fewer dwellings should be permitted with the 5km zone
- 'In perpetuity' maintenance should be just that, not 'approx. 80 years'
- SANG/SAMM tariff should be reviewed annually
- Strategy is not effective in protecting birds; is illegal; or is not fit for purpose
- Occupancy rate should be reviewed regularly
- Developers should source all their own SANGs
- SANG quality criteria not reproduced in full
- Farnham Park is becoming an overworked asset; increasing pressure from dogs and irresponsible owners; drainage issues
- Limited potential for additional SANG at Farnham Quarry or Tongham Pools.

3. Annexe 1 to this report is a schedule summarising all the comments received along with officers' responses.
4. The issues raised about the effectiveness and/or legality of the strategy are noted, but it is important to note that these were not matters that were subject to the review. That dealt only with the potential enhanced capacity of the Farnham Park SANG arising from monitoring the strategy and the consequent update of the SANG/SAMM tariff. In January 2016, the Community Overview & Scrutiny Committee considered an update report on Natural England's review of the effectiveness of SANG. It resolved to note the current position and the status of that review whereby the TBH Joint Strategic Partnership Board (JSPB) considered the interim draft report required further consideration and should not be published. The report is not yet complete, but its findings will be reported to the Council in due course when it has received the JSPB's endorsement.
5. The calculation of the enhanced SANG capacity was carried out in consultation with Natural England (NE). In its response to the draft review document, NE has again endorsed the Council's approach. Officers are therefore of the view that there are no reasons why the Council should not now proceed to adopt the revised Avoidance Strategy based on the enhanced SANG capacity at Farnham Park and updated tariff contributions.

6. A number of concerns raised in the consultation relate to the management of Farnham Park generally and how it functions as SANG. Although these are not directly related to the strategy review, it would be appropriate for these to be brought to the attention of the Council's Parks & Countryside Team.

The next steps

7. Notwithstanding the endorsement of the enhanced SANG capacity and revised tariff contributions in the review, consideration of other matters raised in the consultation requires a number of amendments to be made to the document before it is formally adopted. Annexe 2 is a revised version of the document showing all the required changes. The most significant of these are to –
 - add reference that developments of over 50 dwellings between 5 km and 7 km of the SPA may have an impact on the SPA, and may therefore be required to provide mitigation/avoidance measures
 - add the 5 km – 7 km zone to Plan 1
 - further explain the roles of SANG avoidance and SAMM mitigation measures
 - clarify the calculations of enhanced capacity for the purposes of revising the SANG/SAMM tariff
 - reproduce SANG quality criteria in their entirety
 - clarify reference to 'in perpetuity' maintenance of SANG.

Community Overview and Scrutiny Committee comments

8. The Community Overview and Scrutiny Committee considered this report at its meeting on 14th June 2016. There was concern expressed by some Members regarding the strategy and if it was effective in protecting birds. Officers advised that Natural England were an expert consultee and unless there was evidence to the contrary they would continue to apply the strategy.

Recommendation

It is recommended that the Executive recommends to the Council that the review of the Thames Basin Heaths SPA Avoidance Strategy be adopted.

Background Papers

- *Farnham Park Visitor Survey*, Footprint Ecology (September 2014)
- *Analysis of Potential SANG Sites for Farnham for the Thames Basin Heaths SPA Avoidance Strategy*, AECOM (February 2015)

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