

# Agenda Item IMD1

## INDIVIDUAL EXECUTIVE MEMBER DECISION

REFERENCE IMD: 2019/01

<b>TITLE</b>	Surrey Heaths Draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2018
<b>DECISION TO BE MADE BY</b>	Executive Member for Business, Economic Development and Strategic Planning - Stuart Munro
<b>DATE, MEETING ROOM and TIME</b>	18 February 2019 FF12. 14:00
<b>WARD</b>	None Specific;
<b>DIRECTOR</b>	Deputy Chief Executive - Graham Ebers, Director of Locality and Customer Services - Sarah Hollamby

### OUTCOME / BENEFITS TO THE COMMUNITY

That mitigating impacts proposed through the Surrey Heath Borough Council Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document has minimal negative impacts upon Wokingham Borough and that any positive benefits are maximised.

### RECOMMENDATION

That the Executive Member for Business, Economic Development and Strategic Planning agrees that Wokingham Borough Council:

- 1) Raises a holding objection until such time as:
  - i. Clarification is provided that SANG capacity identified within Surrey Heath is reserved to mitigate housing developments within that borough, and is not available to mitigate developments elsewhere.
  - ii. Clarification is provided on what avoidance and mitigation measures will be put in place from additional car journey along roads within the 400m buffer zone of the SPA, to protect the air quality within the area.
  - iii. The map of notional SANG catchment areas included in Appendix 1 are amended to not intersect Wokingham Borough.
- 2) Support further cross boundary discussion and engagement to consider an appropriate avoidance and mitigation strategy relevant to air quality, through the Joint Strategic Partnership Board.

### SUMMARY OF REPORT

Surrey Heath Borough Council has published a Draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2018). The SPD updates the existing Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2012) and takes into account guidance that has been issued since the 2012 SPD was adopted. The SPD sets out the approach that Surrey Heath BC will take to avoiding harm to the Special Protection Area as a result of new housing development.

Amendments are requested by Wokingham Borough Council to ensure that mitigation within Surrey Heath is reserved to provided mitigation for that area only, so helping to address local housing needs.

## **Background**

Surrey Heath Borough Council (hereafter referred to as Surrey Heath BC) has published for consultation a Draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2018 (hereafter referred to as the SPD) between 29 November 2018 and 11 January 2019. This is a Regulation 13 consultation under the Town and Country Planning (Local Planning) (England) Regulations 2012.

The SPD updates the existing Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 and takes into account guidance that has been issued since the 2012 SPD was adopted. The SPD sets out takes forward the agreed approach set out in the Delivery Framework of the Thames Basin Heaths Joint Strategic Partnership Board (JSPB)<sup>1</sup>.

The Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005 and is protected from adverse impact under European and UK law. Research conducted on behalf of Natural England in 2005 indicated that the existing level of recreational pressure is having a detrimental impact on the three species of Annex I birds (nightjar, woodlark and dartford warbler) for which the SPA was designated. The breeding success of these ground-nesting birds is affected by disturbance from people and their pets using the SPA for recreational purposes. Natural England therefore objected to all planning applications for a net increase in residential development within 5km of the SPA. This affected 11 Local Authorities in Berkshire, Hampshire and Surrey.

To permit residential development while still complying with the Habitats Regulations, the affected local authorities established the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) to agree a strategy for the long-term protection of the SPA. In February 2009 the JSPB endorsed a strategic Delivery Framework. This recommends a combination of three avoidance measures to protect the Thames Basin Heaths from the impacts of new residential development:

- The establishment of a 400 metre buffer around the SPA within which no net new residential development will be permitted.
- The provision of Suitable Alternative Natural Greenspace (SANG).
- Strategic Access Management and Monitoring (SAMM) measures, coordinated visitor management across the whole of the publically accessible SPA.

## **Analysis of Issues**

### SANG Catchment

SANG is open space, meeting guidelines on quantity and quality, for the purpose of providing recreational alternatives to the SPA. The linear mitigation buffer 400m-5km is

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<sup>1</sup> The Thames Basin Heaths Joint Strategic Partnership Board current work is based around the co-ordination of three areas of work, agreeing a Delivery Framework for the long-term protection of the SPA, agreeing an approach to the Strategic Access Management and Monitoring and on site management

applied for all new dwellings to provide a quantum of SANG and SAMM. The linear mitigation buffer 5km-7km is applied for all new schemes of 50+ dwellings where the requirement is to provide a reduced rate of SANG and SAMM.

Appendix 1 of the SPD shows the notional catchment range for the strategic SANG for Surrey Heath BC. Both Hawley Meadows and Shepherds Meadows catchment ranges fall within WBCs boundary. WBC continues to take the approach that for any development that may have an impact on the integrity of the TBHSPA, suitable mitigation should be provided in the borough in which the development is located. It would not normally be acceptable for a developer to rely on purchasing SANG capacity in another borough in order to mitigate, and therefore facilitate development. Cross boundary schemes may be considered differently. As a result WBC would expect housing within Surrey Heath BC boundaries to provide mitigation in the form of SANG provision within Surrey Heath. Conversely, development within WBC boundaries should provide mitigation within Wokingham Borough. The main reasons for this being:

- A SANG provided outside the boroughs boundary are likely to be more remote to the development than the TBH SPA so will not act as a desirable alternative to visiting the SPA.
- Providing SANG mitigation within each local authority ensure that all local authorities are able to provide housing to help address local housing needs.

The matters raised above can be overcome by Surrey Heath BC by clarifying the capacity of SANG is reserved to support developments within Surrey Heath only and specifying the scope and purpose of additional work will be undertaken with regards to the THB SPA as part of local plan preparation. WBC welcome the opportunity to further cooperate with Surrey Heath BC on these and other matters as work to progress planning policy documents continue.

### Air Quality

The impact of air quality on Natura 2000 sites has been subject to recent legal judgements such as the *Wealden District Council v Secretary of State for Communities and Local Government*, *Lewes District Council and South Downs National Park Authority* which discusses air quality impact on a Special Area of Conservation and *People Over Wind*, *Peter Sweetman v Coillte Teoranta* which focuses on mitigation strategies for Special Protection Areas. The SPD does not recognise or address the need for avoidance and mitigation measures for the Special Protection Area (SPA) related to air quality / nitrogen deposition from additional car journeys along roads within 400m buffer zone of the SPA. The SPD currently does not address this issue and it is expected that Surrey Heath BC will address this elsewhere as part of the plan making process. WBC would recommend, through the duty to cooperate that a joint approach would be taken across district boundaries to consider an appropriate avoidance and mitigation strategy relevant to air quality – otherwise the burden may be unfairly distributed when it comes to applying avoidance and mitigation measures and making the appropriate assessment.

## FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

*The Council faces severe financial challenges over the coming years as a result of the austerity measures implemented by the Government and subsequent reductions to public sector funding. It is estimated that Wokingham Borough Council will be required to make budget reductions in excess of £20m over the next three years and all Executive decisions should be made in this context.*

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	Nil	Nil
Next Financial Year (Year 2)	Nil	Nil	Nil
Following Financial Year (Year 3)	Nil	Nil	Nil

Other financial information relevant to the Recommendation/Decision
None

Cross-Council Implications
No cross council implications have been identified.

SUMMARY OF CONSULTATION RESPONSES	
Director – Corporate Services	No comments received
Monitoring Officer	No comments received
Leader of the Council	No comments received

Reasons for considering the report in Part 2
N/A

List of Background Papers
Information published by Surrey Heath Borough Council relating to the Draft SPD can be found on their website <a href="https://consult.surreyheath.gov.uk/consult.ti/SPASPD/consultationHome">https://consult.surreyheath.gov.uk/consult.ti/SPASPD/consultationHome</a>
Thames Basin Heaths Special Protection Area Delivery Framework Thames Basin Heaths Joint Strategic Partnership Board <a href="https://www.surreyheath.gov.uk/sites/default/files/documents/residents/planning/planning-policy/JSP/JSPBFramework.pdf">https://www.surreyheath.gov.uk/sites/default/files/documents/residents/planning/planning-policy/JSP/JSPBFramework.pdf</a>

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