

**Late Sheet**  
**Borough, Economy and Infrastructure Executive Advisory Board**  
**Thursday, 20 April 2017**

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## Policy P5: Thames Basin Heath Special Protection Area

### Introduction

4.3.50 The Thames Basin Heaths Special Protection Area (SPA) is an area of lowland heath covering over 8,000 hectares of land across Surrey, Berkshire and Hampshire. The SPA was designated under the European Birds Directive in March 2005 because it supports important breeding populations of a number of birds, particularly nightjar, woodlark and Dartford warbler, ground nesting birds that are particularly vulnerable to predation and disturbance. This protection was codified in UK law through the Habitats Regulations.

4.3.50a Special Protection Areas, along with Special Areas of Conservation, form the Natura 2000 network. Natura 2000 is the EU contribution to the "Emerald network" of Areas of Special Conservation Interest set up under the Bern Convention, a treaty signed by 46 European states and some states in Africa. Natura 2000 also contributes to delivering the commitments of other international agreements and treaties, notably the Convention on Biological Diversity treaty opened at the Rio earth summit in 1992.

4.3.50b Policy P5 sets out an approach to the protection of the SPA, the basis of which is set out in the Thames Basin Heaths Special Protection Area Delivery Framework from the Thames Basin Heaths Joint Strategic Partnership Board.

### **POLICY P5: Thames Basin Heaths Special Protection Areas**

- (1) Permission will ~~not only~~ be granted for development proposals ~~unless where~~ it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of the Thames Basin Heaths Special Protection Area (SPA), whether alone or in combination with other development. Where one or more adverse effects on the ~~integrity of the SPA are likely will arise~~, measures to avoid and mitigate these effects must be delivered and secured in perpetuity. These measures must be agreed with Natural England.
- (2) The following principles apply:
  - (a) There is an "exclusion zone" set at 400m linear distance from the SPA boundary. Permission will not be granted for development that results in a net increase in residential units within this zone. Proposals for other types of development within this zone must undertake Appropriate Assessment to demonstrate that they will not harm the integrity of the SPA.
  - (b) There is a "zone of influence" between 400m and 5km linear distance from the SPA boundary. Where net new residential development is proposed within the zone of influence, ~~mitigation-avoidance and mitigation~~ measures must be delivered prior to occupation of new dwellings and in perpetuity. Measures must be based on a combination of 1) the provision, improvement and/or maintenance of Suitable Alternative Natural Greenspace (SANG) and 2) Strategic Access Management and Monitoring (SAMM) ~~and the provision, improvement and/or maintenance of Suitable Alternative Natural Greenspace (SANG)~~.
  - (c) Residential development of ~~at least over~~ 50 net new dwellings that falls between five and seven kilometres from the SPA may be required to provide avoidance and mitigation measures. This will be assessed on a case-by-case basis and agreed with Natural England.

**SANGs**

- (3) The following principles apply to the provision of SANG:-
- (a) A minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.
  - (b) Developments must fall within the catchment of the SANG that provides ~~mitigation~~ avoidance, except developments of fewer than 10 net new residential units.
  - (c) The Council will collect developer contributions towards avoidance and mitigation measures, including SANG (unless bespoke SANG ~~mitigation~~ is provided) and SAMM.
  - (d) Developments may secure or provide bespoke SANG. Proposals for new SANGs will not be acceptable unless approved-agreed by Natural England. Large developments may be required to provide bespoke SANG ~~mitigation~~.
- (4) Where further evidence demonstrates that the integrity of the SPA can be protected using different linear-distance thresholds or with alternative ~~mitigation~~ measures (including standards of SANG provision different to those set out in this policy) these must be agreed with Natural England.

## Definitions

- ~~4.3.50c~~ 'Adverse effects on integrity' refers to the definition under the Habitats Regulations. In line with the Habitats Regulations, development proposals should be screened to establish whether they are likely to have significant effects on the SPA. All net new residential development up to five km from the SPA, and developments of over 50 net new residential units five to seven km from the SPA are considered likely to have a significant effect. Where significant effects are likely, proposals must undergo Appropriate Assessment to identify measures that avoid, as a first step, and mitigate any adverse effects. However, if residential developments provide or contribute to SANG and SAMM measures, they will not be required to undergo Appropriate Assessment.
- ~~4.3.51~~ Much of the approach deals with the impacts of residential development on the SPA. Residential development means development which provides permanent accommodation including:
- units falling within Use Classes C3 (dwellinghouses) and houses of multiple occupation (Use Classes C4 and sui generis)
  - units of staff residential accommodation falling within with Use Classes C1 and C2
  - traveller accommodation units (Use Class sui generis), and
  - student accommodation.
- ~~dwelling, houses, flats and apartments (Use Classes C3 and C4)  
staff accommodation within hotels, hostels and residential institutions (Use Classes C1 and C2) and  
student accommodation.~~

## **Exclusion zone**

- 4.3.52 It is not considered possible to avoid impacts from increased residential development within the exclusion zone up to 400m (linear) from the SPA due to the risks of fires, fly-

tipping, cat predation and other ~~impacts~~ pressures. Therefore, proposals that would result in a net increase in the number of residential units within the exclusion zone will be refused.

~~4.3.53 Applications for planning permission for all development in the exclusion zone should be subject to a full Appropriate Assessment to demonstrate no adverse effect on the SPA and/or the acceptability of any avoidance measures provided.~~

### **Zone of influence**

4.3.54 In the zone of influence, beyond the exclusion zone and up to 5km (linear) from the SPA, a net increase in the number of residential units is likely to lead to increased recreational use of the SPA. ~~as v~~ Visitor surveys produced by Natural England demonstrate that 70 per cent of visitors to the SPA come from within this distance. In order to ~~ensure that new residential development will not lead to increased recreational pressure on the SPA~~ avoid ~~this impact~~, net new residential development must secure or provide Suitable Alternative Natural Greenspace (SANG) and provide funding for Strategic Access Management and Monitoring (SAMM). Proposals for student accommodation and other types of permanent accommodation not listed in paragraph 4.3.51 may not need to provide ~~mitigation avoidance~~ and ~~avoidance-mitigation~~ measures. This will be assessed on a case by case basis.

### **Five to seven kilometre zone**

4.3.55 80 per cent of visitors come from within seven kilometres of the SPA. Developments of ~~at least~~ over 50 net new residential units in the five to seven kilometre zone may be required to provide or contribute to an amount of SANG, to be determined on a case by case basis.

### **New dwellings that do not require planning permission**

4.3.56 Developments covered by prior approval and permitted development benefit from a blanket planning permission granted by central government and do not need to ~~submit a planning application~~ receive planning permission from the Local Planning Authority. These developments must be compliant with the Habitats Regulations as a matter of law and must adhere to the principles set out in policy P5. Where ~~mitigation avoidance~~ and/or ~~avoidance-mitigation~~ measures are required, these should be provided in line with the approach set out in this policy and the Thames Basin Heaths Special Protection Area Avoidance Strategy (the strategy). The Council will enter into an agreement with anyone undertaking such developments to provide avoidance and mitigation measures where appropriate.

### **Suitable Alternative Natural Greenspace (SANG)**

4.3.57 SANGs are natural or semi-natural public open spaces that ~~mitigate~~ avoid the impact of new residential development on the SPA by providing land that can be used for recreation as an alternative to visiting the SPA. The amount of SANG land needed to provide ~~mitigation~~ avoidance for a new residential development will depend upon the expected number of occupants. SANG must be provided at a minimum of 8 hectares of SANG per 1000 residents of new development. However, a greater provision may be required where local or other circumstances indicate that this minimum amount would not

be sufficient.

4.3.58 SANGs have a catchment based on their size as follows:

- Up to 12 hectares – two kilometre catchment
- 12 to 20 hectares – four kilometre catchment
- 20 hectares of over – five kilometre catchment

Developments must fall within the catchment of the SANG that is to provide ~~mitigation~~avoidance, except developments of fewer than 10 net new residential units.

4.3.59 These standards may be subject to review at a future date. The current accepted standards are set out in the strategy.

4.3.60 Proposals for new SANGs must be ~~approved~~agreed by Natural England and will be expected to follow Natural England's SANG guidelines. Developers may propose bespoke SANGs that provide ~~mitigation~~avoidance for their own developments, either within the development site or off-site in an appropriate location. The requirements of the SANG guidelines often mean that SANGs cannot not be delivered on smaller sites. The Council therefore provides strategic SANGs which developers of smaller sites can pay a tariff to use.

4.3.61 Large developments may be required to provide bespoke SANGs based on factors including their scale and potential impact on the SPA, their ability to do so, and the availability of strategic SANG. This will be judged on a case-by-case basis. Bespoke SANGs may be required to include a combination of benefits, including biodiversity enhancement, green infrastructure and, potentially, new recreational facilities in line with the Council's adopted green infrastructure policies.

### **Strategic Access Management and monitoring (SAMM)**

4.3.62 SAMM refers to measures undertaken on the SPA to reduce the impact of visitors and monitoring of both visitors and bird populations. Access management measures are provided strategically across the whole SPA to ensure that adverse impacts are avoided and that SANGs function effectively. This is funded through developer contributions and ~~co~~-ordinated by Natural England in partnership with landowners and other stakeholders.

### **Reasoned justification**

4.3.63 The SPA makes an important contribution to Guildford borough's landscape character, provides highly valued habitats, and receives strong protection under UK and European law. The Council has therefore adopted the precautionary principle where it is assumed that proposals for development will adversely affect the SPA unless otherwise demonstrated.

4.3.64 The Thames Basin Heaths Special Protection Area Delivery Framework sets out an approach to identifying which types of development are likely to have an adverse effect on the SPA, and how effective ~~mitigation~~avoidance and ~~avoidance~~mitigation measures should be delivered. Policy P5 reflects this approach. Further detail is provided in the strategy.

4.3.64a Local planning policy must be consistent with policy NRM6 of the South East Plan. The approach taken in Policy P5 reflects the approach in Policy NRM6.

4.3.65 It is acknowledged that the approach may be subject to review by the Joint Strategic Partnership Board in the future as more evidence becomes available. The Council will review the strategy and Local Plan policies at appropriate intervals.

### Key Evidence

- Thames Basin Heaths Special Protection Area Delivery Framework ~~(Thames Basin Heaths Joint Strategic Partnership Board, 2009)~~
- European Directive 92/43/EEC Conservation of natural habitats and of wild fauna and flora
- European Directive 79/409/EEC Conservation of wild birds
- The Conservation of Habitats and Species Regulations 2010

### Monitoring Indicators

Indicator	Target	Data source
Delivery/ <del>funding</del> of bespoke <del>mitigation-avoidance</del> and <del>avoidance-mitigation</del> measures/ <del>funding for mitigation and avoidance measures</del>	All qualifying developments to provide or fund <del>mitigation</del> <del>avoidance</del> and <del>avoidance mitigation</del> measures	Planning applications
Number of net new residential developments within 400m of SPA	No net new residential developments within 400m of SPA	Planning applications

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