

Guildford Borough Council

Report to: Executive

Date: 05 September 2024

Ward(s) affected: All

Report of Director: Place

Author: Dan Knowles, Senior Planning Policy Officer

Tel: 01483 444605

Email: dan.knowles@guildford.gov.uk

Lead Councillor responsible: Fiona White

Tel: 07818 270907

Email: fiona.white@guildford.gov.uk

Report Status: Open

Adoption of the Thames Basin Heaths Special Protection Area Tariffs SPD

1. Executive Summary

This report recommends the adoption of the Thames Basin Heaths Special Protection Area Tariffs Supplementary Planning Document (SPD). The SPD does not create new policy rather provides guidance for existing policy on the Thames Basin Heaths Special Protection Area contained in Policy P5: Thames Basin Heaths Special Protection Area of the Local Plan: Strategy and Sites 2015-2034 and saved policy NRM6 of the South East Plan. If adopted, the SPD will be a material consideration in planning decisions. Adoption of the SPD will help applicants and decision makers in the submission and determination of planning applications by providing additional clarity and ensuring better consistency.

2. Recommendation to Executive

That the Executive:

Adopt the Thames Basin Heaths Special Protection Area Tariffs Supplementary Planning Document ('the SPD') as set out in Appendix 1 to this report.

3. Reason(s) for Recommendation:

Adopting the SPD will provide detailed guidance for adopted Local Plan: Strategy and Sites Policy P5: Thames Basin Heaths Special Protection Area. It will supplement and replace elements of the extant guidance in the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017. This will help ensure clarity and consistency in decision making and ensure that sums sought from new developments are aligned with the cost of mitigation.

4. Exemption from publication

None.

5. Purpose of Report

Formal adoption by the Executive is the final stage in the process of producing a new SPD. This will enable it to become a material consideration when determining planning applications. The draft SPD was consulted upon for five weeks during May and June 2024 (the statutory minimum of four weeks plus an additional week due to half term). The Consultation Statement sets out how this was undertaken, the comments that were received and the Council's response to these - see Appendix 2 of this report.

6. Strategic Priorities

6.1 The Council's Strategic Framework includes the following strategic priorities that this SPD will help deliver:

- revive Guildford town centre to unlock its full potential,

- provide and facilitate housing that people can afford, and
- make every effort to protect and enhance our biodiversity and natural environment.

7. Background

- 7.1 The Thames Basin Heaths Special Protection Area ('the SPA') is a network of heathland sites that covers 8,274 hectares of Berkshire, Hampshire and Surrey. The SPA was nationally designated in 2005 for its populations of internationally important bird species: woodlark, nightjar and Dartford warbler. These birds' nest on or near the ground and, as a result, are highly susceptible to predation by cats, rats and crows, and to disturbance from informal recreational use, especially walking and dog walking.
- 7.2 Saved Policy NRM6 of the South East Plan incorporated protection of the SPA into regional planning policy and mandated an approach to mitigation and avoidance that would prevent new residential development causing adverse impacts. Harmful developments, including net residential development, within 400m of the SPA are prohibited. Net new residential development between 400m and 5km from the SPA (and some residential developments up to 7km from the SPA) must be accompanied by mitigation that prevents harm arising from increased recreational pressure. The mitigation package includes:
- Suitable Alternative Natural Greenspace (SANG) – alternative open spaces to attract people away from the SPA, and
 - a Strategic Access Management and Monitoring (SAMM) project to manage and monitor the impact of visitors on the SPA.
- 7.3 This protection and approach has been incorporated into the borough's Development Plan through Policy P5: Thames Basin Heaths Special Protection Area in the Local Plan: Strategy and Sites 2015-2034.
- 7.4 UK legislation continues to protect the SPA, and Policies NRM6 and P5 remain in place as part of the Development Plan.

7.5 The Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 ('the SPA strategy') sets out detailed guidance as to how the approach will be implemented and calculations for the tariffs that pay for the SAMM project and the SANGs that the Council provides. The new SPD will update the SPA strategy because:

- the SPA strategy used 2011 census data to calculate the occupancy-based tariffs for different dwelling sizes, but more up-to-date occupancy data from the 2021 census is now available,
- the SPA strategy states that the annual inflationary uplift to the tariffs will be based on RPI, but national guidance now states that RPI should not be used, and
- the Joint Strategic Partnership (consisting of the SPA affected Local Authorities including Guildford Borough Council), which oversees the SAMM project, has changed the way inflation is applied to the SAMM tariff.

7.6 Alongside this, the SPD takes advantage of the opportunity to introduce additional guidance on how the tariffs should be applied to houses in multiple occupation and plots and pitches in order to assist planning decision makers.

8. Consultations

8.1 The draft SPD has a technical nature so it was prepared by Planning Policy officers in consultation with colleagues in Development Management to ensure that the scope and content addresses known issues that arise during applications.

8.2 Environment Service officers were consulted because the Environment Service manages the Council's SANGs and operates under a duty to preserve and enhance the biodiversity across the borough area, of which the SPA makes up a significant component.

8.3 Officers in authorities that are members of the Joint Strategic Partnership were contacted regarding changes in the approach to SAMM tariffs, and Natural England, who host the SAMM project, was also contacted.

- 8.4 Prior to formal consultation, the draft SPD was shared with the cross-party Local Plan Panel. At the Panel meeting, representatives from each party had the opportunity to feedback comments from their respective parties.
- 8.5 The draft SPD was amended as appropriate and finalised for formal consultation. Comments received together with the subsequent changes made are set out in the Consultation Statement at Appendix 2.
- 8.6 The draft SPD was subject to a five-week public consultation from 8 May to 12 June 2024. During this time, a total of seven respondents submitted comments. The Comments together with the Council's response to these is contained in Appendix 1 of the Consultation Statement at Appendix 2 of this report. No changes were made to the SPD in response to comments received as the comments were either supportive of the consultation text or related to matters that fall outside the scope of the SPD.
- 8.7 The SPA Tariffs SPD is now finalised and officers recommend that Executive adopts this.

9. Key Risks

There are considered to be no risks with adopting this SPD as it will provide increased clarity for applicants which should reduce unnecessary delays and refusals, and ensure tariffs are based on up-to-date evidence.

10. Financial Implications

- 10.1 No financial implications will occur as a result of adopting this SPD. Updating the tariffs will ensure that the contributions sought from developers continue to fund mitigation measures adequately.
- 10.2 Adopting the SPD will result in slightly reduced tariffs for most dwelling sizes. Only two bed units will see a slight increase. This is mainly because occupancy rates have fallen slightly for most dwelling

sizes but risen slightly for two-bed units. The impact on tariffs for ordinary dwellings (use class C3) is set out below:

Dwelling size	Current tariff	Proposed tariff	Change
1 bed	£5,407.70	£5,254.21	-£153.49 (-2.8%)
2 bed	£7,593.77	£7,634.38	£40.61 (0.5%)
3 bed	£9,703.15	£9,664.11	-£39.04 (-0.4%)
4 bed	£11,467.35	£11,200.56	-£266.79 (-2.3%)
5 bed	£13,154.87	£12,924.87	-£230.00 (-1.7%)

- 10.3 Tariffs will increase for Houses in Multiple Occupation (HMO) because new guidance within the SPD states HMOs will no longer be assumed to have the same occupancy rate as ordinary dwellings, but one occupant per lettable room instead. This change is made because the Census 2021 now allows HMO data to be extracted from the housing occupancy dataset.

11. Legal Implications

- 11.1 In order to fulfil the statutory criteria for a Local Development Document (LDD), an SPD has to be prepared in line with the requirements of section 19 of the Planning and Compulsory Purchase Act 2004 and Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012. An SPD must also comply with the requirements of Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 11.2 SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. They do not form part of the development plan and therefore they cannot introduce new planning policies into the development plan. As detailed in the report above, the SPD is closely aligned with adopted policy and provides guidance for its provisions. It updates extant guidance in the SPA Strategy.
- 11.3 Once adopted as an LDD, the SPD will be a material consideration in the determination of relevant planning applications.

- 11.4 The SPD has been subject to due process under The Town and Country Planning (Local Planning) (England) Regulations 2012 and the SPD has been prepared in line with the requirements of section 19 of the Planning and Compulsory Purchase Act 2004. The SPD will comply with the requirements of Regulation 8 of the Town and Country Planning (Local Planning) (England) Regulations 2012, on the basis that once it is adopted, the adoption date will be stated on the SPD.
- 11.5 Pursuant to section 9D of the Local Government Act 2000, the Executive of the Council has the power to adopt the SPD as an LDD.
- 11.6 The recommendations in this report aim to ensure continued provision of SANG. This mitigation is required for the Council to comply with the Conservation of Habitats and Species Regulations 2017 to protect the Thames Basin Heaths SPA from visitor pressure when granted permission for new homes.

12. Human Resource Implications

- 12.1 There are no Human Resource implications associated with adopting the SPD. The SPD provides guidance for adopted Local Plan policy and will assist in the assessment of applications, and additional staff resources will not be necessary as a result.

13. Equality and Diversity Implications

- 13.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. SPDs do not create policy but provide guidance to existing adopted policies within a local plan. As such they cannot usually impact on equality issues in any material way beyond the impact of the policies they supplement.
- 13.2 The SPD explicitly addresses gypsy and traveller pitches and plots, which are associated with (but not exclusively used by) specific ethnic groups. Ethnicity is a protected characteristic under the Equality Act. Officers have therefore taken a precautionary approach and subjected the SPD to an Equalities Impact Assessment screening

(see Appendix 3). The screening indicates that no equalities issues will arise.

- 13.3 The document has been formatted in compliance with the Council's rules on accessibility.

14. Climate Change/Sustainability Implications

- 14.1 A Strategic Environmental Assessment (SEA) Screening and Habitat Regulations Assessment (HRA) Screening has been undertaken for the SPD. The SEA Screening concluded that the SPD does not require a full SEA to be undertaken whilst the HRA screening concludes that the SPD will not lead to likely significant effects on European sites and does not require an Appropriate Assessment. The statutory consultees for SEA and HRA (Natural England, Historic England and the Environment Agency) agreed with the conclusions. As a result, the Council has produced an SEA and HRA determination statement in line with the processes set out in the relevant regulations.

15. Summary of Options

- 15.1 The Executive may resolve to adopt the SPD, reject the SPD, or instruct officers to make amendments before returning the document to executive.
- 15.2 The third option (amendments) would result in a considerable delay in the adoption of the guidance and the benefits associated with it due to the need to reconsult on the amended document and take it back through the committee process.

16. Conclusion

Officers consider there are sound reasons to adopt the SPD. Adopting the SPD will ensure it carries material weight in planning decisions. This will help applicants and decision makers in the submission and determination of planning applications.

17. Next Steps

If adopted by the Council's Executive, officers will publish the SPD and the new tariffs and guidance within the SPD will be used in planning and enforcement decisions.

18. Background Papers

Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA) Determination Statement available at <https://www.guildford.gov.uk/article/25055/Thames-Basin-Heaths-special-protection-area-SPD>

19. Appendices

1. Thames Basin Heaths Special Protection Area Tariffs Supplementary Planning Document (SPD)
2. Consultation Statement
3. Equalities Impact Assessment

Service	Sign off date
Finance / S.151 Officer	11/06/2024
Legal / Governance	20/06/2024
HR	02/05/2024
Equalities	02/05/2024
Lead Councillor	25/07/2024
CMB	N/A
Executive Liaison/briefing	8/8/24
Committee Services	27/8/24