

# The Thames Basin Heaths Special Protection Areas Supplementary Planning Guidance

Amended November 2009



Thanks to RSPB for allowing the use of the following photos:  
from left to right

Dartford Warbler and Woodlark - Chris Gomersall (rspb-images.com) Nighthawk - Mike Richards (rspb-images.com)

**Interim Advise Note – Thames Basin Heaths Special  
Protection Areas**

**March 2007 (revised June 2007)**

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## **Contents**

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### **1. Introduction**

- 1.1 Overview
- 1.2 Designated Site
- 1.3 Data
- 1.4 Map Data
- 1.5 Interim Advice
- 1.7 Peer Review

### **2. Legislative Background**

- 2.1 General Approach
- 2.2 Habitat Regulations
- 2.3 Regulations 48
- 2.4 Habitats Regulations
- 2.5 Stage 1-2 Tests
- 2.6 Planning Policy Statement 9(PPS9)
- 2.7 The Emerging Local Development Framework
- 2.8 Conclusion

### **3. Why the Council is preparing this Interim Advice Note**

- 3.1 Overview

### **4. The Approach**

- 4.1 SANGS
- 4.2 Current Approach
- 4.3 The Interim Advice Note Procedure (Overview)
- 4.4 The Interim Advice Note Drop

4.5 The Interim Advice Note Procedure (Overview)

4.6 Accommodation for the Elderly

## **5. Identification of potential SANGS**

5.1 Introduction

5.2 Potential SANGS within Runnymede

5.3 SANG Assessment

## **6. The Visitor Surveys**

6.1 Introduction

6.2 Natural England

6.3 Survey Criteria

6.4 Survey Criteria

6.5 Assessment Site Capacity

## **7. The Potential Capacity of the SANGS**

7.1 Methodology

7.2 Costing

7.3 Assessment of SANGS

7.4 Schedule A - Five Year Programme of Work

7.5 Ecological Work

7.6 Maintenance and Management of Site

7.7 Conclusion

## **8. Contributions**

8.1 Financial Implications

8.2 Costing

8.3 Visitor Survey 2008 Estimate

8.4 Developer Endowment

- 8.5 SANGS Improvement Programme Costing
- 8.6 Flat Price Tariff
- 8.7 Total Contributions

## **9. SPA Interim Advice Note Status**

- 9.1 Introduction
- 9.2 Planning Application – Residential Development in Zone C
- 9.3 Development in Zone B
- 9.4 Map Data
- 9.6 Residential Development Zone A

## **10. Implementing the Interim Advice Note**

Procedures for determining planning application in accordance with the interim advice note

- 10.1 Net gain of Resident Unit
- 10.2 Outline Application
- 10.3 Section 73 Applications
- 10.4 Sites exempt from Interim Advice Note
- 10.5 Procedure for Application/Developer without SANGS
- 10.6 Step 1-3 Applicant/Developer to take
- 10.7 Recommendation
- 10.8 Reasoned Justification
- 10.9 Reasoned Justification
- 10.10 Reasoned Justification
- 10.11 Policy Status

## **11. Reviewing the Interim Advice Note**

- 11.1 Summary
- 11.2 Upgrading of SANGS

**11.3 Housing Trajectory**

**11.4 Strategy**

**11.5 Review of Strategy**

**11.6 Conclusions**

## **12. References**

**Appendix A:** Maps of SANGS and catchment area

**Appendix B:** Avoidance Strategy for Runnymede Borough Council

**Appendix C:** Sample section 106 Agreement to be supplied

**Appendix D:** Assessment of Runnymede Visitor Survey Data

**Appendix E:** Projected dwellings over period 2007-2012

**Appendix F:** Valuation Calculation

## 1.0 Introduction

- 1.1 The Thames Basin Heath (TBH) Special Protection Area (SPA) was classified as an SPA on 9th March 2005. The SPA comprises an area of lowland heath and woodland and is a habitat protected under UK and European law supporting a characteristic landscape and distinctive flora and fauna under threat and in decline. It is referred to as a "European Site" in the Habitats Regulations (see below at 2.1). It is classified as an SPA under the European Birds Directive<sup>1</sup>.
- 1.2 The SPA extends over 11 local planning authorities in Surrey, Berkshire and Hampshire and comprises a network of 13 Sites of Special Scientific Interest (SSSI) of predominantly lowland heathland and woodland. The Thames Basin Heaths SPA (TBHSPA) is designated because of the presence of breeding populations of three bird species: Dartford Warblers, Woodlarks and Nightjars. These birds nest on or near the ground and as a result they are very susceptible to predation of adults, chicks and eggs (particularly by cats, rats and crows) and to disturbance from informal recreational use, especially walking and dog walking.
- 1.3 The location of the heaths, being to the south west of London on the M3/A3 corridor, has historically resulted in the area being subject to high development pressure. The heathlands within the Thames Basin are in decline; between 1904 and 2003 53% of the heathland has been lost with the remaining heath fragmenting from 52 main blocks to a 192 smaller blocks over the last century (Land Use Consultants 2005). These heaths hold a considerable number of the endangered birds, with 7.8% of Nightjars, 9.9% of Woodlarks and 27.8% of Dartford Warblers. When studies have been carried out on heathlands in the Thames Basin, urban effects have been shown as contributing to their decline (Hall 1996, Liley 2004, Terence O'Rourke 2004 )
- 1.4 The map in Appendix 'A' shows the SPA within a Runnymede context.
- 1.5 This Interim Advice Note only relates to proposals for residential development. There are likely to be some cases where non-residential development could have a significant effect on the integrity of the SPA. These will be considered on a case by case basis. This Interim Advice Note does not provide a solution for such development. To address the requirements of the Habitat Regulations, such development, if they are likely to have a significant effect upon the SPA alone or in combination with other plans, will require an 'appropriate assessment'.
- 1.7 At the time of preparing this note the "Peer Review" of the Natural England's draft Delivery Plan, commissioned by the Department for Communities and Local Government, was published. It contained a series of recommendations that will have to be examined in due course. However, for the purpose of this Interim Advice Note the recommendation is to proceed, on an interim basis, with the production of the Delivery Plan approach until further evidence is assembled. This may ultimately give rise to changes to the approach adopted. Natural England (formerly English Nature) is producing a guidance note for Borough Councils on the Peer Review which will help Borough Councils tackle any challenges resulting from this.

## 2. Legislative Background

- 2.1 The TBHSPA is protected by the Conservation (Natural Habitats, &c.) Regulations 1994 ("the Habitats Regulations") which derive from European Directives 92/43/EEC Conservation of natural habitats and of wild fauna and flora and 79/409/EEC Conservation of wild birds. The Habitat Regulations establish a set of 'step-wise' procedures for decision-making by "competent authorities" (the Borough Council being one) which are relevant to the determination of applications for planning permission.

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<sup>1</sup> The European Directive 79/409/EEC on the Conservation of Wild Birds is commonly referred to as the Birds Directive. In addition several provisions within the European Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora, commonly referred to as the Habitats Directive also apply to SPAs.

- 2.2 The requirements of the Habitats Regulations overlay the normal planning consent process and override it to the extent they are applicable. Further guidance is available in the ODPM Circular 06/2005 "*Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*" and European Commission guidance "*Managing Natura 2000 Sites*". The relevant tests to be applied to the Council's decision-making processes are described below.
- 2.3 Regulation 48 of the Habitats Regulations provides that where a competent authority (in this case the Borough Council) decides that a proposed development is likely to have a significant effect on the SPA it must make an Appropriate Assessment of the implications for the site in view of that site's conservation objectives. The Regulation contains further requirements as to consultation and stipulates, in subparagraph 5 that, "in the light of the conclusions of the assessment ... the Authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European Site". The term "plan or project" has a broad definition and includes development proposals.
- 2.4 The effect of the Habitats Regulations is that the Council must, in deciding whether to grant planning permission for any development (which is not directly connected with or necessary to the management of the European Site), apply two tests. These are:
- (1) Whether there is likely to be a significant effect, alone or in combination with other plans and projects; and
  - (2) If this threshold is passed, following an Appropriate Assessment it is then necessary to determine that the proposal will not have an adverse affect upon the integrity of a European Site (here the SPA).

The test at the second stage only needs to be applied if the proposal triggers the first test.

- 2.5 Therefore, applying the tests:

#### Stage 1 Test

If the Council is satisfied that the proposed development is not likely to have a significant effect on the SPA (either alone or in combination with other plans or projects) the Habitats Regulations are not engaged and the Council may proceed to determine the planning application in the usual way. The test sets a low threshold and is approached on a precautionary basis. If the screening indicates that the proposal is likely to have a significant effect then step 2 is triggered.

#### Stage 2 Test

The Appropriate Assessment must consider the implications for the European Site in view of that site's conservation objectives. All the aspects of the plan or project which can, either individually or in combination with aspects of other plans or projects, affect the conservation objectives of the site must be identified in the light of the best scientific knowledge in the field.

The competent authority must have regard to the manner in which the project is proposed to be carried out or to any conditions or restrictions subject to which it is proposed that the consent, permission or other authorisation should be given. In the light of the conclusions of the assessment, the competent authority must agree to the project only after having ascertained that it will not adversely affect the integrity of the European Site. If it cannot be ascertained that the project will **not** adversely affect the integrity of the European Site, the authority must then consider whether there are any alternative solutions.



If there are no alternative solutions, consent or authorisation may be granted for the proposal but only "for imperative reasons of overriding public interest" (IROPI). IROPI may be of a social or economic nature (unless the site hosts a priority natural habitat type or a priority species in which case the considerations are significantly restricted). Even if the Secretary of State is satisfied that there are IROPI, notwithstanding a negative assessment of the implications for a European Site the Secretary of State is under a duty to secure that any necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

- 2.6 Planning Policy Statement 9 (PPS9) Biodiversity and Geological Conservation states:

*"Where a Planning decision would result in significant harm to a (site of) biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."*

- 2.7 The Runnymede Borough Local Plan (2001) contains Policy NE16 –

*'There will be a strong presumption against any development that may destroy or adversely affect, directly or indirectly, designated or proposed SSSI', NNR, SPA's, SAC and Ramsar sites.'*

Policy CS10 of the emerging Local Development Framework says that:

*"The Borough Council will protect and enhance Runnymede's biodiversity from the impact of inappropriate development, and will require new development to contribute to the protection and management of biodiversity features within the Borough.*

*New development will not be permitted where effective mitigation of adverse effects of the development alone (and in combination with) other developments upon designated sites, can not be achieved to the satisfaction of the Borough Council or the Government's nature conservation advisor (currently English Nature).'*

- 2.8 In practice, up to now the Council has been unable to satisfy itself that proposed developments, that would result in additional residential dwellings within 5km of the TBHSPA, would not have a significant effect on the SPA and therefore a precautionary approach for planning applications that involve net new dwellings within 5km of the SPA has been applied. The advice supplied by Natural England is available in Appendix ' B'.

### **3. Why the Council is preparing this Interim Advice Note**

- 3.1 The implications of not granting planning permission for residential development in the longer term are considerable. There are a number of emerging issues but without providing further guidance the Council will, for the vast majority of applications for residential development within the 5km zone in the Borough, be unable to satisfy Natural England that the proposed development will have no likely significant effect on the SPA. The Council, through this Interim Advice Note, is adopting a pragmatic approach that balances the guidance from Natural England with other emerging advice.

#### 4. The Approach

- 4.1 For applications for residential development on sites situated between 400m and 5km from the SPA, Natural England considers that the impact of such development on the natural habitats in the SPA can be managed, in combination with on site access measures, by the provision of suitable alternative natural green space (SANGS) either through provision of new open space or significant improvements to existing sites. As such, it has produced a draft 'Delivery Plan', which set out standards to avoid harm to the SPA.
- 4.2 The current approach has identified three zones around the SPA:
- Zone A up to 400m from the SPA where avoidance of impacts from new housing development is considered not to be reliable and therefore housing would not normally be permitted. The impact of non recreational effects such as predation, recreation, fire, fly-tipping and hydrological effects is greatest in the 400m buffer area.
  - Zone B at 400m–2km from the SPA where recreational impacts from residents of housing development has the potential to impact on the SPA, but where this could be addressed by the provision of SANGS to attract recreational users away from the SPA (now deleted see below).
  - Zone C at 2–5km from the SPA where SANGS would be required.
- 4.3 This Interim Advice Note proposes improvements to existing areas of potential SANGS in the Borough which could be contributed to by a housing developer.
- 4.4 Applications for planning permission for residential development should be submitted in the normal way. The Interim Advice Note will be a material consideration in determining the planning application. Subject to all other Development Control considerations and the approval of the Council a unilateral obligation, pursuant to section 106 Town and Country Planning Act 1990 as amended, will be invited from the Developer that provide a contribution towards the cost of the measures to enhance the SANGS, in accordance with this Interim Advice Note. A template form of the unilateral obligation has been prepared. (see Appendix 'C' for an example of a Section 106 Agreement). The Unilateral Obligation will be submitted at the same time as the planning application.
- 4.5 The Council's duty to consider the impact of development on the SPA applies also to non-residential development applications which will need to be considered on their individual merits.
- 4.6 Sheltered and accommodation for the elderly is subject of recent clarification by Natural England and will be dealt with separately from this Interim Advice Note.
- 5 Identification of Potential SANGS
- 5.1 The Council's Open Space, Sport and Recreation Audit of 2006 helped to provide a basis for the identification of potential SANGS. These potential sites were also identified by consultants appointed by the South East England Regional Assembly appointed to identify potential SANGS in the South East.

- 5.2 The current advice from Natural England indicates that 2ha is the minimum size for a SANGS to function satisfactorily in a suite of SANGS which must include the majority of sites of much larger size. The potential SANGS identified in Runnymede, following on site consultation with Natural England, were as follows; Hare Hill (13.45 ha), Timber Hill (6.5 ha) Chaworth Copse (3 ha), Ottershaw Chase (12 ha), Ether Hill (6.3 ha) and Queenswood (4.3 ha). The Ottershaw Memorial Fields (and specifically the car park/toilets) was identified as a support facility for providing access to Ether Hill/Queen Wood but was discounted as being suitable as a SANGS in its own right as it is too formal and is not a semi natural habitat. Consideration has also been given to Homewood Park (23.64 ha) – a mixed formal/semi natural site enhancements to Englefield Green (12.32 ha), and to St Ann’s Hill (21.17 ha). These will need to be discussed further with Natural England.
- 5.3 Following the identification of the potential SANGS their capacity was assessed. This was achieved by undertaking a visitor survey to confirm existing use and then identifying measures to enhance their capacity. Homewood Park, Englefield Green and St Ann’s Hill have not yet been subject to a visitor surveys as it has only recently been regarded as having potential for additional capacity. However, further work is required to examine the capacity of these sites but it is anticipated that they will make a significant contribution to the local SANGS.

## 6 The Visitor Surveys

- 6.1 Visitor surveys have been undertaken on Hare Hill and the potential linked sites PLS at Timber Hill, Chaworth Copse, Ether Hill, and Ottershaw Chase. The site at Ottershaw Memorial Fields is not regarded as a potential SANGS but it does provide a good quality car park that offers access to the adjoining SANGS. Queenswood is a new site with no formal access. The sites are identified on Appendix ‘A’
- 6.2 The visitor survey was undertaken in consultation with Natural England and reflected the surveys that were undertaken on the Dorset Heaths and Thames Basin Heaths. Natural England signed off the survey methodology as being ‘fit for purpose’ in terms of a visitor survey for identifying existing user patterns on the study areas.
- 6.3 The Hare Hill surveys took place over the period 18<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> May (outside school holiday period) and over the 25<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup> May (school holiday/Bank holiday period). The survey took place over 8 hours during the period 7-19 hr and surveyors were placed at every identified entry point to the study areas. The surveys for the potential linked SANGS (PLS) took place on the 10<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> August (school holidays), and 14<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup> and 24<sup>th</sup> September (outside school holidays).
- 6.4 The surveys revealed that the number of visitors was:

Visitor Type	Hare Hill	Linked Sites	Totals
Total visitors	539	516	1055

Details of the survey are available on request.

- 6.5 Whilst the surveys revealed current visitor numbers to the sites they do not reveal capacity. Natural England set out an approach to identify capacity in the Draft Delivery Plan.

## 7 The Potential Capacity of the SANGS

### The Natural England Methodology for capacity

- 7.1 Applying the Natural England approach adopted for the Guildford Borough Council Interim Guidance it can be observed that the potential of Hare Hill, The PLS and Queen Wood would provide about 24 ha. Homewood and Englefield Green would also be improved but are seen to support this approach without specifically being included in the calculation. On the basis of Zone C requirements of 8 ha per 1000 population it is possible to infer that SANGS totalling 24 ha can accommodate the needs of the anticipated dwelling requirements over at least the next five years. This approach is set out in Appendix 'D'. The anticipated requirement over the five year period is about 500 dwellings based upon past trends (see Appendix E for calculation).
- 7.2 The SANGS within Runnymede are individually very small but as a group represent a significant attraction. This does not reduce their attraction as SANGS because they, as a group, act as viable interceptors/magnets to potential visitors to the Natura 2000 sites. Visitors to the Natura 2000 sites would normally drive, park and then walk around a 'familiar route/routes'. A visitor would behave in the same way when visiting the Runnymede SANGS, in that they would select a site from the cluster, park and walk around the site. The nature and topography of the SANGS would offer the visitor the same experience as that achieved when visiting the Natura 2000 sites.
- 7.3 The Council is of the opinion that this mechanism will need to be monitored to measure the effectiveness but it provides an interim base on which to move forward. The potentially upgraded SANGS are able to accommodate development within zone C for several years based upon the past number of completions and projections. This may need to be adjusted when the final South East Plan Housing Requirement is adopted.
- 7.4 To achieve the upgrade to the potential SANG the following Schedule A of works is proposed over the next five years.

#### Schedule A – Five year programme of work (10 year maintenance)

Site	Operation	Approx cost	Implementation date	Repeat Visitor Surveys (post restoration)	Total Cost
Timber Hill and Chaworth Copse	Open up car park by removing and lifting young trees	£4,000	2006/07	£5,000	
Timber Hill and Chaworth Copse	Habitat Management – vegetation management, tree management, habitat piles, bird/bat boxes, path maintenance	£6,000 for first year then £2,600 for next nine years  Total for 10 years £30,000	Ongoing		
Ottershaw Chase	Create new car park (including highway works)	£11,000 £50,000 highway works	2008	£5,000	
Ottershaw	Habitat	£12,000 per	Ongoing		

Chase	Management – vegetation management, tree management, habitat piles, bird/bat boxes, path maintenance, tree planting	annum in first two years reducing to £8,000 per annum thereafter. Total for 10 years <b>£88,000</b>			
Queen Wood	Bring site up to standard – remove hazards and invasive vegetation. Initial tree work to ensure public safety, signage	<b>£18,000</b>	2007	<b>£5,000</b>	
Queen Wood	Habitat Management – vegetation management, tree management, habitat piles, bird/bat boxes, path maintenance	£9,000 per annum Total for 10 years <b>£90,000</b> <b>Site Cost</b> <b>£80,000</b>	Ongoing		
Hare Hill	Provision of car park	<b>£5,000</b>	2007	<b>£5,000</b>	
	Habitat Management	£2,000 per annum Total for 5 years <b>£10,000</b>	ongoing		
Homewood	Additional Habitat Management	<b>TBC</b>	Ongoing	<b>£10,000 (2 surveys includes pre survey work)</b>	
Englefield Green	Additional Habitat Management	<b>£5,000</b>	Ongoing	<b>£5,000</b>	
Promotional Work and monitoring	Leaflets	<b>£100,000</b>	2007/2008		
Total		<b>£491,000 + TBC</b>		<b>£35,000</b>	
Total					<b>£526,000 = TBC</b>

7.5 The work programme also includes ecological work which will add attraction to the sites and specific work for visitor appeal and information to ensure people are attracted to these alternative sites. For example, the promotion of sites through

leaflets sent to occupants of new dwellings to ensure they are aware that they have a quality open space to use close by in addition to website information.

- 7.6 The maintenance and management of the sites has also been considered and a breakdown of the costs of maintenance and replacement of assets for each site is included. Calculations are based on an estimate that assets will need to be maintained over a long period.
- 7.7 The Council are aware of the unique character of the sites and the importance of the established wildlife and biodiversity. Consequently all works will be designed and implemented to balance the needs of access, and landscape character and wildlife. Neither the Council nor Natural England wishes to see urbanisation of the countryside, consequently the works will involve only limited, sensitively designed access improvements. The works will however principally involve improving the overall quality of the site via habitat creation and improvement, and management works. It is recognised that thriving biodiversity and naturalness are significant 'pull' factors in a resident's decision to visit a site.

## 8 Contributions

- 8.1 The Council will invite, as part of an agreement for the development of new dwellings within the 5 km zone, contributions to enable the enhancements to be funded. In addition, it will be necessary to ensure that the sites are maintained and a contribution to maintenance will be required. Finally, in recognition of the ability to develop sites, previously constrained by the SPA designation, the Council will require a financial contribution to recognise the value unlocked by allowing development to proceed.
- 8.2 For the purposes of enhancing and maintaining the value of the sites to provide a SANGS contributions on a per dwelling basis are required to cover the 'upgrades' (to the sites) currently totalling £491,000 + tbc.
- 8.3 To recognise the requirement to survey the use of the SANGS it is proposed to undertake visitor's surveys in 2008 after the main capital works are completed. The current total is £35,000.
- 8.4 In addition to this funding, is a contribution, in the nature of an endowment, from the developer to reflect the facilitation, implementation and ongoing maintenance and management role of the Council in this process. In addition this contribution will reflect that the Council will be placing constraints on its land in terms of keeping the land available for public access while it functions as SANGS. This requirement is based on the fact that by making available land in its ownership the value of the development land is increased.
- 8.5 The contribution for the SANGS improvements programme and site visitor survey work is £496,000 plus (tbc). On the basis of at least 500 dwellings over 5 years the contribution per dwelling is £526,000 plus/500 = £1000 per dwelling.
- 8.6 For the opportunity to use Council land for avoidance purposes it was originally anticipated that this requirement is based on a site by site basis. However, this may prove difficult to implement and the preferred option is to have a flat rate tariff of £1000 per unit derived from the principles set out in Appendix F.
- 8.7 The total contribution is £2,000 per unit

## **9 SPA Interim Advice Note status**

- 9.1 The Interim Advice Note will be subject to public consultation. The endorsement of Natural England will be invited to the approach set out in this Interim Advice.
- 9.2 On submission of a planning application for residential development in Zones C, an applicant will be invited to make a financial contribution towards enhancing the SANGS identified in this Interim Advice Note (see below), or alternatively, subject to the approval of the Council and in consultation with Natural England they may themselves provide suitable land; in either case the measures will be secured by means of a unilateral obligation.
- 9.3 For developments in Zone B (now deleted), of which there are likely to be very few as this is within the green belt, consideration will be given to the scale of contributions as this zone requires a higher level of provision and may therefore require a higher tariff.
- 9.4 If the developer is unable to provide a SANGS then the sites identified by the Council will be considered subject to the legal agreements. The catchment areas are indicated in Appendix 'A'.
- 9.6 Residential developments within Zone A will not be subject to the guidance in this Note.

## **10 Implementing the Interim Advice Note**

- 10. The procedure for determining planning applications in accordance with the Interim Advice Note
- 10.1 This Interim Advice Note applies to planning applications that result in a net gain in residential units on an application site that are likely to have a significant effect on the SPA.
- 10.2 The Interim Advice Note will apply to an outline application but providing the subsequent reserved matters application or full application is on the same application site for the same size and number of residential units, no further financial contribution for the SANGS will be sought from the subsequent application(s) on the same application site.
- 10.3 The Interim Advice Notice will apply to reserved matters or Section 73 applications when the outline or original permission was granted prior to 9th March 2005 (when the SPA was designated)
- 10.4 The Interim Advice Note does not apply to extensions to dwellings, residential accommodation for the elderly providing extra care or developments which do not result in a net gain of residential units.
- 10.5 If the applicant/developer cannot provide their own SANGS the Interim Advice Note will be used to assess planning applications which fall within the categories set out in paragraphs 10.1, 10.2 and 10.3 above. All applications for residential development will be determined on their own merits and assessed against any concerns of adverse effect on the SPA identified by Natural England.
- 10.6 If the applicant/developer cannot provide their own SANGS the applicant/developer must follow the following steps before submitting any application:
  - Step 1: Check whether the application site lies within 5km of an SPA. Residential developments within 400 metres of an SPA will not normally be permitted.

Step 2: If the application site lies within 5km of an SPA, check whether the site is within the catchment area of the SANGS. The catchment area for the SANGS is shown on Appendix A.

Step 3: If the application site lies both within 5km of the SPA and the catchment area of the SANGS, then the applicant/developer will be requested to submit a fully completed unilateral obligation (attached as Appendix C) with any planning application which complies with the categories set out at paragraphs 10.1, 10.2 and 10.3. If a planning application is submitted with no unilateral obligation or an incomplete unilateral obligation, the application will be made invalid and not registered. If the applicant/developer insists that such an application is made valid and registered without a unilateral application or with an incomplete unilateral application, it is likely that such an application will be refused planning permission because it would either alone or in combination have an adverse impact on the SPA.

10.7 Once the planning application has been registered with a completed unilateral obligation and providing that there are no other planning objections to the planning application, then it would be recommended for approval providing (1) the agreed capacity of the SANGS has not already been exceeded and (2) that the agreed monies of £2,000 per dwelling/residential unit (based on net gain) is paid within one month of planning permission being granted in accordance with the standard unilateral obligation.

#### 10.8 Justification

The SPA issue cannot be allowed to have an adverse impact on our performance figures. The Planning Department, along with all others, is under pressure to meet Government targets for improving the speed of decision-making. This Authority has recently been a standards authority for poor performance on major applications. There has been a significant improvement in performance and current targets are being met. This approach set out in the Interim Advice Note is therefore necessary to ensure performance is not adversely affected. This approach will therefore be strictly enforced.

10.9 The agreed monies also need to be paid to the local planning authority before planning permission is issued because Natural England require this mitigation and upgrading works on the SANGS to be undertaken and implemented before the dwellings/flats are occupied. The only practical way to comply with Natural England's requirement is to require the monies up front. This protects both the Council's position and the applicant/developer's position to ensure that it fully complies with Natural England's current requirements.

10.10 This procedure has been operated since 7th March 2007.

### **11 Reviewing the Interim Advice Note**

11.1 This Interim Advice Note will be used until a decision is made as to whether the Council will adopt Natural England's Delivery Plan as the basis for a Supplementary Planning Document (SPD) or some other mechanism, possibly through the South East Plan. The Interim Advice Note will be monitored and the figures tested to inform any future revisions to it. The Council has calculated the financial requirements in the Interim Advice Note using current statistical evidence. However, the information used to prepare the financial requirement in Natural England's Delivery Plan would be based on updated figures, and therefore could be subject to change.



- 11.2 The work on upgrading the SANGS will be reviewed regularly.
- 11.3 The Interim Advice Note has looked at the total works necessary for the potential SANGS and it is shown that the works would provide suitable interceptors/magnets for those occupying housing identified in the trajectory annual forecast for at least five years from April 2007. The housing trajectory is based on housing trends from the previous five years
- 11.4 When reviewing the SANGS in the Interim Advice the Council will also review the tariff for financial contributions to ensure it is sufficient for contributing to work on the potential SANGS. The strategy may also need to be reviewed in light of changes in inflation.
- 11.5 It is anticipated that the Strategy will be reviewed on an annual basis.
- 11.6 Information will be provided to Natural England on the number of dwellings with permission, number started, contributions agreed and those made and which SANGS site each contribution is made on a monthly basis for the first six months and thereafter on a quarterly basis. In addition the number of hectares of SANGS "used up" by permissions issued and a list of SANGS works started and completed will be included in the reporting spreadsheet.

## **Appendix 'A'**

### **Maps of SANGS**

**A1 – The Natura 2000 sites in Runnymede context**

**A2 – The location of the SANGS**

**A3 – Improvements to SANGS**

**A4 – The catchment area of the SANGS**

## Appendix 'B'

### Advice Supplied by English Nature THAMES BASIN HEATHS INTERIM SPECIAL PROTECTION AREA (SPA) AVOIDANCE STRATEGY FOR RUNNYMEDE

#### 1. Introduction

1.1 Following legal advice on the Interim Advice Note the Runnymede Borough Council required additional explanation or evidence to support elements of the Interim Strategy. The following document is aimed to be used as either an Annex to append to the Interim Advice Note or alternatively be used to amend section of the draft strategy if the Council wishes to do so.

#### 2. Legislative Tests

3. Regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994 sets out procedures for the assessment of plans or projects. These tests are neatly encapsulated in Figure 1, Page 7 of circular ODPM 06/2005, which accompanies PPS9. It is assumed that residential development will not pass the test in box 1 in Figure 1, in that it will not be directly connected with or necessary to site management for nature conservation. Without strategic measures in the form of SANGS, Natural England advise that residential development within 5Km of the SPA will have a likely significant effect on the SPA due to the in combination likely increased recreational pressures and disturbance.

4. Measures to avoid or reduce the effects of a development proposal on the SPA (here referred to as avoidance measures and mitigation measures respectively) can be proposed as part of the planning application and the decision maker should take these into account when considering if and how the Habitats Regulations apply in any particular case. Avoidance measures eliminate the likelihood of any effects on the SPA. Mitigation measures would be designed to reduce likely significant effects, to a level that is insignificant or in a way that makes them unlikely to occur.

5. The judgment of Natural England is that the proposed avoidance measures in the form of Suitable Accessible Natural Green Spaces (SANGS) proposed in the Runnymede Interim Advice Note includes the upgrades to the sites that are to be avoided will avoid the potential recreational effects from occupants of residential developments greater than 400m from the SPA in the Runnymede Borough. This will work until the capacity of the SANGS to absorb additional people has been reached. If developments have no effect on the SPA they cannot be likely to have a significant effect even in combination with other plans or projects; there are no effects to add to the effects of other plans or projects. Therefore following the tests on the PPS9 flow chart, the answer to the box 2 question of "is the plan or project likely to have a significant effect ... alone or in combination" is no, and the decision maker is able to move to the permission may be granted box.

#### 6. Use of Alternative Sites

7. Suitable Alternative Natural Green Spaces or SANGS are aimed at addressing risks arising from a potential increase in visitor pressure from new residential development.

The SANGS approach relies on the assumption that potential visitors can be diverted away from the SPA by alternative sites of high enough quality. This is a logical common sense argument and is supported by evidence from recent visitor surveys (Liley et al in Press and Liley et al in Prep).

8. The visitor surveys revealed that three quarters of all people interviewed using the Thames Basin Heaths also used alternative sites for recreation. Those people arriving by car were most likely to use alternative sites to the SPA and therefore alternative green spaces are more likely to attract drivers, who were the majority of SPA users interviewed (83%).

9. Provided the quality of alternative green space secured is sufficiently high, it is located at least as conveniently to the proposed development as the SPA, it meets the requirements of people most likely to visit the SPA and potential visitors are made aware of the location of the SANGS then there is no evidence to suggest that people will not use the SANGS.

10. Though there is no exact science around design of visitor attractions, visitor survey data does provide Natural England with an evidence base on which to base decisions. The Thames Basin Heaths Visitor Surveys (Liley et al in Press, and Liley et al In Prep) describes what activities are undertaken upon the SPA, describes the behaviour of visitors and also gathers evidence on visitor's "ideal" site requirements.

11. Thus the key question of what people who tend to visit the SPA find attractive in the SPA has been answered and if replicated in SANGS can be used to attract new visitors as an alternative to the SPA. It should also attract current users away from the SPA though this is not the primary role of SANGS. This evidence has been used to inform the design and location of new green spaces and the adaptation of existing green spaces, so that Natural England can be confident of their attractiveness to the particular group of people that we are intending SANGS to attract.

## 12. Upgrades to Existing Land

13. As described in Section 3 (above) the Thames Basin Heaths Visitor Survey data provides evidence which will inform the design and location of new green spaces. It is logical to assume that if an existing green space does not meet some of these criteria, and is as a result used below its potential, then it could be improved and made more attractive. Improvements to existing green spaces are based on the criteria of suitability, accessibility, naturalness and site size. Though this is not an exact quantitative science, criteria for SANGS can be drawn up based on the visitor survey data. For example, most SANGS will need to cater for dog users as these were a significant SPA users group (59% of all people interviewed gave this as the reason for visiting the SPA). The visitor survey evidence suggests dog walkers need a minimum of a 2.5km walk which starts and finishes at an access point.

14. Accessibility should include access for both walkers and drivers. The number of car parking spaces was directly related to the number of people leaving an access point, and the majority of people surveyed both on and off the SPA drove to sites. In addition the provision of good car parking scored highly for both SPA and non SPA users. Therefore car parking makes a site more attractive and upgrading a site without a car park to include new or upgraded parking, will significantly improve its attractiveness to the majority of users. Since people interviewed only walked short distances to the sites (mostly less than 500m) adding a car park will significantly increase the potential visitor "catchment" area of a SANGS and therefore increase its attractiveness.

15. The sites in the Runnymede Interim Advice Note were assessed under the criteria of suitability, accessibility and naturalness as well as measures of size and existing use. This allowed for sites with the most potential for improvement to be selected. The selected improvement measures were chosen to meet the as many as possible of the "ideal" site criteria as defined by the Thames Basin Heaths Visitor Survey.

16. In addition the Interim Advice Note is part of a wider project, in which Natural England is working with SPA site managers to provide access and habitat management. These three measures combined will offer the certainty that is required by the Habitats Regulations when judging the likely effects upon the SPA.

#### References

- Liley D., Jackson D. & Underhill-Day J. (In Press)  
Visitor Access Patterns on The Thames Basin Heath.  
English Nature Research Report XXXX
- Liley D., Mallord J. & Loblely M. (In Prep).  
The "Quality" of Green Space: features that attract people to open spaces in the Thames Basin Heaths area.  
English Nature Research Report XXXX
- ODPM (2005) Circular 06/2005  
Government Circular: Biodiversity and geological conservation –statutory obligations and their impact within the planning system.

**Appendix 'C'**

**Sample Section 106 Agreement**

## Appendix 'D'

### Assessment of Runnymede Visitor Survey Data

#### Introduction

The Visitor survey data from the sites for Runnymede Borough Council Interim Advice Note have been compared with sites within the Thames Basin Heaths SPA. The methodologies in the two surveys were identical and the numbers of surveying hours (sample time) were 16 hours for both surveys. Therefore the data was considered compatible for a comparison of use levels

#### Methodology

The number of sample points varied from site to site so to compensate for this the number of visitors to all sample points were summed, and totals divided by number of entrance points. Then the number per entrance point was then divided by site size to give the number per entrance point per hectare.

Two sites from the Thames Basin Heaths are illustrated in the table below; Horsell Common which was chosen as it is considered to be highly used and Ockham which has a low to moderate use. The level of use at the Runnymede Borough Council sites was assigned a use level in comparison to that of Ockham and Wisley and Horsell

Site	Number of visitors surveyed*	Total number of entrance points	Site Size ha	Number per entrance per hectare	Site Use	Percentage of Site Available
Horsell Common (example)	600	2	153	1.96	HIGH	25%
Ockham and Wisley Commons (example)	207	2	269	0.38	LOW TO MODERATE	50%
Hare Hill - Runnymede	539	7	14	5.5	V.High	25%
Four sites - Runnymede	516	14	28	1.316	Moderate	50%
Queen wood - Runnymede	n/a	n/a	4.3	n/a	Nil	100%
Homewood - Runnymede	n/a	n/a	23.64	n/a	Un surveyed	25%

\* the number of visitors observed over the 6 day period but not all surveyed

Estimate of potential

Hare Hill	site size @25% = 13.46	@25% = 3.365ha
Four Linked Sites	site size @50% = 32.29	@50% = 16.14 ha.
Queenswood	site size@100% = 4.3ha.	
Homewood Park	site size = 23.63 ha	
Englefield Green	site size =12.32 ha	

New development supported by SANGS is 24 ha (from Hare Hill, Queenswood and Four linked sites)

**Appendix 'E'**

**Projected dwellings over period 2007-2012**

Completions in Zones B and C over period 2001 -2006 is about 500

This is projected forward as the likely rate over the next five years.



## Appendix 'F'

### Valuation Calculation

#### Contribution to SANGS – Tariff based calculation

Value of land without Planning Permission = Existing Use Value (EUV)

Value of land with Planning permission = Residual Land Value (RLV)

RLV – EUV = Differential Site Value (DSV)

#### *Hypothetical Valuation*

Based upon a 33 unit development on a 1 ha site.

EUV is entirely dependent on what is actually on the site. It is not possible to say a definitive value of say £1m/ha. BUT for the purposes of illustration this is a simple figure to use.

RLV- density per hectare. 33 dwellings per ha @ say £325,000 each but reduced by about 15-16% to reflect the requirement for 40% affordable housing.

Say

£275,000 per unit.

SO:

If EUV = £1,000,000

RLV:

Gross Development Value (GDV)            33 x £270,000 = £9,075,000

Development costs:

1. Build Cost                            33 x 90sqm x £1,000            = £ 2,970,000

2. Professional fees @ 12.5% of build costs	£ 371,250
3. Selling costs @ 1.5% of GDV	£ 160,875
4. Legal fees @ 0.5% GDV	£ 53,625
5. Pre dev costs egg planning (estimate)	£ 30,000
6. Interest @ 7% on pre dev costs (3 months)	£ 450
7. Interest on 50% const costs over 18 months	£ 155,925
8. Void 1 month interest on build costs	£ 17,325
9. s 106 cost	£ 200,000
10. Profit @ 20% GDV	<u>£ 2,145,000</u>

**Total** **£ 6,104,450**

GDV Less costs £2,970,550

**Less Stamp Duty @ 4%** **£118,822**

Therefore Residual Land Value is £2,851,728

Say £ 2,850,000

SO – Tariff to be based on RV-EUV ie

$£2,850,000 - 1,000,000 = £1,850,000$

Tariff of 10% = £185,000 which is the equivalent of £5606 per unit

Tariff of 5% = £92,500 which is the equivalent of £2803 per unit

Tariff of 2% = £37,000 which is the equivalent of £1120 per unit.

The tariff cost of £1000 per unit (representing about 2% of RV-EUV) has been selected as reasonable for development uplift cost.



Town centre?	No
Within SPA?	Yes

FOR RESIDENTIAL DEVELOPMENT ONLY

<b>Development name:</b>	Walnut Tree Farm, Almnors Road, Lyne
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Housing Unit	Proposed Number of Private Housing Units	Existing Number of Housing Units	Standard Occupancy Rate	Number of Standard Occupants
1 bed			1.31	0.00
2 bed			1.76	0.00
3 bed	3		2.51	7.53
4 bed			2.86	0.00
+ 4 bed			3.73	0.00
<b>Net Increase in occupants</b>				<b>7.53</b>

Benefit	Charge per Occupant	Residential	Required Contribution
Recreation within SANGS Zone	Calculated separately. Please see comment ----->		
Recreation outside SANGS Zone	£0	£0.00	£0.00
Libraries	£92	£692.76	£692.76
Yellow Bus (residential)	£500	£3,765.00	£3,765.00
Recycling	A contribution towards recycling is not presently required - as of 16 July 2010		
Crime and Disorder	£250	£1,882.50	£1,882.50
Transport (Within Town Centre)	£0	£0.00	£0.00
Transport (Outside Town Centre)	£1,333	£10,037.49	£10,037.49
<b>Total</b>			<b>£16,377.75</b>

Please note if you have a commercial or change of use proposal please contact [georje.reed@runnymede.gov.uk](mailto:georje.reed@runnymede.gov.uk) in the first instance - DO NOT USE THIS CALCULATOR

Subtotal	£16,377.75
5% Admin fee	£818.89
Infrastructure total contribution	£17,196.64
SPA (£2630.00 per net additional dwelling)*	£7,890.00
<b>Total including SPA</b>	<b>£25,086.64</b>

\*includes £630.00 for access management and monitoring of the SPA (as at 1 May 2010)  
No charge for elderly person housing

## INSTRUCTIONS