

## REPORT TO CABINET

Title: **THAMES BASIN HEATHS SPECIAL PROTECTION AREA:  
STRATEGIC ACCESS MANAGEMENT AND MONITORING  
PROCEDURES**

Date: 27<sup>th</sup> May 2010

Member Reporting: Councillor Mrs Knight

Contact Officer(s): Peter Hitchen, Planning Policy Manager  
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Wards affected: Sunningdale, Sunninghill & South Ascot, Ascot & Cheapside,  
Old Windsor and Park.

### 1. SUMMARY

- 1.1 The council has been supportive of a strategy to mitigate the impacts of additional residential development on the Thames Basin Heaths Special Protection Area (SPA). The SPA is protected due to its important habitats for ground nesting birds. Since its designation in March 2005, RBWM has been working with the 10 other similarly affected local planning authorities to develop a joint strategic mitigation approach. For information a list of the affected authorities is provided at the end of this report. The "Thames Basin Heaths Special Protection Area Delivery Plan" was agreed amongst the authorities and key organisations in February 2009 and its key points for mitigation have since been incorporated into policy NRM6 of the South East Plan. The mitigation requirement set out is to ensure that new additional residential development granted consent within proximity to the SPA does not result in a significant effect on the ecological integrity of the SPA through increased recreational activity.
- 1.2 The strategic mitigation approach set out by the Delivery Plan and South East Plan consists of:
- the provision of Suitable Alternative Natural Greenspace (SANG) to that of the SPA
  - a scheme of Strategic Access Management and Monitoring (SAMM).
- 1.3 This report is concerned primarily with the arrangements that will be necessary for the collection and implementation of the SAMM aspect of the project, and proposes the collection of financial contributions from new additional residential development in proximity to the SPA. It also proposes signing up to a joint method of working to enable the pooling of financial contributions to fund access management and monitoring proposals.

## 2. RECOMMENDATION

- 1) That the principle of the collection of financial contributions from new additional residential development within proximity the SPA to fund the SANG project be approved.
- 2) That the signing up to a joint method of working between the 11 local authorities in proximity to the SPA (to enable the pooling of financial contributions for SANG purposes) be endorsed and authority delegated to the Head of Planning and Development and Head of Legal in consultation with the Lead Member for Planning and Development to approve the final agreement.

What will be different for residents as a result of this decision?
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This decision will not result in an immediate and obvious change to borough residents as it relates to only one part of the mitigation strategy. New additional residential development within proximity to the SPA will not be able to occur until an area of land suitable for use as SANG has also been identified. However taking these decisions now will mean that a complete mitigation strategy will be in place once a suitable area of land for SANG purposes has been identified.
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## 3. SUPPORTING INFORMATION

### Background

- 3.1 The Thames Basin Heaths Special Protection Area (SPA) is protected in UK law by the Habitats Regulations 1994 (as amended 2007). Under the Regulations development proposals must not give rise to adverse effects on the integrity of the SPA either alone or in combination with other proposals. If it is likely that such effects will occur, then measures must be secured to remove the impact or planning permission be refused.
- 3.2 It is in this context that a strategy to mitigate the impact of additional households within proximity to the Thames Basin Heaths SPA has been developed. The details of the strategy have now been set out by a document jointly agreed between the 11 affected authorities and also incorporated into the recently published South East Plan.
- 3.3 The strategy to mitigate the impact on the SPA of new additional dwellings consists of two complementary aspects. The first of these is the provision of SANG. This is land which will be provided as an attractive alternative for the public to visit thereby avoiding placing further recreational pressure on the protected area or its wildlife.
- 3.4 It is accepted that the provision of alternative open space by itself would be unlikely to ensure that visitors are successfully diverted away from the SPA. Consequently a system of access management, co-ordinated across the whole of the publically accessible SPA, will also be undertaken. This will be undertaken at a strategic level

to avoid displacing visitors from one part of the protected area to another. It should be noted that whilst only a very small part of the SPA is located within the boundary of this council (approximately 0.27 hectares out of the total of 8400 hectares across the whole of the Thames Basin Heaths area) the part of the borough within the associated zones of influence surrounding the SPA represents a significant area. A map showing the extent of the Royal Borough affected by the SPA designation is included at the end of this report.

- 3.5 Access management will consist of a range of measures including the promotion of a consistent message relating to the protection of the designated area through common signage, leaflets and other educational material, use of rangers to educate visitors to the SPA and where necessary restrict access to sensitive areas during the bird breeding period etc. Monitoring the effectiveness of the mitigation provided is also proposed so that it can be demonstrated that the overall strategy is proving to be effective.
- 3.6 In order to fund the access management and monitoring project a developer contribution of approximately £630 per additional dwelling proposed in proximity to the SPA will be charged. This amount represents an average as the exact amount per dwelling will vary depending on dwelling size with a larger unit paying a higher level of contribution than smaller units. The details of the payment levels in connection with dwelling size are currently being developed. The amount of developer contributions collected by each local authority for this aspect of the strategy will be directly related to the number of consents granted within proximity to the SPA. If the average tariff level is taken and past completion levels applied then this could result in revenue in the region of £38,000 per annum being collected and pooled with the contributions collected by the other local authorities for access management and monitoring. It should be noted that this is an approximation only as past completion levels may not reflect what may occur in the future.
- 3.7 **It should be noted that the funds collected for access management and monitoring would be in addition to developer contributions paid towards the provision of SANG.** A provision for the collection of developer contributions towards SANG already exists in the Planning Obligations & Developer Contributions SPD, however until a SANG is delivered no contributions can be collected.
- 3.8 The access management funds collected would be pooled with the contributions collected by the other 10 local authorities with Hampshire County Council acting as the repository for the funds. Natural England would then use the monies to undertake access management and monitoring in accordance with an agreed scheme. At the time of the writing of this report the wording of the proposed legal agreement to enshrine the collection of developer contributions for the purposes of access management together with the details of the proposed management and monitoring scheme is being developed. However, endorsement to the principle of signing up to the agreement is now sought with authority delegated to the Head of Planning and Development and Head of Legal in consultation with the lead Member for Planning and Development to approve the final document.
- 3.9 It should be noted that there has been Member input into the development of the strategy for the Thames Basin Heaths SPA through the involvement of the Royal Borough in the Joint Strategic Partnership Board. The membership of this group

consists of a Member representative from each of the SPA affected local authorities together with representatives from other interested bodies.

#### 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

##### 4.1 Options

	Option	Comments	Financial Implications
1.	Do not agree to the collection of developer contributions for SAMM or sign a legal agreement to work strategically with the other SPA affected LPAs  4.1.1	Not recommended. Failure to agree to collect these contributions and work strategically with the other affected LPAs would result in the inability of RBWM to grant planning permission for new additional dwellings in the affected part of the borough even once suitable SANG land has been identified. It would also place additional financial pressure on the other SPA affected LPAs to fund SAMM to a suitable level.  4.1.2	Revenue: None Capital: None
2.	Agree to the collection of developer contributions for SAMM or sign a legal agreement to work strategically with the other SPA affected LPAs  4.1.3	Recommended. This will enable new additional residential development to come forward in the SPA affected part of the borough once SANG has been identified and where appropriate in all other respects. RBWM would also play a supportive role in the provision of SAMM across the Thames Basin Heaths area.	Revenue: Contribution to legal costs associated with drawing up agreement. Covered by existing budgets. Capital: None

##### 4.2 Risk assessment

**Option 1:** Failure to put a mechanism in place that would enable otherwise acceptable housing schemes to proceed would lead to insufficient housing land coming forward to meet current targets and put pressure on the Green Belt.

**Mitigation:** put in place a scheme for joint access management and monitoring as proposed.

**Option 2:** There is a minimal risk that should insufficient permissions be granted across the whole of the Thames Basin Heaths by the 11 authorities there may be a failure to generate sufficient income for all aspects of access management and monitoring to be undertaken as intended. There is also a minimal risk of the failure of other authorities to join in a joint agreement and adding to the issue above.

**Mitigation:** To agree the joint approach – and monitor so as to change arrangements if sufficient developer contributions are not forthcoming.

## 5. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

5.1 To be completed.

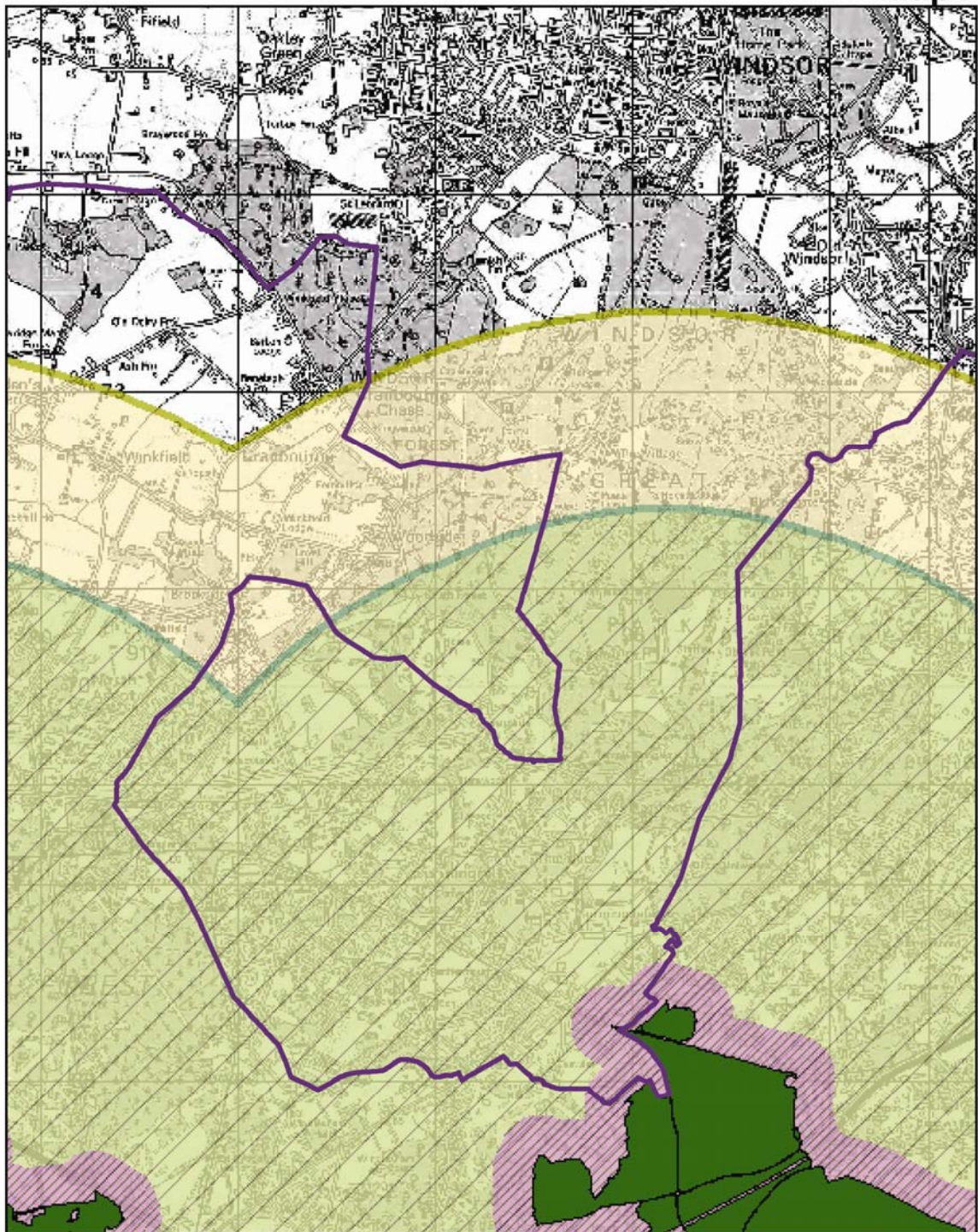
## 6. IMPLICATIONS

6.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	N/A	✓	✓	N/A

Background Papers:

# Map1



Scale: 1:50,000

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## Thames Basin Heaths Special Protection Area

- Thames Basin Heaths SPA
- 400m SPA Buffer
- 5km SPA Buffer
- 7km SPA Buffer



**List of local authorities within the 5km zone of influence surrounding the Thames Basin Heaths Special Protection Area.**

Bracknell Forest Borough Council  
Elmbridge Borough Council  
Guildford Borough Council  
Hart District Council  
Royal Borough of Windsor and Maidenhead  
Runnymede Borough Council  
Rushmoor Borough Council  
Surrey Heath Borough Council  
Waverley Borough Council  
Woking Borough Council  
Wokingham Borough Council