

Report Title:	Infrastructure: Suitable Alternative Natural Greenspace capacity and Suitable Alternative Natural Greenspace (SANG) delivery to support the BLP
Contains Confidential or Exempt Information?	NO – Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning
Meeting and Date:	Cabinet 28 June 2018
Responsible Officer(s):	Russell O’Keefe Executive Director & Jenifer Jackson, Head of Planning
Wards affected:	Ascot & Cheapside, Sunninghill & South Ascot and Sunningdale

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REPORT SUMMARY

1. RBWM provides Strategic Suitable Alternative Natural Greenspace (SANG) capacity for relevant housing developments to enable them to proceed. This fulfils statutory obligations to protect the integrity of the Thames Basin Heaths Special Protection Area; and to provide new and enhanced open spaces (SANGs) for the residents of the borough to enjoy.
2. The BLP Submission Version (BLPSV) contains additional allocation for Suitable Alternative Natural Greenspace through an extension at Allen’s Field. This would meet the requirements for mitigation in the first 5 years of the plan period.
3. Strategic SANG capacity is under particular pressure from unplanned developments outside of defined settlements and developments proposing to bring forward a greater amount of development than the BLP SV allocates placing a strain on existing and future Strategic SANG capacity.
4. The council is proactively progressing options to ensure that additional SANG comes forward through to 2033 to assist in mitigating the impact of new residential development. There are a number of opportunities currently available and the council is investigating them all in consultation with Natural England.

1 DETAILS OF RECOMMENDATION(S)

RECOMMENDATION:

That Cabinet notes the report and:

- i) Gives authority to the Executive Director, Place to pursue negotiations on behalf of the council with landowners, to enter into lease agreements or other legal agreements with landowners and to make a planning application for the purposes of providing SANG to meet BLP requirements to 2033.
- ii) Gives authority to the Head of Planning not to provide capacity in the council’s Strategic Suitable Alternative Natural Greenspaces (SANGs) for large prior approval schemes or other unplanned large applications located beyond the defined settlements Ascot, Sunninghill and Sunningdale or on

allocated sites where the proposals are in excess of the BLPSV allocation by more than 9 additional units which are considered to undermine the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy.

- iii) Gives authority to the Executive Director, Place to pursue negotiations on behalf of the council with any other council which may have surplus SANG capacity and to authorise the Executive Director to enter into any necessary legal or lease agreement with that council for the purposes of securing SANG capacity to support the BLPSV.**

2 REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The Thames Basin Heaths, which cover parts of Surrey, Hampshire and Berkshire, comprise a rare example of lowland heathland. It is home to three important bird species, (the Dartford Warbler, the Nightjar and the Woodlark) and protected by international law (the EU Birds Directive and the EU Habitats Directive), national legislation (the Conservation of Species and Habitats Regulations 2010 (as amended)) and by planning policy as a 'Special Protection Area' (SPA). The heaths, and the birds that nest and breed there, are easily disturbed by people and their dogs.
- 2.2 To comply with legislation the council must ascertain that any development in the borough would not harm the integrity of the SPA either by itself or in combination with all other applications in the other 11 local authorities affected by the SPA. An Appropriate Assessment is undertaken on all relevant planning applications (and development plans). This involves:
- Predicting the likely effects of the development.
 - Assessing whether the predicted effects are likely to have an adverse effect on the integrity of the SPA.
 - Proposing avoidance and mitigation measures.
 - Consulting conservation bodies, where required.
- 2.3 The council has identified an extension to the current Strategic SANG at Allen's Field within the BLPSV. This provides sufficient capacity to meet the first five years of development in the plan (allocated sites and windfalls). Additional capacity is required for the remainder of the plan period from 2023-2033 in order that residential development may be brought forward. Without that capacity planning permission should not be granted.
- 2.4 In order to allocate land for residential development and bring forward planned development, the council through the local plan process is required to demonstrate that sufficient SANG capacity is available to be able to mitigate the impacts of proposed residential development. This process is required to support the Borough Local Plan Submission Version (BLPSV) to provide SANG for planned development coming forward to 2033. Each SANG has its own capacity and, depending on its size, also its own catchment within which it can mitigate residential development. At the current time the south west extent of the parish of Sunningdale is not mitigated by the Allen's Field SANG for development which is for 10 or more units.

Types of SANGs

- 2.5 There are two types of SANGs:

- Strategic SANGs which are open space land owned or managed by the council to which developments pay financial contributions towards their enhancement to SANG status and long term management. These are mainly for smaller or urban developments which cannot realistically provide their own land for SANGs.
- Bespoke SANGs which are new open spaces provided mostly for large developments where the developer upgrades the land to SANG status and then usually transfers the land to council ownership with maintenance sums to guarantee its long term management.

Strategic SANGs

- 2.6 Development of nine or fewer dwellings can make a contribution to any SANG irrespective of catchment distances. Developments of 10 or more dwellings have to be located within the catchment of a SANG. The council currently operates and manages a Strategic SANG at Allen's Field in South Ascot. The council is intending to extend this SANG through allocation via the borough local plan process to give capacity for future developments and enable them to proceed.

Bespoke SANGs

- 2.7 There is currently no bespoke SANG operating within the Borough: bespoke in this case means to serve a particular development. A bespoke SANG arrangement has been agreed for land at Heatherwood Hospital and planning consent granted. Other sites allocated in the BLP have been identified as requiring a bespoke SANG arrangement, for example, Sunningdale Park.

Table 1: Options

Option	Comments
The council pursues the opportunities open to create additional Strategic and Bespoke SANG capacity with landowners and other council's with the sole purpose of securing SANG capacity to meet the requirements of the BLP SV at least to 2033. The recommended option.	Strategic and bespoke SANG arrangements are possible given the opportunities currently before the council; this would give a clear strategy for SANG delivery to support BLPSV development for the plan period.
The council pursues only one option to secure additional SANG capacity. Not the recommended option.	This option would come with the risk that this is not achieved and the requirement to mitigate the impact of residential development cannot be met which results in a moratorium on development in the part of the Borough within 5km of the TBH SPA until an alternative solution is found.
The council does not pursue any option to secure additional SANG capacity. Not the recommended option.	This option would introduce some uncertainty around the delivery of development within the 5km zone from 2023 onwards and could result in a moratorium on development in this part of the Borough until an alternative solution is found.

- 2.8 In addition to the SANG capacity to be provided at Allen's Field through the BLPSV the council is seeking further capacity for developments allocated in the plan from year five onwards. Discussions with landowners are taking place on this basis, in confidence. The larger the land area then the greater amount of development that could potentially be mitigated (assuming very limited existing public access), also the greater the extent of influence (catchment) from the SANG which would mitigate schemes over 10 dwellings wherever these are in RBWM. If the influence of the SANG extended beyond the Borough boundary it might also be possible to consider releasing capacity to adjoining Boroughs.
- 2.9 Natural England has set locational and design criteria, including essential and desirable requirements, for the provision of SANG given that the purpose is to attract dog walkers away from the Thames Basin Heaths Special Protection Area. These are set out in sections 2.10 to 2.12 below.

Locational criteria

2.10 Essential:

- A wholly new site or an enhancement of existing public open space if the site is currently underused and has substantial capacity to accommodate additional recreational activity or could be expanded, taking into account the availability of land and its potential for improvement.
- Be in a location where it will divert visitors especially dog walkers away from sections of SPA coast which are sensitive to additional human disturbance and where a significant increase in visitors is predicted.
- Be large enough to include a variety of paths which enable at least one circular walk of at least 5 km (approx. a 60 min walk).
- Be in a location where a SANG would be acceptable in terms of planning policy and traffic generation, and would not have an unacceptable impact on biodiversity e.g. a nature conservation site protected under a local or national designation.
- Be sufficiently large to be perceived as a cohesive semi-natural space, offering tranquillity, with little intrusion of artificial structures (except in the immediate vicinity of car parks) and with no unpleasant intrusions of other kinds e.g. wastewater treatment odours.

Criteria for design and facilities

2.11 Essential

- Includes a variety of paths which enable at least one circular walk of at least 2k.
- Includes adequate car parking for visitors with that car parking being well located in relation to the road network.
- Be clearly signed at access points and at key junctions on the surrounding road network, with an information panel at each access point which explains the layout of the SANG and the routes available to visitors.
- Access points for visitors arriving on foot must be well located in relation to nearby residential areas.
- Designed so that the SANG is perceived by users as a cohesive semi-natural space which is safe and easily navigable.
- Paths must be clearly discernible, well signposted/waymarked, and have firm, level, well drained surfaces (albeit unsealed to avoid any 'urban feel') in order to be useable throughout the winter.

- Movement within the SANG must be largely unrestricted, with plenty of space away from road traffic.
- Dogs are welcome and the majority of the sites is suitable for safe off-lead dog exercise.

2.12 Desirable:

- Car parking would be free of charge in the winter and preferably all year round.
- Has multiple access points and with car parking at each rather than in a single location.
- Incorporates innovative and attractive dog walking facilities such as dog activity trails, agility courses, enclosed off-lead training/exercise areas, dog washing facilities.

Practical arrangements

Allen's Field

- 2.13 The current strategic SANG at Allen's Field is leased to the council by a charitable trust on a 99 year lease to meet the requirements from Natural England that the SANG is secured in perpetuity. The council is responsible for the maintenance and management of the SANG and also bore the capital cost of the initial works required to layout the land to meet Natural England's requirements for a SANG. The freeholder receives payments from the council on the basis of a fixed sum per dwelling allocated to the SANG paid quarterly. There is a finite capacity, this is monitored by the council. The remaining capacity is around 210 dwellings. This capacity takes account of hard and soft commitments including applications already before the council but not yet determined but excluding developments over 50 units. The alternative approach would be to enter into a lease based on an external valuation of the land.
- 2.14 The council would anticipate an initial capital outlay and ongoing management costs for any new strategic SANG provision. This would need to be calculated. The council would then be required to establish the carrying capacity of the SANG by conducting a survey of usage of the land currently and an assessment of its capacity for recreational activity; this would be funded through capital in 2018/19. This would give the capacity of the SANG for the purposes of mitigating the impact of dwellings. The council would then be able to work out the income generated through contributions from developers which are paid on commencement. Subtracting the outlay and maintenance costs from the income would give a residual sum which would be allocated to the landowner. As this is at very early stages this information has not yet been collected, further work will continue following the cabinet decision. Planning permission would be required for the change of use of land to SANG and this report seeks authority to make a planning application in advance of the council securing any lease agreement together with covering the costs of making such an application.

Adjoining authorities

- 2.15 SANGs have a catchment area which extends beyond administrative boundaries which mean that development in some areas of the borough could be mitigated through alternative provision outside the borough. Officers are in contact with adjoining authorities to discuss this option and delegated authority is sought to pursue this arrangement including any legal, financial or lease agreements which the council would be required to be entered into to secure the arrangement.

Bespoke SANG opportunities

- 2.16 In relation to bespoke arrangements; permission for a bespoke SANG has already been given as part of the Heatherwood Hospital development in order to mitigate the residential development granted in outline as part of that planning consent. There is additional capacity to that required by the outline consent, the council sought to secure this additional capacity as part of the negotiation on the planning application; notwithstanding that the council does not control the capacity it is still available for a separate and private arrangement to be reached with the landowner. There is a current planning application at Sunningdale Park where a bespoke SANG is proposed which has significantly more capacity than that site alone requires and the council would want to secure that the additional SANG capacity may be controlled by the council through an appropriate mechanism.
- 2.17 The council, as local planning authority, currently has planning applications and appeals for sites located in the south of the Borough which require SANG mitigation. Developments which can pay financial contribution to strategic SANGs are usually under 109 dwellings but there are some exceptions. Development of 9 or fewer dwellings can make a contribution to any SANG irrespective of catchment distances. Developments of 10 or more dwellings have to be located within the catchment of a SANG. In the case of sites allocated for residential development in the BLPSV the planning application proposals seek a significant uplift above the site capacity allocated in the BLP.

3 KEY IMPLICATIONS

- 3.1 If the council was to continue to allow the use of strategic SANG capacity to mitigate these developments above plan allocation and unplanned development of over 10 dwellings located outside the defined settlement boundary then the available strategic SANG capacity would be significantly further reduced. The impact could be that Strategic SANG capacity which has been safeguarded for allocated sites in the BLPSV could be used up. This could result in sustainably located plan-led developments being put at risk of not being implemented in a timely manner or not at all.
- 3.2 Equally if a large number of SANGs were to come forward within the borough at a capacity which exceeded the required level of mitigation to 2033 there is a risk that the SANGs could not be appropriately managed in perpetuity as the monies collected would not cover the ongoing costs. Clearly there is a balance to be struck and the council is being proactive in SANG delivery.

Table 2: Key implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Lease arrangement to secure further Strategic SANG in RBWM in addition to Allen's Field extension.	January 2019	Lease signed by 31 December 2018	30 November 2018	1 November 2018	December 2018

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Capital Works identified to lay out land as Strategic SANG and SANG management plan produced.	January 2019	31 December 2018	30 November	1 November 2018	December 2018
Consultant procured to advise on SANG capacity.	October 2018	1 September 2018	1 August 2018	1 July 2018	September 2018
Additional Bespoke SANG secured through planning process.	January 2019	December 2018	November 2018	October 2018	December 2018
Arrangements in place with adjoining council to access additional strategic or bespoke SANG capacity.	January 2019	December 2018	November 2018	October 2018	December 2018

4 FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The initial work can be met from existing budgets. The next stage is commissioning consultants to carry out work to identify SANG capacity, set out a SANG proposal, cost it and then prepare a SANG management plan. The work would be conducted in year using capital funds for infrastructure delivery. The cost of any valuations required would be met from the same capital fund.
- 4.2 The expected income from the provision of SANG would be either passed on to the landowner or retained by the council in order to fund the ongoing management and maintenance of the land as SANG in perpetuity. A planning application would need to be made for any land proposed as new Strategic SANG which would involve a cost in preparing a planning application and paying the required fee, it is anticipated that this would also be met from capital funds.
- 4.3 At this stage it is anticipated that forward funding of the laying out of the land as SANG would be required. This aspect of the project will require a capital bid in 2019/20 or

necessitate forward funding from an alternative source: it is estimated that a new strategic SANG could involve a capital outlay of up to £250,000.

Table 3: Financial impact of report's recommendations

REVENUE	2018/19	2019/20	2020/21
Addition	£0	£0	£0
Reduction	£0	£0	£0
Net impact	£0	£0	£0

CAPITAL			
Addition	£0	£250,000	£0
Reduction	£0	£0	£0
Net impact	£0	£250,000	£0

5 LEGAL IMPLICATIONS

- 5.1 The council is able to set up and manage strategic and bespoke SANG to mitigate the impact of residential development within 5km of the TBH SPA, this is achieved through the planning process using section 106 agreements. In addition the council is required to demonstrate how the BLP SV will be supported in its delivery through the provision of SANG to meet capacity needed from 2023 onwards.

6 RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risks	Uncontrolled Risk	Controls	Controlled Risk
The council is unable to secure additional SANG capacity.	HIGH	The council pursues more than one option to provide SANG capacity within the borough and alternative options outside the borough.	LOW
The council refuses planning applications which seek to rely on SANG capacity thus preventing allocated sites from coming forward.	MEDIUM	Officers are authorised to act in this way and to support the BLP SV.	LOW
The council has costs awarded against it at	MEDIUM	The council pursue the	LOW

Risks	Uncontrolled Risk	Controls	Controlled Risk
appeal for failing to bring forward SANG capacity.		provision of additional SANG.	
Appeals for housing within the 5km zone are allowed which utilise more SANG capacity than planned for in the BLPSV thus reducing the ability to meet the needs of allocated and windfall sites which the Inspector identifies as a soundness issue.	MEDIUM	The council actively pursues all options for the provision of additional SANG.	LOW

7 POTENTIAL IMPACTS

- 7.1 Should the council secure land as SANG through a lease agreement there will be an addition to the assets that the council manages and maintains and there will be a requirement to manage the land in accordance with a SANG management plan. Monies secured through Section 111 agreement under the Local Government Act will have to be monitored to ensure that payments are made at the appropriate time in the planning process and that the necessary payments are passed to the landowner and SAMM payments to Hampshire County Council for wider monitoring of the SPA. This introduces additional work for the section 106 monitoring officer.
- 7.2 An EQIA scoping assessment has been completed, an EQIA is not required.

8 CONSULTATION

- 8.1 The report will be considered by Planning and Housing Overview and Scrutiny Panel in June 2018, comments will be reported to Cabinet.

9 TIMETABLE FOR IMPLEMENTATION

- 9.1 The council has more than one opportunity currently for ensuring delivery of SANG to mitigate the impact of residential development in the borough: as this report sets out all available opportunities are being explored, not all will be needed.

Table 5: Implementation timetable

Date	Details
By 30 June 2018	Initial meetings with all landowners to be held to establish basis of work, in principle before costs are incurred.
To be commissioned by 1 September 2018 to undertake work by 31 December 2018.	Consultant procured to advise on SANG capacity.
By 1 August 2018.	Meeting with adjoining authority.
By 31 March 2019	Planning application to be prepared, including plans and SANG management plan, and submission made for new SANG (if required)

9.2 Implementation date if not called in: Immediately.

10 APPENDICES

- None.

11 BACKGROUND DOCUMENTS

11.1 The Council has an adopted Supplementary Planning Document on this matter which can be found at https://www3.rbwm.gov.uk/info/201039/non-development_plan/494/supplementary_planning_documents/1

11.2 Further relevant documents are contained in the BLP Submission section on the website including the BLPSV, the Sustainability Appraisal and the Habitat Regulations Assessment. https://www3.rbwm.gov.uk/info/200209/planning_policy

12 CONSULTATION (MANDATORY)

Name of consultee	Post held	Date issued for comment	Date returned with comments
Cllr Coppinger	Lead Member for Planning	25.05.18	29.5.18
Alison Alexander	Managing Director	25.05.18	30.05.18
Russell O'Keefe	Executive Director	25.05.18	26.05.18
Andy Jeffs	Executive Director	25.05.18	30.05.18
Rob Stubbs	Section 151 Officer	18.05.18	24.05.18
Nikki Craig	Head of HR and Corporate Projects	25.05.18	29.05.18
Louisa Dean	Communications	25.05.18	29.05.18
Marc Turner	Natural England	18.05.18	29.05.18

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Key decision	No	No
Report Author: Jenifer Jackson, Head of Planning		