

Use of Shepherd Meadows, Sandhurst, as Suitable Alternative Natural Greenspace

Summary

To seek agreement to enter into a Memorandum of Understanding (MoU) with Bracknell Forest Borough Council in respect of the uses of land at Shepherd Meadows SANG to allow avoidance impact measures for residential development in Surrey Heath

The use of this existing SANG would provide SANG for residential development proposed in the Camberley Town Centre Area Action Plan as well as for other residential development in the Borough. The use of this SANG would provide capacity for 500 dwellings.

A copy of Bracknell Forest Council's Executive resolution regarding the use of Shepherd Meadow by Surrey heath Borough Council and a map showing the catchment area of Shepherd Meadows SANG are attached as appendices to this report.

A copy of the CIL Technical Background Paper will be made available in the Member's room

Portfolio - Regulatory

Date Portfolio Holder signed off report 11th February 2015

Wards Affected ALL

Recommendation

The Executive is advised to RESOLVE that

- (i) Surrey Heath Borough Council enters into an agreement under a Memorandum of Understanding with Bracknell Forest Borough Council for the use of the existing SANG land at Shepherd Meadow Sandhurst to provide SANG capacity for 500 dwellings within Surrey Heath; and
- (ii) the Head of Legal, in consultation with the Portfolio Holder, be authorised to sign the Memorandum of Understanding.

1. Resource Implications

- 1.1 There are no resource implications arising from this work beyond that budgeted for in 2014/2015
- 1.2 The management of this site as SANG will be entirely funded through developer contributions paid as the SANG element of the Council's Community Infrastructure Levy (CIL). Bracknell Forest Borough Council as landowner and manager will act as the fund administrator to ensure management and maintenance of the site. Bracknell Forest Borough Council is a member of the JSPB Board. There will be some SANG enhancement contributions to be paid before occupancy. This may be

through staged payments or a one-off cost. These enhancement contributions will be met from developer contributions.

- 1.3 Surrey Heath Borough Council will pay over the CIL contributions collected at intervals to be agreed through the Memorandum of Understanding. This approach would reflect that already in place for the Hawley Meadows SANG where payments are paid over to Hampshire County Council at agreed intervals. Bracknell Forest Borough Council would report back to Surrey Heath Borough Council on an annual basis as to how the monies have been spent.
- 1.4 With regard to the level of contribution to be paid to Bracknell Forest Borough Council this has been set at £1,963 per person. This is below the Surrey Heath's CIL calculation of £2,000 per person which was used to set the SANG element of the CIL Charging schedule. This element of the CIL charging schedule can only be used for SANG provision and not for any other infrastructure. Therefore the contributions can be met through future Cil receipts.
- 1.5 Table 1 below (extracted from Bracknell's Executive Report) sets out how the £1,963 has been calculated.

Table 1 Calculation of SANG contribution for SHBC use of Shepherds Meadow SANG

	Contribution per person
BFC Strategic SANG Tariff (as set out in the Thames Basin Heaths SPA Supplementary Planning Document)	£882
Baseline Maintenance (this is a baseline cost for the site which is normally sought by developer contributions for Open Space of Public Value (OSPV))	£477
Administration Fee (15%)	£204
Opportunity cost to BFC of the land being dedicated in perpetuity as SANG to enable the development of housing in Surrey Heath	£400
Total	£1,963

2. Key Issues

- 2.1 There still remains the need for additional SANG in the Borough if the Council's Core Strategy housing target, including the residential development identified in the Camberley Town Centre Area Action Plan (AAP) is to be met. Use of Shepherd Meadows SANG would provide capacity for all those sites identified in the AAP. Bracknell Forest

Borough Council have identified that there is sufficient SANG capacity at Shepherd Meadows to mitigate developments both within Bracknell Forest and to provide capacity for 500 dwellings within Surrey Heath.

- 2.2 Officers from both authorities have been in discussions regarding the use of Shepherd Meadows SANG. Bracknell Forest's Executive considered a report at their meeting on the 27th January and resolved to enter into discussions to conclude an agreement with Surrey Heath for the use of this SANG to provide avoidance measures for housing development within Surrey Heath.
- 2.3 Bracknell Forest Borough Council applies an occupancy condition on residential developments that are allocated to their SANGS, including Shepherd Meadows This will need to be considered in any agreement entered into and whether the payment of a one – off or staged SANG enhancement cost will mean that an occupancy condition does not need to be applied.

3. Options

3.1 The Options are

- 1) To agree to the use of Shepherd Meadows SANG and to enter into an agreement with Bracknell Forest Borough Council
- 2) To not agree to the use of Shepherd Meadows SANG

4. Proposals

- 4.1 It is proposed that spare capacity at Shepherd Meadow SANG be used by Surrey Heath Borough Council as SANG to enable residential development to be delivered within the borough in line with the Council's Core Strategy and Camberley Town Centre Area Action Plan.

5. Supporting Information

- 5.1 Bracknell Forest's Executive Report of the 27th January 2015 and accompanying minutes.
- 5.2 Surrey Heath Borough Council's CIL technical background paper.

6. Corporate Objectives And Key Priorities

- 6.1 Supports Objective 1 of making Surrey Heath an even better place where people are happy to live through the protection, management, maintenance and enhancement of public green spaces and supports sustainable living, construction and development. This also supports Objective 3 in relation to building and encouraging communities where people can live happily and healthily as the SANG will underpin the delivery of new housing in the Borough.

7. Policy Framework

- 7.1 Protection of the SPA is embodied in European and national guidance as set out in the European Habitats and Birds Directives , the UK Habitat Regulations and Planning Policy Statement 9:Biodiversity and Geological Conservation (August 2005). Under this legislation the Local Planning Authority is the competent authority in respect of ensuring that no likely significant effect to the SPA arises from development proposals. This is addressed by the Joint Delivery Framework for the Thames Basin Heaths SPA as the jointly agreed mechanism by which the Thames Basin Heaths local authorities will ensure that no likely significant effect to the SPA arises from development proposals. This proposed SANGS meets the requirements of the Joint Delivery Framework.

8. Legal Issues

- 8.1 An agreement in the form of a Memorandum of Understanding will be prepared to set out the arrangements for administration of the SANG which will include:
- Bracknell Forest Borough Council will manage the site, in line with the existing Management Plan to ensure the site is managed and maintained as SANG in perpetuity.
 - Surrey Heath Borough Council will remain responsible for allocating places within their agreed share and collecting developer contributions through CiL and paying over the required amount at agreed intervals.
 - Agreement around the use of occupancy conditions
Bracknell Forest Borough Council will report back on an annual basis on how monies have been spent.

This project further supports the Council's work to meet its obligations under the Habitats Regulations to ensure that new residential development has no likely significant adverse effect upon the SPA. This also further supports this Councils recognition of its duty of care in respect of biodiversity as set out in the Natural England and Rural Communities Act 2006.

9. Governance Issues

- 9.1 These will be dealt with in the agreement to be drawn up between Surrey Heath Borough Council and Bracknell Forest Borough Council.

10. Sustainability

- 10.1 The use of Shepherd Meadows SANG will deliver enhanced or additional Greenspace.

11. Consultation

11.1 Natural England have indicated that they are satisfied the proposal will accord with their guidelines for SANG.

12. Officer Comments

12.1 Use of Shepherd Meadows as SANG would enable delivery of the vision for Camberley Town Centre set out in the Core Strategy and the Camberley Town Centre Area Action Plan.

Annexes	Annex A - Bracknell Forest Borough Decision following Executive meeting 27th January 2015 Annex B – Location Map
Background Papers	CiL Technical Background Paper
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Consultations, Implications and Issues Addressed

Resources	Required	Consulted
Revenue	✓	<u>30/01/2015</u>
Capital		
Human Resources		
Asset Management		
IT		
Other Issues	Required	Consulted
Corporate Objectives & Key Priorities	✓	<u>30/01/2015</u>
Policy Framework		
Legal	✓	<u>30/01/2015</u>
Governance	✓	<u>30/01/2015</u>
Sustainability		
Risk Management		
Equalities Impact Assessment		
Community Safety		
Human Rights		
Consultation		
P R & Marketing	✓	<u>30/01/2015</u>

Review Date: January 30th

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