

Date: 13 December 2022
 Our ref: 412963
 Your ref: 22/0828/FFU



Surrey Heath Borough Council

BY EMAIL ONLY

Customer Services
 Hornbeam House
 Crewe Business Park
 Electra Way
 Crewe
 Cheshire
 CW1 6GJ

T 0300 060 3900

Dear Sir / Madam,

Planning consultation: Erection of 6 x 1- bedroom affordable Almshouse bungalows and gardens, including a new access from Church Road, parking areas and bin store

Location: Land To The West Of Church Road, Church Road, West End, Woking, Surrey

Thank you for your consultation on the above dated 03 November 2022 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

OBJECTION

Natural England objects to this proposal. As submitted we consider it will:

- have an adverse effect on the integrity of Thames Basin Heaths Special Protection Area (SPA)
- damage or destroy the interest features for which Colony Bog and Bagshot Heath Site of Special Scientific Interest has been notified.

This proposal is within the 400m SPA boundary exclusion zone, where the Avoidance and Mitigation Strategy and the Delivery Framework indicates that mitigation measures are unlikely to protect the integrity of the SPA, so residential development should not be permitted.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Thames Basin Heaths SPA

It is now widely recognised that additional housing development, particularly within 5km of the boundary of the Thames Basin Heaths SPA, has the potential to adversely affect its interest features, namely nightjar, woodlark and Dartford warbler, which are the three internationally rare bird species for which it is classified. Planning authorities must therefore apply the requirements of regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), to housing development within 5km of the SPA boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SPA.

In order to ensure that additional housing development avoids such effects on the SPA, Natural England generated the Thames Basin Heaths draft Delivery Plan (May 2006). This has been taken forward by the Thames Basin Heaths SPA Joint Strategic Partnership Board, through a Delivery Framework which was endorsed in February 2009. The principles of the Framework are to be incorporated into Local Plans and can be found here ¹.

The Secretary of State published the South East Plan (the Regional Spatial Strategy (RSS) for the South East of England) in May 2009. It forms part of the statutory development plan. Although the document was revoked in February 2013, Policy NRM6 which specifically covers the Thames Basin Heaths SPA, was kept in place.

In conjunction with policy NRM6 in the South East Plan, and through Local Plans, the Delivery Framework will ensure a comprehensive, consistent and effective provision of avoidance and mitigation measures to enable new housing development in accordance with the RSS and Local Plans.

Development in accordance with the Local Plans, Avoidance and Mitigation Strategies and the Delivery Framework, would not be likely to have a significant effect on the SPA because it will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. In such cases, The competent authority can grant planning permission to such developments in accordance with the Habitats Regulations.

However, development proposals which are not in accordance with the above policy documents (particularly policy NRM6) would be likely to have a significant effect on the SPA, either alone or in combination with other plans and projects. In accordance with regulation 63, before granting planning permission for such a proposal, the planning authority must undertake an appropriate assessment of the implications of the development, on the SPA, in light of the site's conservation objectives. The conservation objectives are to maintain and, where not in favourable condition, to restore, the habitats of the nightjar, woodlark and Dartford warbler, with particular reference to lowland heathland habitats and rotational forestry plantations.

Consequently, given the proximity of the development to the SPA boundary it is Natural England's view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the SPA. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat on which the birds depend and increased disturbance to the bird species for which the SPA is classified, by reason of increased access to the heath including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, in our view the proposal is unlikely to pass the tests of regulation 64.

If the proposal were demonstrated to meet the below criteria, then we may be able to provide revised comments. However, at this current time Natural England are not satisfied that impacts to the Thames Basin Heaths SPA from the proposed development can be avoided / mitigated against. Within 400m, residential developments considered unlikely to adversely impact the SPA are limited to proposals such as nursing homes where residents are not able to recreate on the SPA. In these cases the following conditions have been advised:

- The use of the property is to be restricted to C2 nursing care home.
- The care home shall not be occupied other than by persons of limited mobility and who require full time nursing care and/or those who require high dependency dementia care. Persons of limited mobility shall be defined as persons whose physical condition prevents the walking beyond 400m. Such a physical condition shall first be verified by the Care

¹ http://webarchive.nationalarchives.gov.uk/20100908090945/http://www.southeast-ra.gov.uk/documents/sustainability/thames_basin_heaths/delivery_framework_march2009.pdf

Home Operator by means of referral from a General Practitioner prior to the occupation of the Care Home by any potential resident.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Further general advice on the protected species and other natural environment issues is provided at Annex A.

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact consultations@naturalengland.org.uk and quote our reference number in your correspondence.

Yours sincerely,

Amy Kitching
Senior Advisor
Sustainable Development
Thames Solent Area Team

Annex A – Additional Advice

Natural England offers the following additional advice:

Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Protected Species

Natural England has produced [standing advice](#)² to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on [Gov.uk](#). Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further

² <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

information including links to the open mosaic habitats inventory can be found [here](#).

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

Environmental gains

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered

where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

Biodiversity duty

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).