

## **Notes of a Meeting of the Thames Basin Heaths Joint Strategic Partnership Board - 20 July 2017**

### **Present:**

#### Board Members

Councillor Brian Adams	Waverley Borough Council
Councillor Moira Gibson	Surrey Heath Borough Council
Councillor David Hilton	Royal Borough of Windsor and Maidenhead
Councillor Mike Goodman	Surrey County Council
Councillor Angus Ross	Wokingham Forest Council
Councillor Chris Turrell	Bracknell Forest Council

#### Advisory Board Members

Ken Anckorn	Surrey Wildlife Trust
Heather Richards	RSPB
Ann Conquest	Natural England
Miranda Petty	Natural England
Simon Thompson	Natural England
Marc Turner	Natural England
Jennifer Wadham	Hampshire County Council (Finance)

#### Officers/Observers

Paul Druce	Surrey County Council
Jane Ireland	Surrey Heath Borough Council
Dan Knowles	Guildford Borough Council
Hilary Oliver	Royal Borough of Windsor and Maidenhead
Louise Piper	Rushmoor Borough Council
Gayle Wootton	Waverley Borough Council
Julie Gil	Bracknell Forest Borough Council

### **1 Apologies for Absence**

Apologies were received from Cllr Graham Cockarill (Hart District Council), Cllr Jonathan Glen (Hampshire County Council), Cllr James Radley (Hart District Council), Cllr Karen Randolph (Elmbridge Borough Council) and Councillor Martin Tennant (Rushmoor Borough Council) plus Richard Ford (Runnymede Borough Council).

### **2 Minutes of the Previous Meeting and Matters Arising**

The minutes of the previous meeting, held on 3 March 2017, were agreed as a correct record after the following typographical adjustment:

“Attendance – A correction was noted in the attendance list and subparagraph 2.1 to correctly spell Gayle Wooton’s name.”

### SAMM Update

SAMM Project Manager – Ann Conquest presented a SAMM update. She reminded Members that Simon Thompson had moved to project manage Natural England's input into the expansion of Heathrow Airport and that she had taken over as SAMM Project Manager in May 2017.

Staffing – 6 full time wardens were supported by seasonal wardens each year. Seasonal wardens had been recruited in March, though a further recruitment had been necessary to fill a post which had become vacant.

Wardening – The project provided for a warden service on the SPA 7 days a week, from 7.30 a.m. to 7.00 p.m. (daylight hours permitting) and a breakdown of wardening activity had been provided for the period January to June 2017.

The data focussed on the total hours, broken down into number of interactions, number of those spoken to who had already had an interaction, leaflets handed out, number of dogs, plus dog walkers with multiple dogs (5+) and the average percentage spoken to.

It was noted that the Autumn and Winter numbers were always lower than in Spring/Summer. Wardening time increases in March each year, with the recruitment of the seasonal staff.

The increase in commercial dog walkers, with 5 or more dogs, was a matter of growing concern, given the difficulties in controlling multiple dogs and the potential for faecal matter to be left on site.

SANGs Visitor Surveys – As part of the monitoring role agreed in May 2016, SANGs surveys had been used at 16 sites during Autumn and Winter 2016/17. The results should have been available for this meeting, but the handover period for the Project Manager had led to a delay and the outcomes would be presented at the next meeting.

Access to Ministry of Defence/Crown Lands – It was reported that the project was still accessing MOD land on an accompanied basis, but that it was likely that access would be agreed to the publically accessible MOD sites. In terms of access to Crown Estate land, a further meeting was scheduled with the Deputy Ranger of the Windsor Estate to try to progress the SAMM project's access to Crown Estate land, but it was still anticipated that access would not be achieved before 2019, when the arrangements between Natural England and Crown Estates are due to be renewed.

Communications, Promotions and Events – Ann Conquest outlined some of the current and proposed projects, highlighting the success of the 'Greenspace on your doorstep' booklet, the Heathland Hounds project and guided walks on the SPA.

There was a slight pause in May and June to the popular SPA Car Park Pit

Stops, to cover Purdah requirements in the run-up to County and General Elections, but very successful visits to SPA heathland had been run for children from Pine Ridge and Lorraine Primary Schools.

**Action: Report to next meeting on SANGs Visitors' Survey analysis.**

**SPA Car Park Update**

The Board considered an analysis of vehicle counts around the Thames Basin Heaths SPA in 2016. The data was collected by the SAMM project and analysed by Footprint Ecology in April 2017.

Counts were carried out on 11 different dates, 6 transects, starting in different locations and done simultaneously, counting vehicles over a 2 hour period. The start time and day was varied over the year to collect data across mornings, afternoons and evenings, as well as weekdays and weekends. Types of vehicles and weather conditions were also recorded.

The evidence supported the Wardens' view that the various sites were more heavily used in the morning. There was a high correlation between the data collected in 2014 and 2016, but direct comparisons were difficult because of the use of different methodologies and resources allocated to the study carried out in 2016.

5,211 vehicles were counted over the period, with an average of 474 per transect, but there were significant differences in usage, in terms of numbers and type thereof, with the highest vehicle numbers being recorded on Broadmoor to Bagshot Woods and Heaths SSSI, whilst the highest recording of commercial dog walkers was on Colony Bog and Bagshot Heath SSSI.

Compared to previous years, there had been relative decreases in use around Bourley/Long Valley, towards the east end of Yateley and at Caesar's Camp. There appeared to have been a relative increase at Lightwater, Ockham & Wisley Common and towards the southern end of Ash to Brookwood Heaths SSSI.

Members noted that car parking was high at the Lookout because of the number of activities participated in from that location. Usage had remained consistent, despite a parking levy being introduced in 2012.

Footprint Ecology had made recommendations, as part of their 2016 report, on possible changes to the temporal spread and number of transects across the year, to improve the data and analysis thereof, as well as recommending that car park changes should also be recorded and reflected in the transect data. These would be incorporated into the next survey.

**Agreed, that the report be noted.**

**5 Financial Report**

Jenny Wadham, Principal Accountant from Hampshire County Council,

presented an update on the financial position of the Thames Basin Heaths SAMM and seeking Board guidance on whether independent advisors should be appointed to invest some or all of the funds held within the Endowment account.

As at 31 March 2017, there was £4.387 million in the Endowment Fund, with £797,868 in the Maintenance Fund. It was projected that a further £1.133 million would be added to the Endowment Fund in 2017/18 and that the fund could rise to £7.673 million by 31 March 2020.

Jenny Wadham noted that, should the board be minded to invest monies generated in the 2017/18 financial year, a total of £5.520 million could be available.

Members noted that consideration of investments would be the subject of the subsequent report and agreed to focus on the financial statements only at this stage.

It was reported that the majority of the expenditure incurred to date (£1.188 million) was to cover project costs, with £10,160 allocated to Natural England for administrative support and £20,000 to Hampshire County Council for financial administration.

Total expenditure in 1016/17 had been £450,918, which was £21,214 less than forecast due to staffing vacancies and delays to planned works.

The SAMM business planned had envisaged an approximate requirement of £1.6 million annually to meet ongoing costs. The projected tariff incomes for the next 3 financial years would be £1.619m, £1.674m and £1.403m respectively. In the business plan, expenditure per annum, on an ongoing basis, would be £500,000. Actual expenditure would be in the region of £447,000 per annum.

Members noted that, despite earlier concerns over projected income and costs, these had been proved correct over time. The SANGS payments resulting from conversion of offices to residential accommodation was welcomed, but viewed as a windfall rather than an ongoing income stream.

**Resolved, that**

- (i) **The current financial position and projected financial position for the 3 years to 31 March 2020 be noted; and**
- (ii) **The provision to transfer any unused Maintenance Fund balances to the Endowment Fund be noted, but the balance be retained within the Maintenance Fund in the short term to meet staffing commitments.**

**6 Potential Investment for the Endowment Fund**

The Board were reminded that, at the previous meeting, it had agreed to establish a small steering group, including Councillors Moira Gibson, Mike

Goodman and David Hilton, be tasked with considering investment options in relation to the Endowment Fund balance.

It was recognised that Hampshire County Council (HCC), as the Board's Administrative Body, would be able to invest on the Board's behalf and instruction, but would not be able to advise the Board or take on any risk on its behalf.

It had been proposed that financial advice be sought from CCL, which also provided financial advice to HCC. However, CCL would note engage independently with individual members of the JSPB, without HCC involvement.

The Board agreed to seek advice from CCL as a matter of urgency. Councillor Mike Goodman agreed to arrange possible dates for the Steering Group, supported by Jenny Wadham, to meet with CCL, to consider how to invest, how much, how to monitor/manage investments and due diligence requirements.

Following consideration of investment options and implications, it was agreed that the Steering Group recommendations should be circulated electronically to Board Members for an urgent decision, to avoid any further delay and maximise income.

**Resolved, that**

- (i) **The Board notes that the Administrative Body cannot provide financial advice on the investments of the Partnership;**
- (ii) **The Board agrees to takes independent financial advice before making any investment decisions, in accordance with the Partnership Agreement;**
- (iii) **The Board agrees to provide clear written instructions to the Administrative Body in relation to any investments to be made, that are in accordance with the independent financial advice obtained;**
- (iv) **The Board notes that the Administrative Body will ensure that the investment instructions have been fully taken account of, and are in accordance with, the independent financial advice provided to the Board, before making the investment;**
- (v) **The Board acknowledges that the investment risk rests with the JSPB, and not with the Administrative Body;**
- (vi) **A Steering Group, consisting of Councillors Moira Gibson, Mike Goodman and David Hilton, supported by Jenny Wadham, be tasked with meeting CCL Financial Advisers, as a matter of urgency, to consider how to invest, how much, how to monitor/manage investments and due diligence requirements; and**
- (vii) **The Steering Groups findings and proposals be circulated electronically to Board Members, with an electronic response sought, to allow actions to be progressed urgently.**

## **7 SAMM Payments received by Authorities outside of the 11 Thames Basin Heaths Authorities**

Marc Turner reported that, when the JSPB was established, a number of rural authorities fell into the SPA area but, at that point, it would not have been anticipated that there was any likelihood of their having and significant housing developments. However, at least 3 Authorities (Mole Valley, West Berkshire and Basingstoke and Dean) were potentially looking at housing within the SPA.

Any housing development in the SPA should generate SAMM contributions. However, any Authority contributing to the process would almost certainly look to have a presence on the JSPB. However, questions existed about a mechanism for those Authorities to make SAMM contributions, could the current agreement have an addendum to incorporate new arrangements or would a completely new agreement be needed and would the new participants have access to all existing funds?

It was noted that HCC could only spend funds because participating authorities had signed written agreements authorising that expenditure. Any arrangements with new authorities would require a similar sign-up.

Marc Turner clarified the Natural England position, which would involve JSPB support and instruction before projects could move forward or be rolled out to other Authorities. The tipping point for the JSPB would be an allocation in an Authority's Local Plan. He agreed to write to the Authorities concerned suggesting incorporation in Local Plans.

### **Resolved, that**

- (i) Options be explored around further authorities within the SPA collecting SAMM contributions; and
- (ii) Consideration be given to the inclusion of new authorities in the JSPB and the form of written agreement which would be necessary for the inclusion of new authorities on the JSPB.

## **8 Wealdon Heath Judgement on Cumulative Impact of Development**

Marc Turner provided an update on a recent judgement which could impact on SPAs.

Wealdon District Council had challenged the Lewes Joint Core Strategy in the High Court, on the basis of the cumulative air quality impact on Ashdown Forest, within the South Downs National Park.

The judge quashed part of the Lewes Joint Core Strategy, the effect of which was the deletion of 1,177 allocated homes within the relevant boundaries of the South Downs National Park, on the basis that Lewes had failed to consider the cumulative ecological impact on Ashdown forest.

As well as eroding the Lewes 5 year housing Land Supply in the short and medium term, the judgement appeared to indicate that any future planning application in the area, including sites geographically remote from Ashdown Forest, would require a consideration of the potentially cumulative ecological impacts of development on this protected forest.

Although the judgement was considered to be somewhat vague in terms of useful practical detail, it was thought that the potential implications could include:

- (i) The need to contribute to or provide a Suitable Alternative Natural Greenspace (SANG) or Strategic Access Management and Monitoring (SAMM) as part of your application; and/or
- (ii) To wait indefinitely for submission or a decision, as complicated regional habitat assessments are carried out or compensation/mitigation measures are put in place.

Marc Turner confirmed that Natural England and the Air Quality Technical Action Group were reviewing this and other related judgements and a more definitive response would be released in due course.

Given the levels of new housing in Surrey each year for the foreseeable future, Air quality management was an issue for all Authorities in the SPA and any Local Plans or plans for major developments would clearly need an air pollution section. However, the impact on Thames Basin Heaths was not so clear.

Members also highlighted the ongoing impact of the motorway/highways networks and the M25, M3 and A3 in particular, as well as increased aircraft numbers, on air quality and the limited influence Councils had on these. Councillor Moira Gibson noted that both Guildford and Surrey Heath Borough Councils had been identified by the Government as needing to achieve air quality improvements, but the main issue, the M3, was outwith their control.

Councillor Brian Adams reported that the Inspector considering the Waverley Local Plan recently, had indicated a strong priority on housing over traffic infrastructure and delayed journeys.

It was reported that Rushmoor Borough Council, in its Local Plan, had taken a precautionary approach by considering any development generating 100 car movements a day rather than the more generally used level of 1,000.

Councillor Chris Turrell reported improved air quality in Crowthorne when traffic calming measures had been removed. Otherwise, air quality management in Bracknell Forest had been consistent.

It was agreed that, whilst each Authority would have to address the issue separately in their Local Plans, there was a need for a concerted approach by the 11 Authorities on how the cumulative impact of air quality would be assessed and a consistent approach on Habitat Regulations Assessment.

**The JSPB requested a report to the next meeting on**

- (i) The implications of the Wealdon Heath Judgement; and in the light of that and other related judgements
- (ii) Recommendations for the JSPB on cumulative air quality impact assessment for Local Plans, including incorporation of any legal advice from Natural England.

## **9 Any Other Business**

- (i) Nightjars – It had been suggested at the previous meeting that a comparator data/trends in Dorset be considered. On further investigation, it was established that the Dorset nightjar numbers were very low. There was no apparent decline but data gathering there had been much less comprehensive than in this area.
- (ii) JSPB – By the next meeting, the JSPB and its forerunner will have operated for 10 years. It was agreed that consideration should be given to a press release/publicity and a Board photograph at the next meeting.
- (iii) Habitat Management Payments – A decision had been taken, some years previously on legal advice, that habitat development should be excluded from attracting developer contributions. At the previous meeting, it had been considered that this position should be reviewed and that more up to date legal advice should be sought. Whilst noting that habitat management should have been a comment rather than an action and recognising that land owners could only receive one payment for work on their land, it was agreed that this could be an area to be re-visited in the future.
- (iv) Natural England – Brexit Readiness Team - Noting that Natural England had established a Brexit Readiness Team, Members agreed to seek a presentation from that Team to a future meeting.

## **10 Date of Next Meeting**

It was agreed that proposals on a date/time for the next meeting be circulated by e-mail.