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Friday, 9 November 2018

To: The Members of the **EXECUTIVE**  
(Councillors: Moira Gibson (Chairman), Richard Brooks, Mrs Vivienne Chapman,  
Paul Deach, Colin Dougan, Craig Fennell, Josephine Hawkins, Alan McClafferty and  
Charlotte Morley)

Dear Councillor,

A meeting of the **EXECUTIVE** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on Tuesday, 20 November 2018 at 6.00 pm. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

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## AGENDA

Pages

### Part 1 (Public)

- |  |              |
|--|--------------|
| <b>1. Apologies for Absence</b>  |              |
| <b>2. Minutes</b>  | <b>3 - 6</b> |
| To confirm and sign the minutes of the meeting held on 16 October 2018 (copy attached).  |              |
| <b>3. Declarations of Interest</b>   | -            |
| Members are invited to declare any interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Officer prior to the meeting. |              |
| <b>4. Questions by Members</b>   | -            |

The Leader and Portfolio Holders to receive and respond to questions from Members on any matter which relates to an Executive function in accordance with Part 4 of the Constitution, Section B Executive Procedure Rules, Paragraph 16.

<b>5.</b>	<b>Camberley Multi-story Car Parks Tariff Review</b>	<b>7 - 14</b>
<b>6.</b>	<b>Child Poverty in Surrey Heath</b>	<b>15 - 20</b>
<b>7.</b>	<b>Mid Year Performance Report</b>	<b>21 - 46</b>
<b>8.</b>	<b>Deanside Commuted Sums</b>	<b>47 - 50</b>
<b>9.</b>	<b>Thames Basin Heaths Special Protection Area Avoidance Strategy SPD</b>	<b>51 - 114</b>
<b>10.</b>	<b>Corporate Enforcement Policy</b>	<b>115 - 136</b>
<b>11.</b>	<b>Community Infrastructure Levy</b>	<b>137 - 146</b>
<b>12.</b>	<b>Exclusion of Press and Public</b>	<b>147 - 148</b>

**Part 2  
(Exempt)**

<b>13.</b>	<b>Performance of the Major Property Acquisitions</b>	<b>149 - 154</b>
<b>14.</b>	<b>Review of Exempt Items</b>	<b>155 - 156</b>

To review those items or parts thereof which can be released as information available to the public.

**Minutes of a Meeting of the Executive  
held at Council Chamber, Surrey Heath  
House, Knoll Road, Camberley, GU15  
3HD on 16 October 2018**

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+ Cllr Moira Gibson (Chairman)

+ Cllr Richard Brooks	- Cllr Craig Fennell
+ Cllr Mrs Vivienne Chapman	+ Cllr Josephine Hawkins
+ Cllr Paul Deach	+ Cllr Alan McClafferty
+ Cllr Colin Dougan	+ Cllr Charlotte Morley

+ Present

- Apologies for absence presented

In Attendance: Cllr Rodney Bates and Cllr Chris Pitt

**32/E Minutes**

The open and exempt minutes of the meeting held on 12 September 2018 were confirmed and signed by the Chairman.

**33/E Community Fund Grant Applications**

The Executive considered 3 grant applications to the Council's Community Fund Grant Scheme.

Members considered each application, noting the impact that each project would have and, where relevant, comparable funding provided by other authorities and fundraising raised by the applicant.

It was agreed to add a condition to all current and future grants requiring the organisation to visibly recognise the Council's contribution to the project.

**RESOLVED that**

- (i) **subject to the conditions set out in the agenda report the following grants be awarded from the Council's Community Fund Grant Scheme:**
  - a. **£10,000 to the Windlesham Field of Remembrance to relocate War Memorial and landscape gardens;**
  - b. **£5,000 to Camberley Judo Club to purchase a pre-owned Mini-bus;**
  - c. **£1,380 to Beacon Front-Line Debt Service to purchase 6 laptops, and 4 mobile phones for volunteer and client use; and**

- (ii) **an additional condition be added to the grants to include a requirement for the organisation to provide a visible form of recognition of the Council's contribution to the project.**

### **34/E Surrey Heath Community Lottery**

The Executive considered a report recommending the introduction of a new Surrey Heath Community Lottery.

The Lottery would generate funds to support good causes within the borough and enable voluntary not for profit organisations to access funds from this initiative; the community would have an opportunity to support their chosen charity at the same time as a chance of winning up to £25,000 per week.

Over 50 councils had established or were in the process of establishing a community lottery, most of which had engaged an External Lottery Manager (ELM) to manage the lottery on its behalf. It was advised that Gatherwell Ltd was the largest provider of council lotteries.

There would be weekly draw with tickets costing £1, with an option of 50% of proceeds from the sale contributing towards local good causes registered with the scheme.

Once launched and established, the Council's operational involvement in the lottery would be minimal. Members also noted that the Council would need to apply for a licence from the Gambling Commission and that the Executive Head of Transformation would oversee this process.

The funds would be accumulated over the year, with the first awards to be made in spring 2020 and applications invited to the new scheme nearer that time when the proceeds were known. The scheme would be named Surrey Heath Annual Community Lottery Award Scheme and operated alongside the Council's existing Revenue and Community Fund Grant schemes.

The set up and ongoing annual costs of running the lottery were noted. It was intended that the ongoing annual costs would be funded by the 3% VAT recovery cost that was levied for each lottery ticket sale; any excess proceeds would be added to the Surrey Heath Annual Lottery Award Scheme.

**RESOLVED to introduce the Surrey Heath Community Lottery by April 2019 and a new Annual Community Lottery award scheme from April 2020, with the implementation of the lottery delegated to the Executive Head of Transformation in consultation with the Portfolio Holder for Support & Safeguarding.**

### **35/E The Community Matters Partnership Project**

The Executive considered a report proposing the introduction of a Community Matters Partnership Project (CMP), a corporate responsibility programme which allowed businesses of all sizes to become involved with community projects within the borough.

The Project would enable employees from partner organisations to participate in volunteering, either through fundraising or Give and Get days, whereby partner organisations would undertake activities based upon community need.

The Executive noted the options for the operation of the Scheme, including the recommended option for it to be managed externally in partnership with Voluntary Support North Surrey.

Participating businesses would pay annual membership fees; the fees used by participating neighbouring authorities were noted, although work would be undertaken to ensure that the cost structure worked for Surrey Heath.

The set up and ongoing costs associated with the project were considered. Members sought reassurances about any future resource implications for the Council. It was clarified that any ongoing costs would be covered by a minimum number of organisations that were required to commit to becoming a member of the scheme prior to any launch.

It was agreed that a report would be brought to the Executive within 12 months of the launch of the project detailing progress made.

**RESOLVED that**

- (i) the Community Matters Partnership for Surrey Heath Borough project be agreed;**
- (ii) the partnerships fundraising beneficiaries be decided once research has been concluded as to the needs of the community, as set out in paragraph 2.3 of the agenda report;**
- (iii) the Partnership be operated externally, as set out at paragraph 2.5 of the agenda report, with a Service Level Agreement in place setting out expectations;**
- (iv) the development of a full business plan which demonstrates that the necessary critical mass had been met and there would be no further costs to the Council, be delegated to the Executive Head of Transformation, in consultation with the Portfolio Holder for Economic Development;**
- (v) the implementation of the project be delegated to the Executive Head of Transformation, in consultation with the Portfolio Holder for Economic Development; and**
- (vi) a report be brought to the Executive within 12 months of the partnership launch detailing the progress made by the Community Matters Partnership Project.**

The Executive agreed to defer the report to its meeting.

**RESOLVED to defer consideration of this item to its next meeting.**

Chairman

## **Camberley Multi-story Car Parks Tariff Review - Member Call-in**

### **Summary**

**To advise the Executive of the decisions of the Performance & Finance Scrutiny Committee, following consideration of a Member Call-in relating to increases to the tariffs in Camberley Town Centre Multi-Storey Car Parks.**

**Chairman of Performance & Finance Scrutiny Committee – Cllr Katia Malcaus Cooper**

**Date Signed Off: 23 October 2018**

**Wards Affected – Town**

### **Recommendation**

**The Executive is advised to consider the recommendations of the Performance & Finance Scrutiny Committee to**

- (i) defer its decision to increase car parking tariffs in its Camberley Town Centre Multi-Storey Car Parks pending the availability of more complete data relating to footfall and income and expenditure being made available; and**
- (ii) consider the proposed increase in charges and the proposed introduction of subsidised permits for those earning below the living wage as two distinct recommendations, with a view to introducing the subsidised permits as soon as possible.**

**The Executive is also advised to note that the Performance & Finance Scrutiny Committee agreed to establish a Task & Finish Group to examine council provided parking in Camberley Town Centre.**

## **1. Key Issues**

1.1 The Performance & Finance Scrutiny Committee, on 2 October 2018, considered a Member Call-in referring to the Executive decision (Minute 22/E refers) that:

- (i) the car parking tariffs, as set out at Annex 1 to the Executive agenda report of 12 September 2018, be agreed, to come into effect after the completion of the works detailed in paragraph 1.3 of the agenda report and following the statutory Traffic Regulatory Order process; and
- (ii) subsidised annual permits of £150 per annum be made available for Camberley Town Centre workers earning the living wage or below.

- 1.2 The calling-in Members had considered that the following issues were of concern:
- a. The decision to raise car-parking charges had been taken at a time when the income from car parking was falling; footfall in the shopping centre had fallen and work would be underway on the High Street, which would potentially cause disruption to shoppers and traders.
  - b. Recommendations (i) and (ii) in the original Executive report had been combined without adequate debate.
- 1.3 The reasons for the call-in had been indicated as follows:
- The report considered by the Executive had contained insufficient information as to the proper timing of the scheduled works.
  - There was a lack of information on the viability of Camberley Town Centre and the impact of the revenue raised in the current financial year.
  - Bracknell, a competitor town, was reported to have decided not to increase charges in the car parks it manages.
- 1.4 The Committee, at its meeting on 2 October 2018, considered the Call-in document, Executive minute 22/E and statements by the calling in Members. Arising from this discussion, the following key points were made:
- Lack of detail on footfall data, income generation and ongoing costs had been provided to the Executive which had prevented it from looking at car parking in the wider economic context
  - The discrepancy between proposals to increase daytime tariffs at a time when traders were experiencing year on year falls in trading levels, whilst reducing evening tariffs in support of the night-time economy.
  - Feedback from an online, informal survey had indicated that residents did not feel they received good value from Camberley Town Centre and consequently shopped in neighbouring towns
  - Uncertainty about the synergies between the four separate organisations involved in the marketing of Camberley Town Centre and whether BID money could be used to support car parking.
- 1.5 Further detail on the discussion is contained in minute 10/PF, as attached at Annex A to this report.
- 1.6 The Committee was encouraged by the proposals to introduce a season ticket for Camberley Town Centre workers earning less than the living wage and encouraged the Executive to pursue the introduction of this initiative irrespective of the outcomes of the decision to increase car park tariffs. The Committee queried the Executive's suggestion that the subsidised permits constituted a growth item and could therefore only be adopted alongside an increase to tariff and felt there had not had the opportunity to fully debate the individual merits and drawbacks of each aspect of the recommendation.

## **2. Recommendations of the Performance & Finance Scrutiny Committee**

2.1 Having considered the Executive's decision, the information supplied by the Calling-In councillors, and the views expressed at the meeting, the Committee RESOLVED that

(i) The Called-In decision to implement changes to the parking tariffs in Camberley Town centre multi-storey car parks be referred back to the Executive for reconsideration because:

- The decision taken had been based on a report that contained insufficient information to enable a fully informed decision to be made.
- Increasing parking charges at a time when the town centre traders were facing already difficult trading conditions would further depress footfall through the town centre.
- Considering Recommendations i and ii as a single indivisible recommendation had prevented adequate debate.

(ii) The Executive be advised to:

1. Make its decision only when more complete data relating to footfall and income and expenditure was made available; and that
2. The proposed increase in charges and the proposed introduction of subsidised permits for those earning below the living wage be considered as two distinct recommendations.

(iii) A Task and Finish Group be established to examine council provided parking in Camberley Town Centre.

## **3. Resource Implications**

3.1 Resource Implications were addressed in the original report to the Executive but the Performance and Finance Scrutiny Committee has requested further information of the wider resourcing implications of as part of the work of its proposed Task & Finish Group.

## **4. Options**

4.1 The Executive can:

- 4.1.1 Accept the recommendations made the Performance & Finance Scrutiny Committee to defer the decision pending the receipt of further information, as outline at paragraph 1.6;
- 4.1.2 Work with the Committee's Task & Finish Group to develop a holistic parking strategy for the Town Centre;
- 4.1.3 Reject the Committee's recommendations and proceed with its original decision; or

4.1.4 Consider further options.

## 5. Proposals

5.1 The Executive is asked to consider the recommendations of the Performance & Finance Scrutiny Committee, as set out in paragraph 2.1, and take any actions considered appropriate.

5.2 The Executive is also asked to note that the Performance & Finance Scrutiny Committee agreed to establish a Task & Finish Group to examine council provided parking in Camberley Town Centre, with the suggested remit as follows:

- The total parking package offered in town centre car parks
- Looking at the whole parking offering and charging regime to include a reasonable provision of free parking with not less than one hour.
- The provision for disabled parking.
- The support that the Council gives to retailers to include the Government's Business Rates Retention pilot.
- A report from Collectively Camberley on the work that they do to promote the town.
- Review the subsidised permits of £150 per annum for those on a living wage.

The Terms of Reference of this Task & Finish Group will be formally agreed by the Performance & Finance Scrutiny Committee at its meeting on 5 December 2018.

## 6. Supporting Information

6.1 The minutes of the Performance & Finance Scrutiny are attached at Annex A.

## 7. Corporate Objectives And Key Priorities

7.1 The operation and charging policy for Camberley Town Centre Car Parks falls under the Council's Key Priority 1 – to deliver an improved Camberley Town Centre.

<b>Annex</b>	<b>Performance &amp; Finance Scrutiny Committee Minute 10/PF</b>
<b>Background Papers</b>	<a href="#"><u>Executive report and minutes – 12 September 2018</u></a> <a href="#"><u>Performance &amp; Finance Scrutiny Committee agenda – 2 October 2018</u></a>
<b>Author</b>	<b>Richard Payne – Lead Officer for Performance &amp; Finance Scrutiny Committee</b>

**Minutes of a Meeting of the Performance and Finance Scrutiny Committee held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on 2 October 2018 (extract)**

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+ Cllr Katia Malcaus Cooper (Chairman)  
+ Cllr Darryl Ratiram (Vice Chairman)

- Cllr David Allen	- Cllr Robin Perry
+ Cllr Rodney Bates	+ Cllr Chris Pitt
+ Cllr Bill Chapman	+ Cllr Joanne Potter
+ Cllr Surinder Gandhum	Cllr Ian Sams
+ Cllr Edward Hawkins	+ Cllr Wynne Price
Cllr Paul Ilnicki	+ Cllr Victoria Wheeler
+ Cllr David Lewis	+ Cllr Valerie White
Cllr Max Nelson	

+ Present  
- Apologies for absence presented

**Substitutes:** Councillor Bates for Councillor Allen  
Councillor Gandhum for Councillor Perry

**Members In Attendance:** Cllr Mrs Vivienne Chapman  
Cllr Paul Deach  
Cllr Colin Dougan  
Cllr Craig Fennell  
Cllr Josephine Hawkins  
Cllr Alan McClafferty  
Cllr Adrian Page

**Officers in Attendance:** Julia Hutley-Savage, Principal Lawyer  
Richard Payne, Executive Head: Corporate

**10/PF Member Call-In - Car Parking Charges**

The Committee considered a Call-In in respect of a decision taken by the Executive on 12<sup>th</sup> September 2018 to change the parking tariffs in Camberley Town Centre multi-storey car parks.

The Call-In, which had been submitted in accordance with Part 4 Section C of the Council's Constitution by Councillor Edward Hawkins and Councillor Valerie White, cited the following elements of the decision which gave grounds for concern:

- i. The decision to raise car-parking charges had been taken at a time when the income from car parking was falling; footfall in the shopping centre had fallen and work would be underway on the High Street, which would potentially cause disruption to shoppers and traders.

- ii. Recommendations i and ii in the original Executive report had been combined without adequate debate.

In their submission, Councillors Hawkins and White also set out the following reasons for their decision to submit the Call-In:

- The report considered by the Executive contained insufficient information as to the proper timing of the scheduled works.
- There was a lack of information on the viability of Camberley Town centre and the impact of the revenue raised in the current financial year.
- Bracknell, a competitor town, was reported to have decided not to increase charges in the car parks it manages.

The Committee acknowledged that the decision taken by the Executive had been a finely balanced one. However the Committee felt that the original Executive report lacked sufficient detail, particularly in relation to footfall data, income generation and ongoing costs, and this had prevented the Executive from looking at car parking in relation to the wider economic situation. Consequently, it was considered that the Executive had not been in a position to make a fully informed decision.

Councillor Hawkins reported that feedback from residents on the proposals had been negative with many expressing the opinion that they did not get good value for money from Camberley Town Centre and consequently elected to shop in neighbouring towns. Traders had also expressed concerns about the impact that raising car parking charges at a time when trade levels continued to decrease year on year would have on future trade.

The Committee noted that it had been proposed to increase all parking charges except evening charges which would be reduced in order to support the night time economy. It was felt this discrepancy was contradictory at a time when traders were experiencing year on year falls in trading levels. Furthermore, the Council should be working to develop strategies that supported local businesses.

It was noted that four different organisations, Collectively Camberley, Standard Life, Montagu Evans and Surrey Heath Borough Council, worked to promote Camberley town centre. The Committee questioned what synergies there were between the four organisations and whether this was effective. It was also questioned whether some of the BID money might be used to support car parking.

The Committee noted the proposal to introduce a monthly parking pass. However, it was queried why buying either three or six individual monthly passes was cheaper than buying a three or six month pass. It was clarified that the one-month parking pass was administered online and therefore the cost of a one-month pass was lower than the three and six-month passes, which required an element of officer input which had to be incorporated into the pricing.

The Committee also raised concern that in combining recommendations i and ii without an adequate explanation, the Executive had been deprived of the opportunity to fully debate the merits and drawbacks of each aspect of the recommendation at the time the decision was taken. Notwithstanding this, the Committee strongly

supported the principle of introducing subsidised annual permits for those working in the town centre who were earning the living wage or below and agreed that introducing these subsidised permits should be carried out as quickly as possible.

It was agreed that the establishment of a Task and Finish Group to examine the provision and offering of the car parks in Camberley Town Centre would be an appropriate way forward. It was suggested that if a Task and Finish Group was to be established then its remit should include:

- The total parking package offered in town centre car parks
- Looking at the whole parking offering and charging regime to include a reasonable provision of free parking with not less than one hour.
- The provision for disabled parking.
- The support that the Council gives to retailers to include the Government's Business Rates Retention pilot.
- A report from Collectively Camberley on the work that they do to promote the town.
- Review the subsidised permits of £150 per annum for those on a living wage.

It was acknowledged that the suggested Task and Finish Group would report its findings after the Executive decision had been re-examined by the Executive and agreed that if it did go ahead the Task and Finish Group's proposed terms of reference would be considered at the Committee's next meeting on 5th December 2018.

It was agreed that the Called-In decision should be referred back to the Executive for reconsideration with the recommendation that the decision be taken only when more complete data relating to footfall and income and expenditure was made available and that the proposed increase in charges and the proposed introduction of subsidised permits for those earning below the living wage be considered as two distinct recommendations.

**RESOLVED** that:

- (iv) The Called-In decision to implement changes to the parking tariffs in Camberley Town centre multi-storey car parks be referred back to the Executive for reconsideration because:
- The decision taken had been based on a report that contained insufficient information to enable a fully informed decision to be made.
  - Increasing parking charges at a time when the town centre traders were facing already difficult trading conditions would further depress footfall through the town centre.
  - Considering Recommendations i and ii as a single indivisible recommendation had prevented adequate debate.
- (v) The Executive be advised to:

3. Make its decision only when more complete data relating to footfall and income and expenditure was made available; and that
  4. The proposed increase in charges and the proposed introduction of subsidised permits for those earning below the living wage be considered as two distinct recommendations.
- (vi) A Task and Finish Group be established to examine council provided parking in Camberley Town Centre.

**Chairman**

## Child poverty in Surrey Heath

### Summary

This report sets out the current known facts about child poverty in Surrey Heath and work being undertaken by the Council to address this issue.

### Portfolio - Support & Safeguarding

### Date Portfolio Holder signed off report

### Wards Affected

**ALL**

### Recommendation

The Executive is advised to RESOLVE to

- (i) note the attached report; and
- (ii) Indicate support for voluntary sector initiatives in the Borough to assist children living in poverty.

## 1. Resource Implications

- 1.1 There are no resource implications arising outside of the agreed budget for 2018/19.

## 2. Key Issues

- 2.1 This report is a response to the motion put forward by Cllr Rodney Bates as follows: *"This Council notes with sadness that there are many children within the borough that are experiencing poverty including a third of all children within Old Dean. As a result, this Council requests officers bring forward a report to the Executive within the next 6 months outlining practical steps that the Council could consider in order to help address this issue in partnership with others."*
- 2.2 In working with children the Council deals with two different definitions: Children Living in Poverty and Children in Need.
  - Children Living in Poverty are defined by the government as: children living in families in receipt of out of work (means-tested) benefits or in receipt of tax credits where their reported income is less than 60 per cent of median income.
  - A Child in Need is defined under the Children Act 1989 as: a child who is unlikely to achieve or maintain a reasonable level of health or development, or whose health and development is likely to be significantly or further impaired, without the provision of services; or a child who is disabled.

- 2.3 The published 2008 and 2015 child poverty figures for Surrey and Surrey Heath are set out below.  
<https://www.surreyi.gov.uk/dataset/children-in-low-income-households>
- 2.4 Subsequently, more recent figures for September 2017, can be found on <http://www.endchildpoverty.org.uk/>
- 2.5 What the published figures show is that between 2008 and 2015 there has been a decrease in the numbers of children classified as living in poverty, however between 2015 and 2017 there has been an increase. In 2015 within Surrey as a whole some 20,290 children were living in poverty and of these 1305 were in Surrey Heath. This is 7.3% of all children in Surrey who are living in poverty. The breakdown by ward is shown below. Households are living in poverty if their household income (adjusted to account for household size,) is less than 60% of the average. All poverty rates are calculated on a before housing costs basis.

Ward	No of children in 2008	No of children in 2015	No of children in 2017
Bagshot	95	90	100
Bisley	40	30	39
Chobham	100	70	86
Frimley	170	130	129
Frimley Green	55	60	58
Heatherside	55	55	82
Lightwater	60	35	57
Mytchett & Deepcut	120	70	90
Old Dean	320	265	271
Parkside	50	45	61
St Michaels	170	160	192
St Pauls	25	25	53
Town	95	90	65
Watchetts	165	125	153
West End	40	35	45
Windlesham	30	20	43
Total	1590	1305	1521

- 2.6 These figures are reflective of numbers across Surrey and show that child poverty in Surrey Heath is not above average. This is not, however, a reason for complacency.
- 2.7 Many children who live in poverty also fall within the definition of Children In Need with the 'abuse and neglect' being the most common reason for needing assessment within Surrey. The rate of Children In Need per 1,000 head of population in Surrey Heath is 38.3%, this is the third lowest level of need in Surrey.
- 2.8 It is noted that the recent Ofsted report for Surrey County Council once again found that Children's Services within the County were failing and

a Commissioner has been appointed to oversee the improvement plan for the County service. Surrey County Council is currently reviewing its Children's Services to address the criticisms in the Ofsted Report and districts and boroughs are awaiting the proposals to turn the service around but have made clear that they will support the County Council in its endeavours.

- 2.9 In respect of partnership working with others, much of the work around Children in Poverty is undertaken through Surrey County Council in its role as Children's Social Services Authority and Local Education Authority. The role of the Borough Council most closely touches on this issue as the Local Housing Authority where we work closely with Registered Housing Providers to meet the housing needs of both children and their families who live in poverty.
- 2.10 The Borough Council has no statutory responsibility to deal with children's issues and no statutory powers on this issue. Since 2013, however, Surrey Heath has worked in partnership with Runnymede and Surrey County Council to deliver a Family Support Service. That service addresses the issues around Children in Need and their families within the Borough, many of these are also children living in poverty. The service works with statutory and voluntary local agencies within an agreed framework to support these children and their families. That support can range from providing emergency food and clothing or funding school uniform to arranging counselling and other support for families where factors such as anti-social behaviour, substance abuse or domestic violence are present.
- 2.11 Anecdotal evidence of the impact of poverty on children in the Borough includes the following work being undertaken through the Family Support team.
- providing families with toys for children at Christmas time through 9.64 Eagle toy appeal, when families cannot afford to purchase Christmas presents. In December 2017, 34 families were provided with toys from the appeal.
  - during last winter, working with a family in Frimley, who reported that they could not afford to heat their home and purchase food and therefore then chose not to heat their house during the winter so that they could feed their children.
  - currently working with a family, living - in Mytchett & Deepcut who has recently had a baby to add to their family of 4 children under 8 years old. Prior to baby's arrival, the family had not been able to purchase anything for the new-born due to lack of finances. The service provided the family with a Moses basket and large baby pack including nappies, blankets, toiletries, feminine hygiene products and baby clothing. The baby was born the following week.
  - Within the last year the team have provided food parcels to 38 out of the 54 families they have worked with.
  - Within the last year the team has received just under £4000 in charity funding from Frimley Fuel Allotments, Surrey Border Lions Club, Buttle UK and Henry Smith Charity. This has been used

towards buying school uniform, washing machines and cookers for families who cannot afford these items.

- 2.12 One other area of support that has been discussed, is social prescribing and whether this could be used to support children in need or living in poverty into activities that might otherwise be unavailable to them where a direct emotional or physical benefit can be shown eg membership of a gym club or dance group. Until, however, the future of children's services is resolved this will not be explored any further through the Family Support Service. Currently the service applies to local charities for funding. Activities for which it has been successful in sourcing funding include gymnastic clubs, school holiday clubs. In addition they have been able to source funding to support families to visit sites run by Surrey Outdoor Learning as an alternative to traditional family therapy.

### **3. Options**

- 3.1 The Executive is asked to Note this report and to consider whether it would support any of the proposals below.

### **4. Proposals**

- 4.1 The Executive is asked to consider the information contained in the report, taking into account that the Council does not have any statutory duties in relation to Children's Services.
- 4.2 The Council could increase support to families with children living in poverty, for example by offering a form of discount for such families. The Council could decide to explore the possibility of offering such a discount for its services. It could also look to provide support for voluntary sector initiatives such as holiday lunch clubs which provide a hot meal for children eligible for free school meals who often go hungry during school holidays. Any increase in support would need to be fully explored and the budgetary implications identified. If considered appropriate, the Executive could appoint a Task & Finish Group to further examine the feasibility of these options.

### **5. Corporate Objectives And Key Priorities**

- 5.1 Corporate Objective 4 to build and encourage communities where people can live happily and healthily

### **6. Equalities Impact**

- 6.1 Poverty is not one of the protected characteristics under the equalities legislation. It is, however, clear that children who live in poverty are disadvantaged from birth and support to enable them to access good health care and education as well as basics such as adequate food, heating and clothing is vital to their well being

## 7. Human Rights

- 7.1 In 1991, the UK Government agreed to make sure that children have all of the rights listed in the UN Convention on the Rights of the Child. The Human Rights Act 1998 applies to everyone but does not make specific provision for children.
- 7.2 The UN Convention on the Rights of the Child is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities. The four core principles of the Convention are non-discrimination; devotion to the best interests of the child; the right to life, survival and development; and respect for the views of the child.

## 8. Community Safety

- 8.1 This work supports improving community safety as this group of children are often victims of violence or other crime and conversely perpetrators of anti-social behaviour.

<b>Annexes</b>	None
<b>Background Papers</b>	None
<b>Author/Contact Details</b>	Emily Burrill – Family Support Manager Emily.burrill@surreyheath.gov.uk
<b>Head Of Service</b>	Jenny Rickard – Executive Head of Regulatory

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## 2018/2019 Mid-Year Report

### Summary:

This 2018/2019 Mid-Year Report summarises the performance of the Council for the first 6 months of the year against the corporate objectives, priorities and success measures laid out in the Annual Plan for 2018/2019.

### Portfolio: Leader

Date signed off: 6<sup>th</sup> November 2018

Wards Affected: All

### Recommendation

The Executive is asked to RESOLVE to note the 2018/2019 Mid-Year Report and make any comments or suggestions as appropriate.

#### 1. Resource Implications

1.1 There are no financial implications arising from this report.

#### 2. Key Issues

2.1 The attached report summarises the Council's mid-year performance and progress against the Annual Plan, which was agreed by the Executive on 6<sup>th</sup> March 2018.

2.2 This Mid-Year report demonstrates the Council's continued commitment to improving the management of its performance to achieve the Council's Five Year Strategy.

2.3 Monthly meetings are in place with all Executive Heads and Heads of Service to monitor performance. Any areas of concern can be addressed promptly and reported, by exception, to the Corporate Management Team.

#### 3. Proposals

3.1 It is proposed that the Executive note the Mid-Year report and make any comments or suggestions as appropriate.

<b>Annexes</b>	<b>Annex A – 2018/2019 Mid-Year report</b>
<b>Background Papers</b>	<b>Annual Plan 2018/2019 Five Year Strategy</b>
<b>Author/Contact Details</b>	<b>Belinda Tam – HR &amp; OD Manager</b> <a href="mailto:Belinda.tam@surreyheath.gov.uk">Belinda.tam@surreyheath.gov.uk</a>  <b>Sarah Bainbridge – Senior OD Advisor</b> <a href="mailto:Sarah.bainbridge@surreyheath.gov.uk">Sarah.bainbridge@surreyheath.gov.uk</a>
<b>Service Manager</b>	<b>Louise Livingston - Executive Head of Transformation</b>

# Surrey Heath Mid Year Update

APRIL 2018 - SEPTEMBER 2018





Surrey Heath is already one of the safest, cleanest and greenest places and our commitment to making it an even better place to live, work and enjoy is at the forefront of everything we do.

# Welcome

In March we published our Annual Plan for 2018/19 and our vision for making Surrey Heath an even better place to live, work and enjoy. This Mid Year report details our achievements and performance outcomes over the last 6 months.

Under our Place objective you will see that we have made excellent progress in bringing forward our regeneration plans for Camberley Town Centre. The first phase of The Square Shopping Centre refurbishment has been completed and the final phase of the spectacular refurbishment will be completed later this year. Following our preparatory work on the London Road site we are speaking to prospective developers to be in a position to appoint a preferred development partner by the end of this year. The work being undertaken will create a revitalised place to live, work and socialise for Camberley's residents and visitors.

Our work to help deliver improvements to the High Street is making significant progress, with a company appointed to draw up designs for the high street public realm. We continue to promote The Kevin Cantlon Shopfront Improvement Grant Scheme as part of our Prosperity objective which supports local businesses throughout the borough. We have continued to work with local businesses across the borough to deliver their growth aspirations.

Social prescribing commenced in May 2018 with the aim of supporting People in community to access services and groups locally. We still continue to deliver hot meals to our vulnerable residents with an increase of 5% between the first and second quarters. The refurbishment of play areas across the Borough is underway and the refurbished Visitors Centre at Lightwater Country Park is attracting increasing numbers of users.

Under our Performance objective, feasibility work has been completed on setting up a lottery to support the Council's revenue and community grants. The joint work carried out by the Surrey Waste Partnership has made Surrey as a County the joint best performing area out of the 32 two-tier authorities in England recycling and in the top quartile for waste reduction.

This report provides more details on our performance as well as our success measures against the objectives we set ourselves for the year.



**Karen Whelan**  
Chief Executive



**Moira Gibson**  
Head of the Council

# Place

## Objective

To make Surrey Heath  
an even better place where people  
are happy to live

## Priorities

TO DELIVER  
AN IMPROVED  
CAMBERLEY  
TOWN CENTRE

KEEP THE  
BOROUGH  
A SAFE PLACE  
TO LIVE

TO PROMOTE HIGH  
QUALITY BUILDING  
AND DESIGN  
STANDARDS ACROSS  
THE BOROUGH

TO PROVIDE QUALITY  
LEISURE FACILITIES

# Progress Update

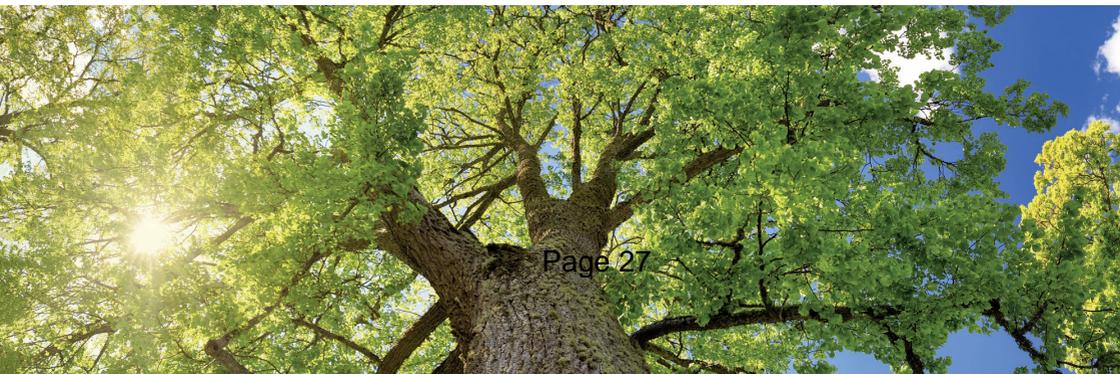
Continue with the refurbishment of The Square Shopping Centre in Camberley

The Council is on track in accordance with the business plan for the completion of the refurbishment. Phases 1b to d of the refurbishment works in the Square, comprising Prince of Wales Walk, Main Square and Cambridge Walk, are well advanced and have been conducted out of hours so as not to disrupt trade. Footfall and zone A rents have improved as a result of phase 1a refurbishment in Grace Reynolds Walk. Plans are in the process of being drawn up for phase 2 of the refurbishment, covering Cambridge Square and car park entrance, for approval by members. The former Treds store has been refitted and Jack Wills opened on the 19th October 2018.

Select a development partner for the London Road

Development Area (along the A30 between Park Street and High Street)

The Council commenced its search for a development partner for the London Road site with the issuing of an OJEU notice in May 2018. This resulted in interest from a number of developers which was reduced to 4 following the first stage selection process in July 2018. Since then there have been in depth competitive dialogue sessions with each of the remaining bidders where matters such as corporate structure, master planning, legal agreements, design and finances have been discussed. These meetings are still ongoing due to the complexity of the project and once complete bidders will be asked to submit their final bids. The Council is on track to deliver within the timescales set and it is anticipated that members will receive a report on the outcome of the tender process early in the new year.



# Progress Update

Start the redevelopment of Ashwood House into 116 apartments ready for occupation by the end of 2020.

The Council appointed Berkeley Homes to redevelop this key site last year. Since then enabling works have been carried out, which included the moving of bus stops and demolition of ramps. These works have now been completed and Berkeley Homes is on track to take possession of the building to commence conversion in October 2018.

Improve the customer experience of Main Square Car Park by installing energy efficient LED lighting and resurface levels 1, 2 & 3.

The resurfacing works to provide more user-friendly spaces on Levels 1, 2 and 3 have commenced and are due for completion by October 2018. The conversion of the existing lighting to brighter and more inexpensive LED lighting and refurbished stair wells is also due for completion later this year.



Create vibrant and high quality public spaces using the £3.5 million Local Enterprise Partnership Grant, starting with the refurbishment of the High Street and Princess Way.

A company, Project Centre, has been appointed to draw up designs for the high street public realm and to provide indicative costs prior to going out to tender. Meetings have been held with the Town Centre Working Group to update them on progress. After a bidding process Musson and Retallick were appointed as public artists and will be presenting ideas later in the year. The Council is due to go out to tender for a contractor in November 2018.

# Progress Update

*Deliver the first 215 homes on the Deepcut site by working with developers.*

Planning permission approved and work now on site commenced.

*Surrey Heath as a safe place to live, work and enjoy by working collaboratively with the Police, Health and other key partners.*

It was reported that although there had been a small increase (6.9%) in total crimes recorded to date this year when compared to the same period last year crime levels in Surrey Heath continued to be significantly lower than the other western local authority Borough and District areas of Surrey. We have hosted a serious and organised crime training event delivered by Surrey Police to our front line staff and partner organisations.

Working collaboratively with Surrey Heath CCG provided blood pressure and heart arrhythmia testing as well as health advice to visitors in the town centre. Quit 51 and Stoptober were shared on Surrey Heath social media. Social prescribing commenced in May 2018.

*Award a contract for the delivery of a quality new leisure facility on Grand Avenue, Camberley.*

The procurement process was commenced early in the new year and is now in its final stage, following a lengthy competitive dialogue process. A final tender submission is expected to be received later this year, in November, which will then be reported to members.

# Prosperity

## Objective

We will support and promote our local economy so that people can work and do business across Surrey Heath

## Priorities

WORK WITH PARTNERS TO SUPPORT OUR ECONOMY THROUGH STRATEGIC DEVELOPMENT PLANNING AND ECONOMIC GROWTH

SUPPORT LOCAL BUSINESSES BY ENCOURAGING IMPROVEMENTS TO LOCAL TRANSPORT AND INFRASTRUCTURE

ENCOURAGE INWARD INVESTMENT

ENCOURAGE NEW DEVELOPMENTS TO STRENGTHEN THE LOCAL ECONOMY

# Progress Update

Invest in property acquisitions where they are shown to be sound investments to sustain delivery of services for Councils.

During the last six months the Council has considered 17 potential acquisitions. Trade City, an industrial estate in Frimley, was purchased in May 2018 and an offer was accepted on a further property, Vulcan Way Sandhurst, which subject to due diligence is due to complete in October. These acquisitions are in line with the Council's income generation strategy.

Support new and existing local businesses in Surrey Heath to develop their aspirations for growth.

7 businesses within the Borough have accessed support over the last 6 months from the EM3 Growth Hub. Further to this EM3 growth hub has



identified Surrey Heath as a Scale up area as part of a pilot to target up to 15 high growth, high innovation companies in the Borough to support them in their growth plans aiding them in achieving 20% growth in turnover and/or employment. Open for Business continues to be a successful tool for the Council to collaborate with businesses wanting to grow.



# Progress Update

Promote the Kevin Cantlon Shop Front Improvement Grant Scheme to local businesses across the Borough to enable them to have a stronger sense of identity and enhance commercial values.

The scheme has been promoted at a number of local business association meetings and a number of local companies have expressed an interest. To date one grant has been awarded with a further grant submitted awaiting approval. The economic development team are currently working with the portfolio holder to see how the scheme could be made more attractive to local businesses.

Look at the potential for developing a start-up space for budding new enterprises

The Council has made investigations in to the possible conversion of some of its empty property in to a business hub/co-working space, further feasibility is being undertaken. Whilst this work is ongoing a potential hub has also been included in the specification for a new London Road Block currently under tender.



Consult the public on the issues and options relating to the long term development of the Borough as set out in the Local Plan.

The Issues and Options consultation document setting out potential development sites across the borough was issued for public consultation on the 4th June and this closed on the 30th July. During this period a number of local planning roadshows were held across the borough by planning staff to enable the public to feed back their views and concerns. A report of consultation responses received is to be submitted to Executive by early 2019. The Council's response to comments received will be published alongside the Submission version of the Local Plan in late 2019.

Promote Surrey Heath as a prosperous location to retain and attract new businesses.

# Progress Update

The Council is working with numerous partners to develop an inward investment strategy for Surrey Heath. This will include the continuation of events that promote Surrey Heath including the Business Breakfast.

A new promotional video incorporating the new tag line “Be Camberley” was launched. In addition promotional materials incorporating all of the Council’s town centre projects under the “Be” tag line were produced for distribution to potential investors and retailers at the national REVO exhibition held in September.

*Continue to submit bids to the One Public Estate to promote publicly owned land for redevelopment*

The SHAPE board has been setup. The purpose of this board is to identify projects across Surrey



that can be bought forward for redevelopment. Programme governance has been agreed and approved. 41 projects have been identified. The projects have been split into 3 priority categories. 9 Projects have been identified for the next phase of the One Public Estate Phase (OPE) 7th bidding round through a workshop held in October 2018. The Investment & Development team will develop the OPE bids by the end of November 2018. The programme will continue to monitor progress on the 3 priority projects in North Tandridge, Waverley and Surrey Heath.



# People

## Objective

To support and encourage communities where people can live happily and healthily

## Priorities

TO WORK WITH PARTNERS TO IMPROVE HEALTH AND WELLBEING

USE OUR PARKS AND COUNTRYSIDE TO ENHANCE SPORTING AND LEISURE OPPORTUNITIES

SUPPORT OLDER AND MORE VULNERABLE PEOPLE TO LIVE INDEPENDENTLY AND REMAIN ACTIVE

ADDRESS HOUSING NEEDS WITHIN THE COMMUNITY

# Progress Update

Help residents to keep fit and healthy by promoting, smoking cessation; physical fitness; healthy weight; diabetes prevention, summer and winter wellness and by providing access to community-based services and voluntary sector activity.

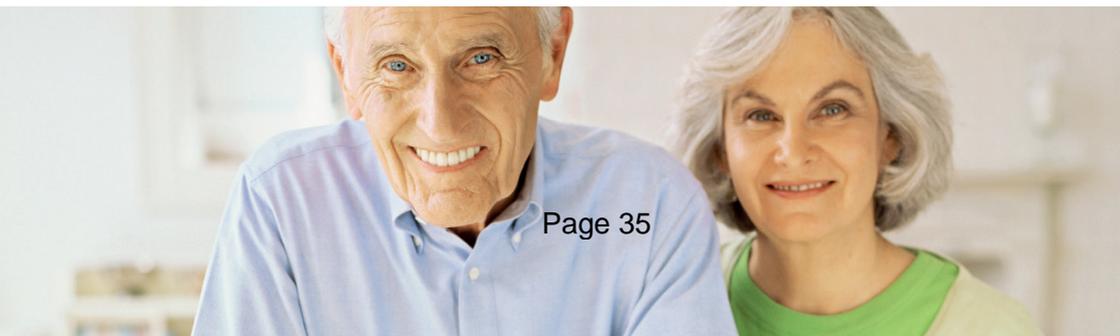
Quit51 provide smoking cessation sessions at the Arena Leisure Centre and Old Dean Children's Centre and the Stoptober messaging from Healthy Surrey/Public Health England to encourage people to stop smoking in October is being shared on Surrey Heath social media.

GP exercise referral, part of social prescribing, was made available at the Arena Leisure Centre and the popular Surrey Heath Walks for Health were run over the summer period. Surrey Heath Clinical Commissioning Group (CCG) provided blood pressure and Heart arrhythmia testing as well as health advice to staff at Surrey Heath House as well as to visitors



in the town centre. This was to raise awareness of the impact blood pressure can have on heart health.

Social Prescribing commenced in May 2018, with the aim of supporting residents in the community to access services and groups locally which will help to improve their overall wellbeing. To date 101 referrals have been received, 42 from Adult Social Care, 20 from GP surgeries and 39 from other sources including self-referral. Clients have been signposted to a range of services, including Surrey Heath Borough Council Community Services such as Transport, Meals at Home and Community Alarms, as well as a range of voluntary sector services.



# Progress Update

Support older and vulnerable people to remain independent in their homes by providing a range of flexible home improvement services.

During the year so far 46 home improvements and disabled facilities grants have been improved thereby enabling residents to stay in their own homes.

The funding for Handy Man services was finally approved by County and the post is currently being recruited to.

In addition to the home improvement and disabled facilities grants, we have delivered 20,911 hot meals to our vulnerable residents with an increase of 5% between the first and second quarter. This follows the trend for last year which saw an increase in numbers each quarter. We have 1,030 residents using our community alarm service with 14 clients using our CareAssist equipment. This enables the fulltime carer to be able to have respite within the home especially at night. We also have 7 Clients with GPS tracking devices. Over the past 5 years the number of residents using our community alarm service has increased by 56%.



Work with community organisations to support single homeless people and those at risk of homelessness.

The Hope Hub commenced operation on the 13th July 2018 and is providing support for homeless people with a current case load of around 30. The lack of affordable housing provision within the borough is increasing pressure on the stay in bed and breakfast. This year we are once again seeing families and individuals in bed and breakfast every week as compared to last year, when at times there were no families in bed and breakfast.

Improve facilities at Lightwater Country Park for school and community groups.

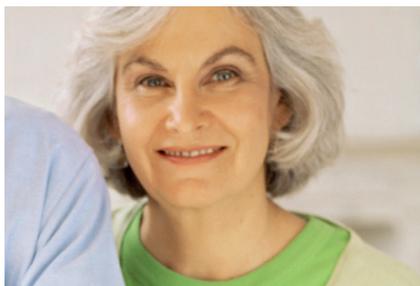
A consultation on new play equipment is currently underway with a view to implementing the new facility in Spring 2019. The refurbished cafe/visitors centre at Lightwater is attracting

# Progress Update

increasing numbers of users as well as providing a steady income stream (circa £5k pa). Cleaning of Hammonds Pond and the introduction of day fishing licenses and fishing lessons is also proving increasingly popular. In addition, the herd of goats kept at the park over the summer and the recently introduced bee hive have proven popular attractions – especially with local school and community groups as well as promoting conservation and bio-diversity. The Greenspace team has also been working closely with local wildlife conservation organisations to support the protection of hedgehogs and other endangered species and this summer the park had a visit from local celebrities Brian May and Steve Backshall to help promote this important work.

*Refurbish play areas across the Borough's parks and recreation grounds.*

Work has been completed at Briar



Avenue and Cheylesmore Drive, with work on a further 3 sites, including Frimley Lodge and Lightwater Country Park due to commence later in this financial year.

*Assess the Borough's sports facilities to ensure they meet current and future needs.*

An audit of playing field usage, whether in borough ownership or not, has commenced with a view to assessing future provision. This will form part of an overall assessment of sports facilities within the borough and is due to report later this year.

# Progress Update

Deliver high quality events and activities including: Frimley Lodge Live, Gio-Tri, Camberley International Festival and Camberley Carnival.

During the last 6 months the Camberley Carnival, Camberley Beer Festival, Open Air Theatre and Triathlon all took place and were attended by over 3,500 people. The Frimley Live music festival had its best year ever with over 3,000 tickets sold. A full programme of events under the “be enchanted” tag line is being drawn up for the Christmas period to attract customers to Camberley and support local businesses.

Develop and grow “Young Ambassadors” to promote sporting activity and Volunteer Programmes to support heritage and conservation.

Young Ambassadors were incorporated into the promotion and delivery of this summer’s



Surrey Youth Games and volunteer numbers have increased from 27 to 67.

Pilot a dementia day care service at Windle Valley Centre, to support carers and those needing care.

A meeting has been held with the Area Director of Adult Social Care and Surrey Heath CCG. There is interest for the provision of dementia day care services. A business case is being developed to determine if this is financially viable.



# Performance

## Objective

To deliver effective and efficient services better and faster

## Priorities

TO IMPROVE DIGITAL ACCESS TO SERVICES AND PROVIDE EXCELLENT CUSTOMER CARE

TO WORK COLLABORATIVELY WITH PARTNERS IN ALL SECTORS

ADAPT THE WAY WE WORK TO MEET CHANGING NEEDS AND CHALLENGES

MAXIMISE THE USE OF OUR BUILDINGS AND LAND WE OWN

# Progress Update

*Improve digital access to services, making them more accessible and efficient to all.*

The new document management system, Box, was rolled out across a number of departments during the last 6 months. This system stores documents in the cloud making them accessible from anywhere and hence supporting flexible working. The online box office system adopted by Camberley Theatre in 2017 has had a significant impact on the transition to online with nearly 60% of all sales now via the theatre website - an increase of 13% in just over one year.



*Continue to provide residents with a one stop shop for public services in Surrey Heath House.*

During the last six months Council staff have continued to work closely with our co located partners such as the Department of Work and Pensions, Clinical Commissioning Group, Surrey County Council and the Police. Negotiations continue with the Citizen's Advice Bureau to relocate them in to Surrey Heath house thereby providing an additional service under one roof. If agreed this should be in place by March 2019.

*Identify commercial opportunities to increase income and support the Councils future sustainability.*

During the last 6 months the Council has increased the services it sells to Joint Waste Solutions as the

# Progress Update

service has expanded. A number of sites are currently under review for potential development opportunities and the Council has continued to seek to invest in property for income generation.

The SHAPE programme is identifying sites through the One Public Estate programme that can be released for housing.

Feasibility work has been completed on setting up a lottery for Surrey Heath which will look to support the Council's revenue and community grants.

*Complete the roll out of the Joint Waste contract across the partnership area*

The new Joint Waste Service commenced in the last district Mole Valley in August 2018 meaning it



has now been fully implemented across all four areas.

Joint Waste Solutions has continued to work with the contractor to iron out problems, in particular missed collections, which has been an issue in particular areas of the borough. County function relating to waste minimisation and recycling were transferred to Joint Waste Solutions (and hence to Surrey Heath) in September and this covers all 11 districts not just the original 4.

# Progress Update

*Work in partnership to reduce waste, increase recycling and reduce waste management costs.*

The Surrey Waste Partnership (SWP) comprising of the 11 waste collection authorities in Surrey and Surrey County Council as the Waste Disposal authority has agreed in principle a single governance structure for managing waste in Surrey. This will be developed into an Inter Authority Agreement. It has been agreed that joint SWP projects will be carried out by a single team hosted by Joint Waste Solutions. As Surrey Heath is the administering authority for JWS, partnership staff, who were employed either by SWP or SCC, have transferred to Surrey Heath under TUPE arrangements and funding.

The joint work carried out by the partnership has made Surrey as a County the joint best performing area out of the 32 two-tier authorities in England for recycling and in the top quartile for waste reduction. Surrey Heath continues to be the best performing authority in Surrey for recycling. The move to a closer single entity will build on this success and reduce costs.



*Work in partnership with other authorities and the public and private sectors to reduce costs and deliver increased benefits to businesses and residents.*

A number of initiatives have moved forward over the past six months as follows:

- Final details regarding the transfer of on street parking to Woking have been agreed
- Surrey Heath and Runnymede Borough councils have continued to work in partnership in the provision of services for older and vulnerable people. This has resulted in an increase in customers accessing our services. In particular it has seen a quarter on quarter rise in numbers of meals at home customers. A larger fleet of vehicles operating across both boroughs has enabled the community transport operation

# Progress Update

to expand and bid for new contracts which should generate more income as well as providing a better service for our older and vulnerable residents. Both authorities are currently exploring opportunities to expand the partnership and services offered.

- Working on a number of partnership initiatives with Adult Social Care; Surrey Heath CCG and NHS Surrey. Examples are smoking cessation, Social prescribing and support for patients coming out of hospital.
- Surrey Heath and Woking Borough Councils share an Environmental Health and Licensing Manager who manages the service



across both boroughs. There has also been some cross border working which has helped with resilience. Both authorities have procured jointly Pest Control, Dog Control and Out of hours contracts which have reduced costs.

Surrey Heath Borough Council is working in partnership with Surrey County Council, Hampshire County Council, Guildford Borough Council and Rushmoor Borough Council in response to the ministerial directive imposed on the borough councils in 2017 to address air quality issues along the A331 Blackwater Valley Road. This direction was given alongside the publication of the Government's air quality plan to reduce roadside nitrogen dioxide concentrations (2017), and it requires the cited authorities to produce plans by the end of December 2018 so that

# Progress Update

concentrations will be reduced in the shortest time possible to ensure compliance with the annual mean EU limit value for nitrogen dioxide.

There is ongoing collaborative working with key partners e.g. Police, CAB, Surrey Chamber, Local Enterprise Partnership EM3, Faith Groups.

Crime statistics indicate the positive impact of partnership and achievable, relevant objectives.

*Conduct a polling place review in line with the outcomes of the Boundary Commissions for England's Electoral review.*

This has been completed, with decisions made by Council in place for the May 2019 Local Elections.



# Additional Success Measures

In addition to the projects outlined we have achieved:

## Place

- 62% of household waste sent for recycling, reuse and composting (target is 63%)
- 54% occupancy rate of Camberley Town Centre car parks (target is 55%)
- 98% of food premises achieve 3 stars or above (target is 95%)

## Prosperity

- Increase in Council Tax Base is 36,407 (target is 35,787)
- Increase in Business Rates Base is 2,668 (target is 2,589)
- 92% of non-major planning applications determined within 8 weeks (target is 65%)
- 100% of major planning applications determined within 13 weeks (target is 60%)

# People

- 240,592 users of the Arena Leisure Centre (annual target is 500,000)
- £43,811 sports pitch income (annual target is £110,000)\*
- 10,264 journeys by community bus (annual target is 24,000)\*\*
- 20,911 meals at home served (annual target is 28,000)

# Performance

- Benefit claims are processed within 5.3 days (target is 15 days)
- 100% of complaints responded to within target (target is 90%)
- 57.34% Council Tax has been collected (annual target is 100%)
- 52.98% of Business Rates have been collected (annual target is 100%)
- 31% of transactions take place online (target is 30%)
- 100% Customer satisfaction rating of good/excellent (target is 90%)

## Deanside Commuted Sums

### Summary

It is proposed to use £100,000 from the Deanside Section 106 Agreement to add to the £100,000 play improvement funds agreed at Executive in March 2017 to spend on the playground at Old Dean Recreation Ground.

There is currently £210,000 available in the Section 106 Agreement. RoSPA Inspectors have advised that the play area and BMX track at Old Dean Recreation Ground needs to be completely refurbished, which will cost circa. £200,000. Accent Housing has agreed to increase the scope of where these funds can be spent and, as such, now includes Old Dean Recreation Ground and Deanside.

Accent Housing is in full agreement to support the refurbishment of this playground and as such, a new deed of variation has been granted and agreed with all legal parties.

The proposed investment project would still ensure sufficient funds for on-going maintenance are retained for both Deanside and Old Dean Recreation Ground.

### Portfolio – Places and Strategy

Date Portfolio Holder signed off report: 5 November 2018

**Wards Affected**  
**Old Dean**

### Recommendation

The Executive is advised to RECOMMEND to Council that

- (i) £100,000 be made available to draw down from the Deanside Section 106 to refurbish the Old Dean playground; and
- (i) the implementation of the works be delegated to the Executive Head of Business in consultation with the Portfolio Holder for Places and Strategy.

## 1. Key Issues

- 1.1 Deanside was built by Accent Housing Association in 2003 and the park and woodland areas were transferred to Surrey Heath Borough Council in circa 2008 to maintain with a maintenance budget of £200,000. Through prudent management and the annual reinvestment of interest earned back into the capital sum, the balance remains healthy and now in excess of the original investment.
- 1.2 In 2016, the Council approached Accent Housing with a request to expand the area where the money could be spent to include Old Dean Recreation Ground as the residents of Deanside will also enjoy using the facilities on the recreation ground.

- 1.3 The Section 106 funds in question are developer contributions for the maintenance and replacement of leisure facilities. They are provided so that the cost of providing these facilities does not fall on the general Council tax payer.
- 1.4 The Section 106 Agreement allows for an annual cost for maintaining the sites can be drawn down. If sums are not used, it is possible for Accent Housing to claim they are not required and in theory claim them back.
- 1.5 Following an annual RoSPA inspection, it was advised that the playground needs significant investment to be completely refurbished.
- 1.6 Accent Housing was approached to see if the boundaries could be extended to include Old Dean Recreation Ground and following negotiation, they are in full agreement for this project to proceed and invest £100,000 of the Section 106 funds to contribute to regeneration of Old Dean playground. All the legal agreements have been signed and returned.

## **2. Resource Implications**

- 2.1 The Council holds £210,000 of Section 106 money from Accent Housing for the upkeep, maintenance and replacement of Deanside play area.
- 2.2 Any remaining funds are to be returned to Accent Housing on 30 April 2028 if they are not used.
- 2.3 A review of the facilities covered by the Section 106 has indicated that the boundaries needed to be increased to include Old Dean Recreation Ground as the residents from Deanside will also use the larger play area and facilities and as such, £100,000 be transferred from the Section 106 funds to be spent on this project
- 2.4 The proposal would leave a residual budget for both Deanside and Old Dean Recreation ground to fund on-going maintenance.
- 2.5 There would also be funds available to replace the equipment at Deanside play area prior to any funds being returned to Accent in 2028.

## **3. Options**

- 3.1 The Executive has the option to either agree, reject or change the recommendations.

## **4. Proposals**

- 4.1 It is proposed that the Executive RECOMMEND to Council that

- (i) £100,000 of the Section 106 funds be approved to spend on the refurbishment of the play area at Old Dean Recreation Ground; and
- (ii) the implementation of the recommendations be delegated to the Executive Head for Business in consultation with the Portfolio Holder for Places and Strategy.

## **5. Supporting Information**

- 5.1 The proposed project will add considerably to the current facilities and community and enhance the local area. The cost of this project would not impact on the local Council tax payers.

## **6. Corporate Objectives And Key Priorities**

- 6.1 People  
This project will benefit the local community and give the local residents and children a safe place to play and meet.
- 6.2 Place  
The refurbishment of the play area will enhance the overall look and feel of the estate.
- 6.3 Prosperity  
Improving community cohesion and a natural link to the health and well-being of the children in the community

## **7. Policy Framework**

- 7.1 N/A

## **8. Legal Issues.**

- 8.1 Under the legal agreement relating to the Section 106 funds, any outstanding balance is repayable after twenty years (2028).

## **9. Governance Issues**

- 9.1 All procurement relating to this project will be undertaken within the Councils procurement procedures and through the Braintree Playground Framework.

## **10. Sustainability**

- 10.1 Investing greater amounts of the Section 106 money will now allow for more robust facilities to be created which will have a longer lifespan.

## **11. Risk Management**

- 11.1 As with all play equipment, there is a risk of vandalism, however, we will be working in partnership with Accent, ODCoG and the local

community who we hope will take ownership and help self-police the facility.

## **12. Equalities Impact**

- 12.1 The replacement play area will include at least 25% of DDA all-inclusive equipment thus allowing children with a wide range of abilities to play

## **13. Human Rights**

- 13.1 No issues identified

## **14. Community Safety**

- 14.1 Park improvements will always increase a sense of maintenance and ownership on a site and it is anticipated that all projects will have a beneficial effect on community safety.

## **15. Consultation**

- 15.1 Officers in Greenspace have been working closely with the Old Dean residents, EIKON and ODCOG who have engaged with the local residents identifying the type of equipment they would like to see in the new facility. The local residents held a fun day on 15 September in conjunction with EIKON and ODCOG inviting the local community to raise awareness of the new play area and to raise more funds for furniture/benches etc. and thus hoping the community take ownership of the facility.

## **16. PR And Marketing**

- 16.1 Excellent opportunities are available to promote the investment in this new facility.

## **17. Officer Comments**

- 17.1 This project presents an excellent opportunity to unlock some of the capital held by the Council to provide improved facilities and enhance the local Area.

<b>Annexes</b>	<b>None</b>
<b>Background Papers</b>	<b>None</b>
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<b>Head of Service</b>	<b>Daniel Harrison – Executive Head of Business</b>

## **Update to the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.**

### **Summary**

The document entitled “Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2018)” (Regulation 13 Consultation Draft) sets out the approach that Surrey Heath Borough Council will take to avoiding harm to the Special Protection Area as a result of new housing development. Members are asked to approve the document for public consultation purposes.

### **Portfolio – Planning & People**

**Date Portfolio Holder signed off report: 26<sup>th</sup> October 2018**

#### **Wards Affected**

All

### **Recommendation**

The Executive is asked to RESOLVE that

- (i) the Draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2018) as set out in **Annex 1** be approved for public consultation in accordance with Regulation 13 of the Town & Country Planning (Local Planning) (England) Regulations 2012;
- (ii) the SANGs Levy footnote on the Community Infrastructure Levy (CIL) Regulation 123 List be updated to accord with the Developer Contributions section of the draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2018) and
- (iii) if there are no significant changes arising from the consultation, the delegated authority for the Executive Head of Regulatory, in consultation with the Portfolio Holder for Planning & People, will be called upon to adopt the SPD.

## **1. Resource Implications**

- 1.1 Production of the draft Supplementary Planning Document (SPD) has been undertaken in-house and as such there are no resource implications beyond that provided for within the agreed budget for 2017/18.

## **2. Key Issues**

- 2.1 The draft SPD updates the existing Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 and takes into account guidance that has been issued since the 2012 SPD was adopted. The SPD sets out the approach the Council will take to avoiding likely significant impact to the Thames Basin Heaths SPA.

### *Background*

- 2.2 The Thames Basin Heaths are a network of heathland areas spread over eleven local authorities in the counties of Hampshire, Surrey and Berkshire. In total, the Thames Basin Heaths cover an area of 82 sq km. The Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005 and is protected from adverse impact under European and UK law. Research conducted on behalf of Natural England in 2005 indicated that the existing level of recreational pressure is having a detrimental impact on the three species of Annex I birds (nightjar, woodlark and dartford warbler) for which the SPA was designated. The breeding success of these ground-nesting birds is affected by disturbance from people and their pets using the SPA for recreational purposes.
- 2.3 In order to allow housing development while still complying with the Habitats Regulations, the affected local authorities established the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) to agree a strategy for the long-term protection of the SPA. The agreed approach is set out in the Thames Basin Heaths Delivery Framework which was endorsed by the JSPB in 2009.
- 2.4 The South East Plan (SEP) was a regional planning policy document that set out strategic policies for the South East region. The SEP was revoked in March 2013. However, Policy NRM6 (Thames Basin Heaths Special Protection Area) of the SEP was saved, and therefore local planning policy must be consistent with this. Policy NRM6 of the SEP and policies CP14A and B of the adopted Surrey Heath Core Strategy and Development Management Policies Development Plan Document (CSDMP DPD) require the SPA to be protected from new residential development which is likely to have a significant effect on the ecological integrity of the SPA. As a result, the following measures were put in place to provide avoidance and mitigation for impacts on the SPA arising from net new residential development:
- implementation of a 400m exclusion zone around the SPA where no net additional residential development can be permitted, as its impact on the SPA cannot be mitigated;
  - identification of a 5km zone of influence around the SPA where Natural England has advised that mitigation can be provided for the impact of additional residential development, subject to it being outside the 400m exclusion zone.
- 2.5 The whole of Surrey Heath borough is within 5km of the SPA. Together, the provision of Suitable Alternative Natural Greenspace

(SANG) and contributions towards Natural England's Strategic Access Management and Monitoring (SAMM) project provide avoidance measures for net new housing built between 400m and 5km of the SPA.

- 2.6 The 2012 Thames Basin Heaths SPD took forward the agreed approach set out in the JSPB Delivery Framework and Policy CP14A & B of the Surrey Heath CSDMP DPD in relation to the Borough's mitigation strategy. Since its adoption the approach outlined in the SPD has been applied to all applications for net additional residential units within the Borough.

*Requirement for Updating the TBH SPA Avoidance Strategy SPD*

- 2.7 Aspects of the existing Thames Basin Heaths Special Protection Area Avoidance Strategy are now out of date and therefore the SPD requires updating to ensure it is in accordance with current policy and guidance, and to reflect current mechanisms in place for collecting developer contributions. It will also help to ensure that SANGs are delivered appropriately in the Borough and are managed and maintained in perpetuity, in accordance with Natural England's guidance.

- 2.8 The updated SPD sets out the approach the Council will take to avoiding likely significant impact to the Thames Basin Heaths SPA. The document is included at **Annex 1** to this report and is intended to be released for public comment in November 2018.

*Proposed Amendments to the Existing SPD*

- 2.9 The main changes or additions to the 2012 SPD include the following:
- The addition of the requirement for considering step-in rights where a SANG is not owned by the Council. In all cases where a third party management company is proposed to own and/or manage a SANG, step-in rights will be required. The addition of step-in rights will help the Council ensure that mitigation is secure. The use of step-in rights will be triggered where a SANG's Management Plan is not being fulfilled to an acceptable standard;
  - In accordance with legislation that defines the 'in perpetuity period' (Perpetuities and Accumulations Act 2009), SANGs are expected to be provided and funded in perpetuity, which is considered to be at least 125 years;
  - Subject to the availability of SANG capacity, the SPD is updated to enable the allocation of strategic or shared SANG (local authority owned) for development sites located in Camberley Town Centre, which are over the size threshold for triggering the requirement for bespoke SANGs, but unable to provide SANG land on-site. Moreover, capacity will generally be reserved for developments of

up to 136 net additional units, although it is strongly recommended that developments of over 100 units consider the feasibility of bespoke (on-site) SANG solutions. This updates the 100 units capacity figure in the 2012 SPA SPD. The justification for the figure of 136 units is that it is the minimum number of dwellings necessary to generate a requirement for a minimum 2ha SANG (based on the average occupancy rates for existing allocations for strategic SANG capacity in Surrey Heath at a SANG standard of 8ha per 1,000 new population);

- The SPD is updated to consolidate how developer contributions are currently collected for SANG and SAMM payments. It is necessary to ensure funding mechanisms for SANG are able to provide for the management and maintenance of SANGs in perpetuity. This SPD update includes information setting out how SANG contributions are now collected: through the Community Infrastructure Levy (CIL) where development is not exempt from CIL, and through unilateral undertakings where SANG liable developments are exempt from CIL;
- Information about strategic SANGs the Council allocates to is updated. More detailed information is provided regarding the allocation of capacity to strategic SANGs and the requirements for provision of bespoke SANGS.

### 3. Options

3.1 The options for the Executive to consider are to:

- (i) **AGREE** to the public consultation of the draft TBH SPA SPD (2018) as included at **Annex 1** to this report and a corresponding update to the SANGs Levy footnote of the CIL Regulation 123 List.
- (ii) **AGREE** to the public consultation of the draft TBH SPA SPD (2018) and a corresponding update to the SANGs Levy footnote of the CIL Regulation 123 List subject to specified amendments.
- (iii) **NOT AGREE** to the public consultation of the draft TBH SPA SPD (2018) and a corresponding update to the SANGs Levy footnote of the CIL Regulation 123 List.

### 4. Proposals

- 4.1 It is proposed that the draft SPD is publically consulted on from the 27<sup>th</sup> November for six weeks, ending on the 8<sup>th</sup> January. It is proposed that an additional two weeks is added to the statutory four week consultation period to account for it taking place partially over the Christmas break.
- 4.2 Following consultation the draft SPD will be amended as appropriate. If significant changes are required, the draft SPD will be taken back to

Executive for adoption. However, if there are no significant changes to the SPD, the delegated authority for the Executive Head of Regulatory, in consultation with the portfolio holder for Planning and People will be called upon to agree its adoption.

## **5. Supporting Information**

- 5.1 A draft SEA/HRA screening assessment has been undertaken to support the draft SPD. This will determine whether a Strategic Environmental Assessment and Habitats Regulation Assessment are necessary. It is anticipated these will not be required. Surrey Heath's Screening Statement will be published alongside the draft SPD during the consultation period, once it has been received.
- 5.2 A copy of the existing adopted Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2012) is included at **Annex 2** to this report.

## **6. Corporate Objectives And Key Priorities**

- 6.1 The draft SPD underpins the theme of *Place* set out in the Council's Five Year Strategy by helping to ensure the protection, management, maintenance and enhancement of public green spaces and supporting sustainable living.
- 6.2 The draft SPD also supports the theme of *People* by facilitating the formation of communities where people can live happily and healthily.

## **7. Policy Framework**

- 7.1 Once adopted, the updated SPD will form part of Surrey Heath's planning policy documents and be a material consideration in all planning decisions.
- 7.2 The updated SPD will support saved Policy NRM6 of the SEP, Policy CP14A and B of the CSDMP DPD and successive local development plan policies.

## **8. Legal issues**

- 8.1 A consultation has been undertaken under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 to ascertain whether the statutory consultees (Natural England, Environment Agency and Historic England) consider a Strategic Environmental Assessment (SEA) is required. The determination period for this ends on 13<sup>th</sup> November 2018 and therefore the required responses should be received by this date. It is anticipated that this will conclude that a SEA is not required.

## **9. Consultation**

9.1 The draft SPD will be subject to public consultation following agreement by the Executive. This will ensure that interested parties can be involved in the preparation of the document. The draft SPD will be subject to a six week consultation period and will be advertised through letters, emails, the Council's web site and social networking sites.

<b>Annexes</b>	Annex 1: Draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2018), Regulation 13 Consultation Draft  Annex 2: Adopted Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2012)
<b>Background Papers</b>	
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#### Consultations, Implications and Issues Addressed

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

**Review Date:**

**Version:** 1

# SURREY HEATH BOROUGH COUNCIL



## DRAFT THAMES BASIN HEATHS SPECIAL PROTECTION AREA AVOIDANCE STRATEGY SUPPLEMENTARY PLANNING DOCUMENT 2018



Great Place • Great Community • Great Future

October 2018

# Foreword

This document updates the existing Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2012 and takes into account guidance that has been issued since the 2012 SPD was adopted. The SPD sets out the approach that Surrey Heath Borough Council will take to avoiding harm to the Special Protection Area as a result of new housing development.

Produced by the

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## Executive Summary

The Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005 and is protected from adverse impact under European and UK law. Research conducted on behalf of Natural England in 2005 indicated that the existing level of recreational pressure is having a detrimental impact on the three species of Annex I birds (nightjar, woodlark and dartford warbler) for which the SPA was designated. The breeding success of these ground-nesting birds is affected by disturbance from people and their pets using the SPA for recreational purposes.

Due to this fact, and to the level of house-building expected in the Thames Basin Heaths area, Natural England objected to all planning applications for a net increase in residential development within 5km of the SPA. This affected 11 Local Authorities in Berkshire, Hampshire and Surrey. The whole of Surrey Heath borough is within 5km of the SPA.

In order to allow housing development while still complying with the Habitats Regulations, the affected local authorities established the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) to agree a strategy for the long-term protection of the SPA.

This SPD takes forward the agreed approach set out in the Delivery Framework. This SPD links to the following adopted policies, or successive policies, including Policy NRM6 of the South East Plan and Policy CP14A & B of the Surrey Heath Core Strategy and Development Management Policies Development Plan Document.

This document provides further guidance in relation to the avoidance measures set out in Policy CP14A & B, and successive policies, which the council will facilitate through collection of developer contributions. This involves the provision of Suitable Alternative Natural Greenspace (SANG) and contributions towards Natural England's Strategic Access Management and Monitoring (SAMM) project. Developers should provide avoidance and mitigation measures through this approach to provide avoidance and mitigation for the impact of new residential development on the SPA.

# 1 Introduction

## Thames Basin Heaths Special Protection Area

- 1.1 The Thames Basin Heaths Special Protection Area (SPA) was designated on the 9<sup>th</sup> March 2005. It is protected from adverse effects under The Conservation of Habitats and Species Regulations 2017 and European Directive 2009/147/EC. The Regulations deal with both the impact of developments and of Development Plans upon European Sites which include SPAs. Local Planning authorities are identified as a “competent authority” for the purposes of determining whether or not a proposed development scheme or development plan document is likely to have a significant effect upon the SPA. The effect of the Regulations is to require Local Planning Authorities to ensure that any proposed development scheme or Development Plan will not adversely affect the integrity of the SPA.
- 1.2 The SPA is a network of heathland sites which are designated for their ability to provide a habitat for the three following internationally important rare bird species: dartford warbler, woodlark and nightjar. It is spread across nine local authorities in Berkshire, Hampshire and Surrey. The Thames Basin Heaths SPA covers approximately 23% of the Borough as shown on Map 1. Within Surrey Heath Borough Council the SPA comprises of Chobham Common, Brookwood Heaths, Colony Bog to Bagshot Heath and Broadmoor to Bagshot Woods and Heath.
- 1.3 All 3 species of birds nest on the ground or at low level and so are easily disturbed or harmed by human activity. In particular, this includes recreational activity such as dog walking. Predation by domestic cats is also a risk factor, as is the potential for fly tipping and arson on the heathland habitat.

## Document Status

- 1.4 This SPD provides an updated avoidance and mitigation strategy to show how the adverse effects of development on the integrity of the Thames Basin Heaths SPA in Surrey Heath Borough Council should be avoided and mitigated.
- 1.5 The following table outlines the elements of national, regional and local policies that are relevant to this SPD.

**Table 1: Policy context**

Adopted Policy	Policy Reference	Notes
National Planning Policy Framework (NPPF) (July 2018)	Chapter 15 (Conserving and enhancing the natural environment)	Para. 177 The presumption in favour of sustainable development does not apply where development requiring appropriate assessment

		because of its potential impact on a habitats site is being planned or determined.
South East Plan (2009)	NRM6 Thames Basin Heaths Special Protection Area	The South East Plan (2009) was partially revoked on 25 March 2013. Policy NRM6, which deals with the Thames Basin Heaths Special Protection Area, remains in place. This sets out the principle of the protection of the Thames Basin Heaths SPA in the South East.
Surrey Heath Borough Council Core Strategy and Development Management Policies (February 2012)	CP14A Biodiversity and Nature Conservation CP14B European Sites	These policies set out the principle of the protection of the Thames Basin Heaths SPA in Surrey Heath. Any successive local policies will take forward the principles set out in CP14A and B.

1.6 The above plans and policies are supplemented by the following guidance:

**Table 2: Guidance**

Guidance	Notes
Thames Basin Heaths Special Protection Area Supplementary Planning Document (January 2012)	This is the Council's existing Avoidance Mitigation Strategy to show how the effects of new (and principally) residential developments on the Thames Basin Heaths SPA should be avoided and mitigated in accordance with the Development Plan. The updated Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018) replaces this guidance.
Thames Basin Heaths SPA Delivery Framework (12 February 2009) (Thames Basin Heaths Joint Strategic Partnership Board)	This Delivery Framework has been endorsed by the Thames Basin Heaths Joint Strategic Partnership Board and is recommended to the local authorities affected by the Special Protection Area (SPA). The Board encourages local authorities to use the Framework to guide the production or revision of local avoidance and mitigation strategies.

## **Sustainability Appraisal**

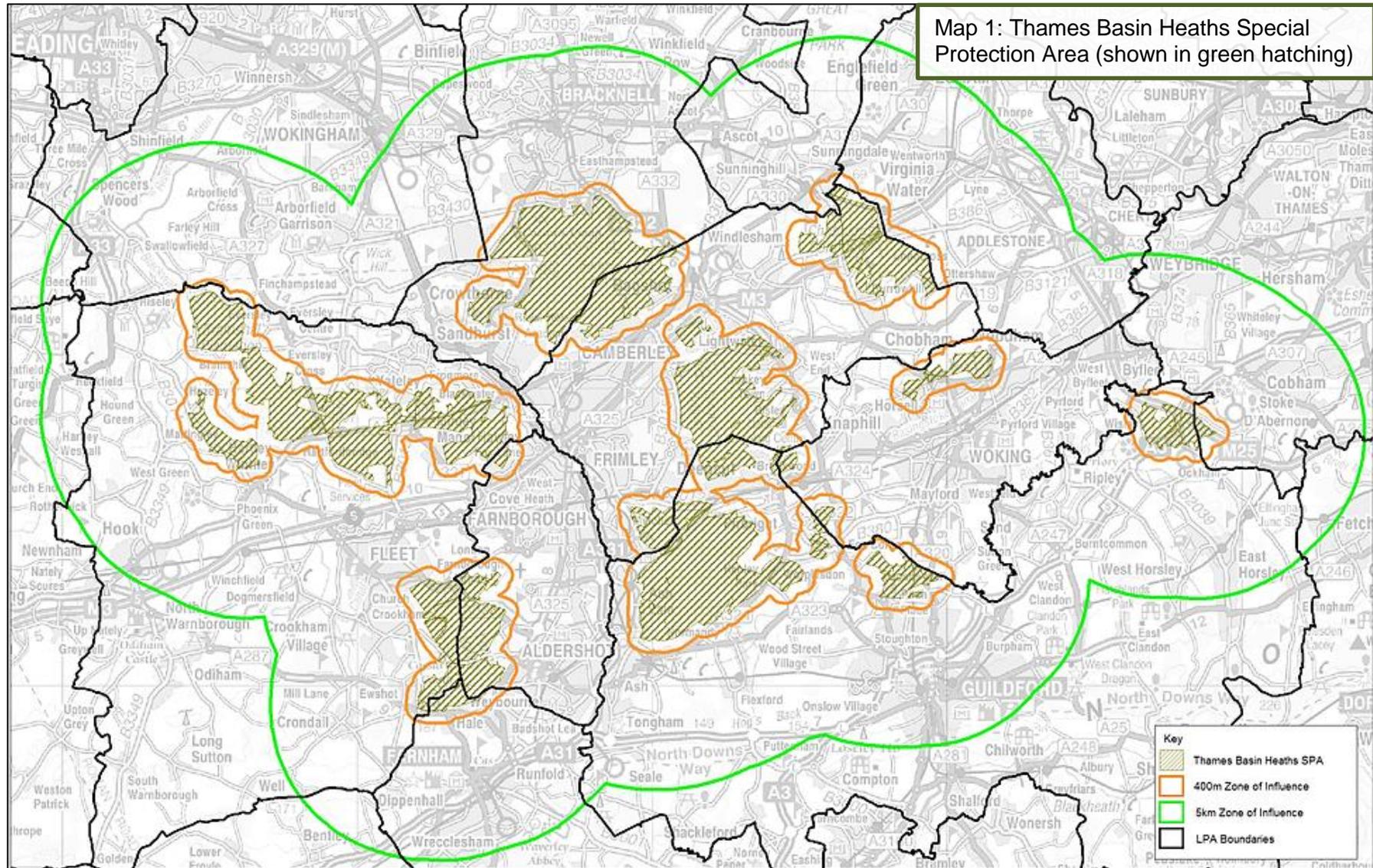
- 1.7 In accordance with the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment” (SEA Directive), as transposed into law by The Environmental Assessment of Plans and Programmes Regulations 2004, local authorities are obliged to undertake a Strategic Environmental Assessment (SEA) on any plan or programme prepared for town and country planning or land use which sets the framework for future development consent of certain projects (which includes development sites over 0.5 hectares).
- 1.8 Under Article 3(3) and 3(4) of the SEA Directive, SEA is not required for plans and programmes which “determine the use of small areas at a local level” or which only propose “minor modifications to plans and programmes”, except where they are determined to be likely to have significant environmental effects.
- 1.9 Surrey Heath Borough Council therefore undertook a SEA Screening. Before making a determination under Regulation 9 the three consultation bodies (Natural England, the Environment Agency and Historic England) will be consulted on the SEA Screening Report.

## **Habitats Regulation Assessment**

- 1.10 The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) implement in Great Britain the requirements of the EU Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (the Habitats Directive) (Council Directive 92/43/EEC). They also protect areas classified under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version) (the Birds Directive). The Regulations aim to protect a network of sites that have rare or important habitats and species in order to safeguard biodiversity.
- 1.11 Under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of any of the Natura 2000 sites. The Competent Authority (in this case Surrey Heath Borough Council) must assess the possible effects of a plan or project on any Natura 2000 sites through a Habitats Regulations Assessment.
- 1.12 The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD elaborates on Policies CP14A & B of the Core Strategy & Development Management Policies Development Plan Document (DPD) and South East Plan Policy NRM6 which have already undergone HRA. Further, the SPD only sets out guidance on the approach to avoiding impacts on the SPA and does not set out proposals for individual SANGs. Therefore, there is no pathway which gives rise to significant effect either alone or in combination. It is therefore considered that an Appropriate Assessment is not required.

## **Consultation**

- 1.11 This document is available for public consultation between 27<sup>th</sup> November 2018 and 8<sup>th</sup> January 2019.



## 2 Principles for avoidance of harm

- 2.1 Due to the large number of local authorities involved and the cumulative nature of the impacts (a result of many individual housing applications) a co-ordinated approach to avoidance measures has been necessary and the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) has been set up to provide the vehicle for joint working between local authorities and other organisations responsible for protection of the Thames Basin Heaths SPA. The JSPB includes Member representation for each affected Local Authority together with a number of stakeholders.
- 2.2 In February 2009 the JSPB endorsed a strategic Delivery Framework. This recommends a combination of three avoidance measures to protect the Thames Basin Heaths from the impacts of new residential development:
- The establishment of a 400 metre buffer around the SPA within which no net new residential development will be permitted.
  - The provision of Suitable Alternative Natural Greenspace (SANG).
  - Strategic Access Management and Monitoring (SAMM) measures, co-ordinated visitor management across the whole of the publically accessible SPA.

### **The 400 metre Buffer**

- 2.3 There is a presumption against residential development within 400m of the SPA boundary. This is measured as the crow flies from the perimeter of the SPA to the point of access on the curtilage of a dwelling, as recommended by the Joint Strategic Partnership Board and set out in the Thames Basin Heaths SPA Delivery Framework (12 February 2009). Where there are multiple points of access on the curtilage of a dwelling, the 400m buffer will be measured to the point of access that is closest in distance to the SPA, as the crow flies.
- 2.4 The impact of net new residential development within 400m of the SPA is likely to be such that it is not possible to conclude no adverse effect on the integrity of the SPA. Therefore there is a presumption against development that results in a net increase in residential units within the 400m buffer zone. A Habitats Regulations Assessment will be needed, and agreed with Natural England, to demonstrate that any development within this zone will not have an adverse effect on the SPA and/or the acceptability of any avoidance and mitigation measures provided.

### **Suitable Alternative Natural Greenspace (SANG)**

- 2.5 Two avoidance measures are promoted by Natural England and endorsed by the JSPB. These are Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). SANGs are areas that currently are not in use for recreation and so are a new alternative provision or are existing areas that are significantly under-used and so have the capacity to absorb additional recreational use. In the case of the latter category it is

important to consider why the site is under-used and whether it truly represents an alternative resource. SANGs should be in place before any development is occupied so that the risk of additional recreational pressure arising on the SPA is avoided.

- 2.6 Access Management is seen as an important part of the avoidance strategy for Surrey Heath. It is proposed to promote the use of SANGs by improving the accessibility of sites, identifying recreational routes (in particular circular walks easily accessible from residential areas) and promoting these measures.
- 2.7 Sections 4 and 5 of this document set out the approach for SANGs to be pursued within Surrey Heath.

### **Strategic Access Management and Monitoring (SAMM)**

- 2.7 SAMM is a project to provide management of visitors across the entire SPA and monitoring of the impact. It addresses the issue of cumulative impact of new development across the SPA.
- 2.8 The SAMM project aims to:
- Promote SANGs as new recreational opportunities for local people and particularly encourage their use during breeding bird season;
  - Create new volunteering opportunities;
  - Provide a SPA-wide education programme including through the Thames Basin Heath Partnership Website - [www.tbhpartnership.org.uk](http://www.tbhpartnership.org.uk) which details the project and provides information about SANGs and where to find them;
  - Provide on-the-ground wardening service to supplement existing wardening efforts;
  - Demonstrate best practice for strategic access management of visitors and visitor infrastructure where the supply of greenspace is heavily dependent on protected areas;
  - Monitor visitor usage of SANGs and SPA;
  - Monitor Annex 1 birds on SPA sites.
- 2.9 SAMM is a joint project between the Local Planning Authorities affected by the SPA (namely Guildford, Bracknell Forest, Elmbridge, Rushmoor, Runnymede, Waverley, Woking and Wokingham Borough Councils, Hart District Council and Royal Borough of Windsor and Maidenhead) along with Natural England (as the delivery body) and Hampshire County Council (as the administrative body). The SAMM Legal Agreement was signed by Surrey Heath Borough Council, Natural England and the other ten local authorities affected by SPA issues in July 2011.

### **3 Types of Development Affected**

- 3.1 The duty to consider the possibility of likely significant effect applies to all types of development, not just residential. This document largely concerns itself with the effects arising from development falling within Use Classes C2 Residential Institutions, C3 Dwelling houses and C4 Houses of Multiple Occupation. However, other forms of development may also be required to contribute toward or provide avoidance measures within the proposed development.

#### **C3 (dwellinghouse)**

- 3.2 Developments within Use Class C3 (dwellinghouses) where there is a net gain of 1 or more units are considered to give rise to likely significant effect to the SPA and will be required to contribute towards avoidance measures (SANG and SAMM). Replacement dwellings will not be required to provide avoidance measures.

#### **C2 (residential institutions)**

- 3.3 Developments within Use Class C2 (Residential Institutions) may be considered to give rise to likely significant effect to the SPA. Such developments may be required to contribute towards avoidance measures. Applications for C2 development will be considered on a case-by-case basis and in reaching a decision the Council will take into consideration how the development will be used and occupied. In the case of Residential Institutions with permanent residents, such as care/nursing homes, the likely activity levels of the residents will be taken into account in assessing whether the development is likely to give rise to a significant impact on the SPA. Natural England will normally be consulted on such applications.

#### **Houses of Multiple Occupation**

- 3.4 Conversions from C3 Dwelling Houses to C4 Houses of Multiple Occupation are considered to give rise to likely significant effect to the SPA. Such conversions are included as permitted development under the General Permitted Development Order (2015) (as amended). However, Article 3(1) of the GPDO requires compliance with Regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017. Conversions such as C3 to C4 use must comply with these Regulations and will therefore be required to contribute towards avoidance measures (SANG and SAMM).

#### **Hotels (C1)**

- 3.5 For traditional hotels offering short stay accommodation avoidance and mitigation measures will generally not be required. However, for hotels located within 400m of the SPA with a new car park, measures may be required to ensure that the car park cannot be made available to the general public wishing to access the SPA. For hotels offering accommodation for longer periods of time, such as Apart-hotels where the dwelling is to become the full time address for a person, it will be considered likely to have a significant adverse

effect in combination with other dwellings and will be required to contribute to avoidance and mitigation measures.

### **Other forms of development**

- 3.6 Proposals for other forms of development either by virtue of proximity to the SPA or where the use is quasi-residential will be required to contribute toward avoidance measures. This may include staff accommodation where it becomes the full time address for a member of staff.
- 3.7 Future changes to the GPDO, to other legal/regulatory frameworks or to Government policy may mean that certain types of development which currently require planning permission may not do so in future. However, if there is a net gain in the types of residential units referred to in this section of the document (3 - Types of Development Affected), the development will be considered to have a likely significant effect and will therefore be required to contribute towards or provide avoidance measures (SANG and SAMM).
- 3.8 Mobile or temporary dwellings may be required to contribute towards avoidance measures.
- 3.9 Such cases as set out in paragraphs 3.6 – 3.8 above will be dealt with on an individual basis and applicants are advised to seek advice before submitting a planning application or carrying out conversions under Permitted Development Rights.

## 4 SANGs in Surrey Heath

### Introduction

- 4.1 SANGs provide alternative recreational land to attract new residents away from the Thames Basin Heaths SPA.
- 4.2 Surrey Heath will provide SANGs for new developments at a standard of at least 8 hectares per 1,000 head of population as set out in the JSPB Delivery Framework. All SANGs, including on-site provision, will be expected as a minimum to meet the 8ha per 1,000 new population standard. The provision of new SANG will be subject to a case-by-case consultation with Natural England and depending on the characteristics of the site or the proposed development, as well as its proximity to the SPA, a level of provision in excess of 8ha/1000 may be required.
- 4.3 As a guide, it will usually be possible for developments of fewer than 136<sup>1</sup> net dwellings to take up capacity at strategic SANGs, subject to availability. However, it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. Strategic SANGs are owned and maintained by a relevant local authority and provide avoidance measures for developments that cannot provide their own on-site SANG. Further guidance on types of SANGs and the site size threshold is set out in paragraphs 4.19 to 4.27 of this document. Information about available strategic SANGs is provided on the Council's website at – <https://www.surreyheath.gov.uk/SANG>

### SANG Catchments

- 4.4 SANGs have catchments areas which are based on the overall size of the SANG. Residential developments with a net increase of 10 or more units that are allocated to a SANG should be located within the specific SANG's catchment area. SANG catchment areas are as follows:
- i) SANG of 2-12ha will have a catchment of 2km
  - ii) SANG of 12-20ha will have a catchment of 4km
  - iii) SANG of 20ha+ will have a catchment of 5km
- 4.5 The standards for proximity to SANG apply to all residential developments with a net increase of 10 or more units. Developments with a net increase of less than 10 units need not be within a specified distance of a SANG provided that overall there is sufficient SANG capacity within the Borough. Natural England have indicated that where a suite of smaller SANGs can be linked through access management measures to function in combination as a much larger SANG, this will be accepted in lieu of the above.

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<sup>1</sup> This is the minimum number of dwellings necessary to generate a requirement for a minimum 2ha SANG (at an average of 1.84 persons per dwelling based on the average occupancy rates for existing allocations for strategic SANG capacity in Surrey Heath and a SANG standard of at least 8ha per 1,000 new population).

## SANG Capacity

- 4.6 Capacity at strategic SANGs is based on a tiered structure so that larger houses, which are likely to accommodate more people, use up more of the SANG capacity than small houses. This is in line with the approach adopted by neighbouring authorities and by the SAMM project. Therefore rather than being considered in terms of the numbers of dwellings, SANGs are considered in terms of the number of additional people that can be mitigated for. Average occupancy rates will be taken to be as follows:

**Table 3: SANGs Occupancy Rates**

Dwelling Size	Occupancy <sup>2</sup>
1 bedroom	1.40
2 bedroom	1.85
3 bedroom	2.50
4 bedroom	2.85
5+ bedroom	3.70

- 4.7 Where calculating the number of bedrooms for the purposes of determining the amount of SANG capacity a development requires, additional habitable rooms capable of realistic conversion to bedrooms will be included. Habitable rooms capable of future conversion into a bedroom will include, for a dwelling house with more than one storey, any room at first floor level and above with an external window (excluding bathrooms and the like), with a floor area greater than 6.5 sqm.
- 4.8 Carrying capacity refers to the quantity of new visitors or recreational activity that a SANG can accommodate without detriment to the site. For new SANGs with no existing usage the carrying capacity will normally be the 8ha per 1,000 population standard. Further guidance on carrying capacity is provided in paragraphs 4.15 to 4.18 of this document.

## Delivery of SANG

- 4.9 Sufficient SANG must be delivered (identified, functional and secured in perpetuity) in advance of dwelling occupation to ensure that there is no likely significant effect on the Thames Basin Heaths SPA. The Council will seek to ensure that adequate SANG capacity is provided in the borough to provide avoidance measures for the expected amount and location of development.

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<sup>2</sup> Occupancy rates taken from Natural England's SAMM Tariff Guidance document, March 2011 and based on analysis of Census 2001 data for Thames Basin Heaths Authorities.

- 4.10 SANGs are expected to be provided and funded in order that they can function in perpetuity which is considered to be at least 125 years, in accordance with legislation which defines the ‘in perpetuity’ period (Perpetuities and Accumulations Act 2009).
- 4.11 The in perpetuity provision of SANG means that increased local pressure on the Thames Basin Heaths SPA will be offset in perpetuity. In considering what represents an “in perpetuity” solution for the purposes of funding, the Council will have regard to the following matters as appropriate:
- The funding must be sufficient for the indefinite future.
  - Where appropriate, as the basis for calculations, regard will be given to the statutory definitions of in perpetuity in force at the time.
  - Funding mechanisms must be reliable, workable and enforceable, providing sufficient funding for the long term management of the SANG over an indefinitely long period to the satisfaction of the Council as competent authority.
- 4.12 Natural England’s preference is for SANGs to be handed over to local authorities or similar bodies. This is to ensure that in perpetuity management can be securely provided by a body that is unlikely to become insolvent or dissolve. Where SANG land is not owned by the Council, Natural England may require the Council to agree ‘step-in rights’ either for itself or an approved and named organisation to ensure that mitigation is secure. Step-in rights will always be required where a third party management company is proposed to own and/or manage a SANG.
- 4.13 The use of step-in rights will be triggered where a SANG’s Management Plan is not being fulfilled, or in instances where it is necessary to ensure a SANG remains funded and maintained in perpetuity. In all cases where SANG land is not owned by the Council, the Council will seek an interest in the land to ensure that the SANG endures and the funding is used as set out in the SANG agreements. In every situation where step-in rights are required, they will be secured through a Section 106 or similar legal agreement and must be agreed with Natural England.
- 4.14 All proposals for SANGs must include an in depth SANG Management Plan that clearly outlines the practical habitat management and explains how the requirements of the SANG Guidelines (see section 6) will be met. The SANG Management Plan should include details of the managing body or organisation, capital costs and costs for the in perpetuity management of the SANG in order to demonstrate that the SANG will deliver effective avoidance both at the outset and in perpetuity. The Management Plan should have regard to Policies CP14A and B of the Surrey Heath Core Strategy (2012) as well as any subsequent biodiversity and nature conservation policies in emerging Development Plan Documents, and Chapter 15 of the NPPF (Conserving and Enhancing the Natural Environment).
- 4.15 For new SANGs with no existing usage the carrying capacity will normally be the 8ha per 1,000 population standard. Carrying capacity refers to the quantity of new visitors or recreational activity that a SANG can accommodate without

detriment to the site. Visitor surveys will be carried out on potential SANGs prior to their adoption so that current usage levels can be assessed. Calculations of the capacity of individual SANGs will be set out in the proposal document for each SANG and will be agreed with Natural England.

- 4.16 Where a proposal for a SANG includes the use of existing public open space, the existing rights and patterns of public use must be taken into account and protected, and a degree of discounting people capacity must be applied to reflect this. Discounting is used to account for the existing visitor capacity for a given area, meaning the overall capacity of the SANG is reduced because some of the visitor capacity is already used. The impact of the proposed improvements to the land and accessibility through implementation of a SANG will, to some extent be absorbed by existing visitors' use of the site area.
- 4.17 In the case of SANGs which have a recognised nature conservation interest, capacity will only be released where monitoring indicates that additional usage is having no adverse effect and the site can accommodate more recreational usage. In such cases it will be difficult to identify a definitive capacity. Surrey Heath may be reliant on such sites. For this reason, it may be necessary to identify SANG capacity at a rate that is above the 8ha per 1,000 population standard.
- 4.18 The Council will continue to work with other Councils, organisations and separate parties to deliver new SANGs. Joint working between the Council and other parties may be appropriate where the Council alone cannot provide sufficient SANG or there is the opportunity to add value and/or capacity to individual SANG by developing a network of SANG across local authority boundaries.

### **Strategic SANGs**

- 4.19 Strategic SANGs are located throughout Surrey Heath Borough or within close proximity of the Borough, in order for their catchment areas to be effective. They are owned and maintained either by Surrey Heath Borough Council, or in instances such as where the SANG is located outside of the Borough, by an adjoining authority.
- 4.20 The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units. In addition, larger developments in Camberley Town Centre<sup>3</sup>, that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.
- 4.21 Developments in Surrey Heath that are allocated capacity at strategic SANGs as avoidance measures are required to make financial contributions towards

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<sup>3</sup> As geographically defined within the Camberley Town Centre Inset 1 Sheet of the Surrey Heath Local Plan 2011-2028 Policies Maps - <https://www.surreyheath.gov.uk/residents/planning/planning-policy/other-planning-documents/camberley-town-centre-area-action-plan>

their enhancement, and ongoing management and maintenance. Contributions are currently taken through the Community Infrastructure Levy (CIL), where the development is CIL liable. In instances where a development is not CIL liable, contributions are taken through a unilateral undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990.

- 4.22 A list of strategic SANGs that Surrey Heath allocates to at the time of this document's production is included in Table 4. Appendix 1 is an accompanying map which demonstrates the location of the strategic SANGs included in Table 4 and their catchment areas.

**Table 4: Surrey Heath Strategic SANGs**

<b>Strategic SANG</b>	<b>Total People Capacity for SANG</b>
Chobham Meadows	2516
Windlemere	2000
Shepherds Meadows	1200
Hawley Meadows	1091
Swan Lakes	194
Blackwater Park	434
Chobham Place Woods	280

### **Bespoke SANGs**

- 4.23 Bespoke SANGs are provided by developers of large sites, and provide avoidance measures for a specific development. Major or large new developments will be expected to provide bespoke on-site SANGs rather than relying on capacity at Surrey Heath's available strategic SANGs. Developments of more than 136 units will generally be expected to provide a bespoke SANG. Appendix 3 shows the location of existing bespoke SANGs in Surrey Heath.
- 4.24 The figure of 136 units is a starting point only, and it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. In instances where a development of more than 100 units seeks to use capacity at a strategic SANG, the Council will need to consider whether this would result in an overall shortage of capacity within the relevant strategic SANG's catchment area.
- 4.25 Additionally, in some circumstances, sites of fewer than 100 units may be asked to make some on-site provision. Where the Council considers that an individual development proposal represents phased or piecemeal development of a larger overall site, the total capacity of the larger site will be taken into account when reaching a decision on whether an individual proposal should

provide on-site mitigation. Proposals for any bespoke SANG will be considered on a case-by-case basis, in consultation with Natural England.

- 4.26 To help facilitate development at sites located in Camberley Town Centre<sup>4</sup> which cannot provide bespoke SANG land on-site, the Council will consider the possibility of allocating strategic SANG for sites over the threshold of 136 units in this location, subject to the availability of capacity. In such cases, developer contributions will be sought through the same mechanisms as required for any others sites allocated capacity at strategic SANGs, as described in Section 6 of this document (Strategic SANG Contributions).
- 4.27 Use of this capacity will be considered by the Council on a case by case basis, as a balance should be maintained which ensures delivery of sustainably located town centre sites, whilst also providing capacity for sites of less than 136 units, which rely on strategic SANGs. The Council cannot guarantee that all development sites can be accommodated through this arrangement.

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<sup>4</sup> As geographically defined within the Camberley Town Centre Inset 1 Sheet of the Surrey Heath Local Plan 2011-2028 Policies Maps

## 5 Guidelines for the creation of SANG

5.1 The following guidance is based upon the Delivery Framework and Natural England's guidance on the creation of SANG<sup>5</sup>.

SANGs may be created from:

- I. existing open space of SANG quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public.
- II. existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA
- III. land in other uses which could be converted into SANG

5.2 No guidance is included on minimum site size, but the requirements set out in Appendix 3, including in particular the requirement for a circular walk, may affect the practical size of a SANG.

5.3 Appendix 3 sets out a full list of requirements for the creation of new SANGs.

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<sup>5</sup> Thames Basin Heaths Special Protection Area: Mitigation Standards for Residential Development (English Nature (now Natural England), May 2006)

## 6 Strategic SANG Contributions

- 6.1 New development will be required to make financial contributions toward both SANG and SAMM. Contributions may in part be used to fund the staffing costs for monitoring and administration either within the Borough Council or by a joint body to oversee parts or all of this work. Monitoring will include surveys to be undertaken in future to observe visitor numbers to SANGs and the SPA.
- 6.2 For developments that must provide avoidance measures and which are not providing a bespoke on-site SANG solution, contributions must be made to the Council for the use of capacity at one of the strategic SANGs the Council allocates to. Capacity at strategic SANGS will generally be reserved for applications of up to 136 net additional units, where it is available. However, it is recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. Furthermore, in some cases, strategic SANG capacity may be reserved for planned developments in Camberley Town Centre which cannot realistically provide their own land for SANGs.
- 6.3 Applications that require the allocation of strategic SANG capacity will be reserved when the application is registered. Strategic SANG capacity will be reserved on a first come, first served basis. This is likewise the case for appeals that are registered. In the eventuality that an application is refused, or an appeal is dismissed, any capacity that has been reserved for an application will be removed. The Council monitors SANG capacity on a monthly basis. Should strategic SANG capacity become limited in the Borough, SANG capacity will be monitored on a fortnightly basis.
- 6.4 SANG contributions for Residential (C3) developments are currently taken through CIL, which came into effect on 1<sup>st</sup> December 2014. The Council's CIL Charging Schedule includes a lower tariff for residential developments which either do not require avoidance measures, or provide bespoke SANG, and a higher tariff for developments which require use of strategic SANG. CIL tariffs are charged on a per square metre basis. The cost of the SANG element of CIL is £125.00 per square metre. The Council's CIL Regulation 123 List includes strategic (shared) SANG for development that cannot secure its own SANG solution as one of the Council's infrastructure projects to be funded through CIL. SANG monies collected through CIL are ring-fenced for the delivery, maintenance and management of strategic SANGs in perpetuity.
- 6.5 For developments that are not CIL liable but nonetheless include a net increase in residential units, SANG contributions are secured through a unilateral undertaking made pursuant to Section 106 of the Town and Country Planning Act 1990. If the Council were unable to fund the provision of SANG for residential development types that are not CIL liable, the impacts from these developments on the SPA could not be avoided. Consequently, such

developments would fail to meet the requirements of the Conservation of Habitats and Species Regulations<sup>6</sup>, which could therefore not be discharged.

- 6.6 As such, the Council levies a contribution of £112.50 per square metre for residential floorspace that is not CIL liable, at sites of 1 or more net new units. This could be either new residential floorspace or floorspace that is converted to residential use. As with the proportion of CIL that is collected for SANGs, this money is ring-fenced for the delivery, maintenance and management of strategic SANGs in perpetuity. The types of development affected that are liable for this contribution are set out below:

**Table 5: Development Types Requiring Avoidance Measures for SANG that are not CIL Liable**

Development Types Liable for the SANGs Contribution	SANGs Contribution
Change of use to Residential use through the Prior Approval process under the General Permitted Development Order 2015 (as amended)	£112.50 per sqm of residential floorspace
Self and custom build housing	
Affordable Housing as defined in the NPPF 2018 <sup>7</sup>	
Applications where less than 100sqm residential floor space is created	
Conversions to residential use from use class C1, C2 and any use class in categories A, B, D, Sui Generis, or other uses not categorised (as set out in the Town and Country Planning Use Classes Order), through planning permission where the applicant can demonstrate that the building or part of the building has been in continual lawful use for a 6 month period within the last 3 years	
Conversions to a C2 use where the development may be considered to give rise to likely significant effect to the SPA	

- 6.7 For residential conversions within use class C3 (Residential) and C4 (Houses of Multiple Occupation), where no additional floorspace is created, but the overall number of units increases, avoidance measures must also be provided through the allocation of SANG. Such development types include, though are not limited to, the following:

- sub-divisions of existing Residential (C3) use units;
- conversions from existing Residential (C3) use dwellings to a House in Multiple Occupation (HMO) (C4) use.

<sup>6</sup>The Conservation of Habitats and Species Regulations 2017-  
<http://www.legislation.gov.uk/ukxi/2017/1012/made>

<sup>7</sup> Affordable Housing as defined in Annex 2 of the NPPF 2018 (Glossary) -  
<https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

6.8 The Council recognises that a SANGs contribution of £112.50 per square metre would represent a disproportionately high payment where applied to developments that are already in residential use. Therefore, for the types of development set out in paragraph 6.7, the SANGs contribution will be calculated using their net additional person capacity. This will be charged at £2,832 per net additional person allocated SANG capacity, based on the average occupancy rates for dwellings set out in Table 3. The calculations setting out the Council's per person capacity cost for its strategic SANGs are included in Appendix 4.

6.9 For residential sub-divisions, the occupancy of the existing dwelling should be taken into consideration when calculating the contributions to be paid. To give a worked example:

***Example: Conversion of a 4 bedroom house to two 2 bedroom houses:***

*Existing Occupancy:  $1 \times 2.85$  (1 x 4 bed) = 2.85*

*Proposed Occupancy:  $2 \times 1.85$  (2 x 2 bed) = 3.70*

*Net Occupancy:  $3.70 - 2.85 = 0.85$  additional people*

*Therefore mitigation would be required for 0.85 additional people.*

6.10 In the case of a conversion from Residential (C3) use to HMO (C4) use, each C4 bedroom will be considered to have an average occupancy rate of 1 person, unless there is evidence to suggest that a higher rate of occupation will be achieved. The occupancy rate of the existing Residential (C3) unit as set out in Table 3 will be subtracted from the occupancy of the HMO to calculate the number of persons for whom avoidance is required. A worked example is shown below to illustrate this calculation:

***Example: Conversion of a 3 bed Residential (C3) use to a 5 bed HMO (C4):***

*Existing Occupancy Rate:  $1 \times 2.5$  (1 x 3 bed) = 2.5 people*

*Proposed HMO Occupancy Rate:  $1 \times 5$  (5 bedroom HMO) = 5 people*

*Net Occupancy requiring mitigation:  $5 - 2.5 = 2.5$  additional people.*

6.11 It should be noted that the development types shown in Table 5 and the residential conversions listed in paragraph 6.7 may not form an exhaustive list of residential developments providing net additional units that are not CIL liable. The Council will seek appropriate SANGs contributions for any other residential development types that are not CIL liable but are required to provide avoidance measures for their impact on the TBH SPA.

6.12 Should the Council undertake a CIL Review, alternative mechanisms for the funding of SANG that are separate from CIL will be considered. This may include the use of unilateral undertaking made pursuant to Section 106 of the

Town and Country Planning Act 1990 for all types of residential development that require avoidance measures through the allocation of capacity at strategic SANGs.

### **Expenditure of SANGs monies**

6.13 Money that is collected for SANG will be used for the following potential expenditure relating to the delivery of the Surrey Heath Borough Council Thames Basin Heaths SPA Avoidance Strategy SPD:

- Initial capital enhancements of new strategic SANGs in accordance with the relevant SANG Management Plan.
- In perpetuity management and maintenance of strategic SANGs.
- Facilitation costs associated with the operation and review of the strategy.

## 7 SAMM Contributions

- 7.1 Strategic Access Management and Monitoring (SAMM) is a further avoidance measure, which is separate from SANGs. A contribution towards the SAMM project is required for all net new residential development. Whereas SANG contributions are collected individually by each local authority, the Joint Strategic Partnership Board (JSPB) endorsed the principle of a separate single tariff to fund SAMM measures, to be collected centrally and used strategically across the SPA. SAMM funds are not used for the delivery, maintenance or management of SANGs.
- 7.2 The SAMM Project is funded by Section 106 contributions. The tariff is collected from the relevant local authorities by an administrative body (Hampshire County Council) and the delivery managed by Natural England. The JSPB has agreed that the SAMM contribution should be applied on a 'per bedroom' basis. Local occupancy rates have not been applied to the SAMM contribution, as accurate and up-to-date figures for occupancy rates in Surrey Heath Borough are not currently available. Therefore, sub regional averaged figures are used to calculate SAMM contributions. This is based on a programme of access management and monitoring measures set out in the Thames Basin Heaths SAMM Project Tariff Guidance document, produced by Natural England in March 2011<sup>8</sup>.
- 7.3 The SAMM tariff set out in the above guidance document is the contribution which is applied by Surrey Heath. The tariff has been set at £630 per dwelling. The sum provides for £190 towards annual expenditure and £440 to the long term investment fund. In Natural England's SAMM Tariff Guidance document, this has been converted to a 'per bedroom' tariff which equates to £263 per person, as set out in the following table:

**Table 6: SAMM Contribution per Unit**

Number of Bedrooms	Occupancy	Tariff
1	1.40	£399
2	1.85	£526
3	2.50	£711
4	2.85	£807
5+	3.70	£1052

- 7.3 In Addition to the SANG and SAMM tariffs, the Borough Council may require developers to meet the Council's legal costs of processing the legal agreement and internal monitoring/administration of the agreement and

<sup>8</sup> Thames Basin Heaths Strategic Access Management and Monitoring Project Tariff Guidance document - <https://www.surreyheath.gov.uk/sammtariff>

payments. The details of the requirements for such payments will be provided on the Council's website.

- 7.4 Contributions may be updated on an annual basis to reflect increased costs or works. This will not affect contributions already paid or committed. Where a development site is entirely self-mitigating through a bespoke onsite SANG, contributions will still be required to provide SANG contributions. Where developments are seeking to contribute to a SANG controlled by a third party all contributions must be paid to the Borough Council who will release funds to the third party in accordance with the arrangements in place to deliver and maintain the SANG. An administration cost would also be applied in such instances to account for officer hours. This will ensure that the Council fulfils its duty as competent authority to ensure that avoidance measures are provided to the required standard and that monies are available for access management and monitoring.

## Glossary

**Appropriate Assessment** - An assessment, required under the Habitats Directive, if a plan or project is judged as likely to have a significant effect on a Natura 2000 site.

**Community Infrastructure Levy** - The Community Infrastructure Levy (CIL) is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.

**Competent Authority** - The decision maker under the Habitats and Species Regulations 2017: often the local authority, but could be a planning inspector or other body responsible for assessing a plan or project.

**Delivery Framework** - Sub-regional guidance on Thames Basin Heaths SPA avoidance and mitigation methods, produced and endorsed by the Thames Basin Heaths Joint Strategic Partnership Board.

**Development Plan** - A set of documents, which at the time of this SPD's adoption comprises certain saved policies from the Surrey Heath Local Plan 2000, the Core Strategy and Development Management Policies DPD, the Camberley Town Centre Area Action Plan, the Surrey Waste and Minerals Plans, and the saved policies in the South East Plan. Section 54A of the Town and County Planning Act 1990 requires that planning applications and appeals be determined in accordance with the Development Plan unless material considerations indicate otherwise.

**Development Plan Document** - A Local Development Document which forms part of the statutory development plan, examples include the Core Strategy and Area Action Plans.

**Local Plan** - A Local Plan forms part of the development plan system set out in the Town and County Planning Act 1990. Local Plans set out a vision and a framework for the future development of an area, addressing housing, the economy, community facilities and infrastructure, the environment, adapting to climate change and securing good design. Local Plans (together with any adopted neighbourhood plans) are the starting-point for considering whether planning applications can be approved.

**National Planning Policy Framework (NPPF)** - A document that sets out the government's planning policies for England. It guides planning decisions and sets the framework for the production of planning documents at the local level.

**Natura 2000 sites** - an ecological network of sites (SPAs and SACs) established under the Habitats Directive to provide a strong protection for Europe's wildlife areas.

**Special Area of Conservation** - Nature conservation site designated under the Habitats Directive for its habitat or species interest.

**Special Protection Area** - A nature conservation site designated for its bird interest under the Birds Directive, but subject to the assessment procedure set out in the Habitats Directive.

**Strategic Access Management and Monitoring Project** - Overseen by Natural England, implements standard messages and additional wardening and education across the Thames Basin Heaths SPA.

**Suitable Alternative Natural Greenspace (SANG)** - Open space, meeting guidelines on quantity and quality, for the purpose of providing recreational alternatives to the SPA.

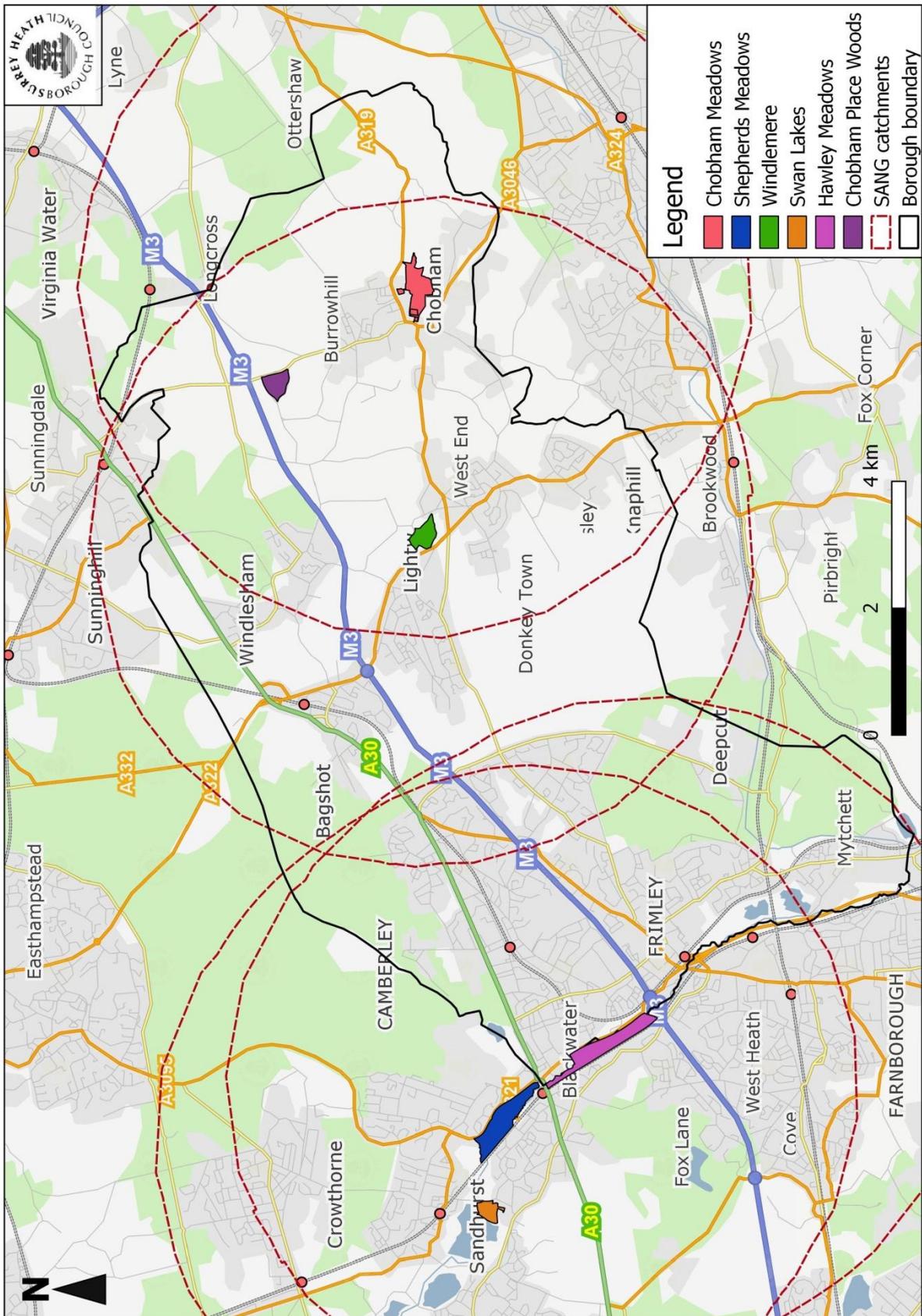
**Supplementary Planning Document** - A planning document produced at the local level to build upon and provide more detailed advice or guidance on local policies.

**Thames Basin Heaths Joint Strategic Partnership** - Partnership of Thames Basin Heaths-affected Local Authorities and key stakeholders, which form and oversee the implementation of sub-regional guidance, for example the Delivery Framework.

## **Abbreviations**

<b>CSDM DPD</b>	<b>Core Strategy and Development Management Policies Development Plan Document</b>
<b>CIL</b>	<b>Community Infrastructure Levy</b>
<b>DPD</b>	<b>Development Plan Document</b>
<b>EU</b>	<b>European Union</b>
<b>HMO</b>	<b>Houses of Multiple Occupation</b>
<b>JSPB</b>	<b>Joint Strategic Partnership Board</b>
<b>NPPF</b>	<b>National Planning Policy Framework</b>
<b>SAMM</b>	<b>Strategic Access Management and Monitoring</b>
<b>SANG</b>	<b>Suitable Alternative Natural Greenspace</b>
<b>SEA</b>	<b>Strategic Environmental Assessment</b>
<b>SEP</b>	<b>South East Plan</b>
<b>SPA</b>	<b>Special Protection Area</b>
<b>SPD</b>	<b>Supplementary Planning Document</b>

# Appendix 1: Map of Strategic SANGs Allocated to



## Appendix 2: Guidelines for Creation of SANGs

The wording in the list below is precise. The requirements referred to as “must” are essential in **all** SANGs. Those requirements listed as “should have” should all be represented **within the suite** of SANGs, but do not all have to be represented in every site. All SANGs should have at least one of the features on the “desirable” list.

### Must have

- For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it.
- It should include a circular walk of 2.3-2.5km around the SANGS. On sites with car parks this should start and finish there.
- Sites of 10ha or more must have adequate car parking. These should be clearly signposted and easily accessed.
- Car parks must be easily and safely accessible by car and should be clearly sign posted.
- The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
- The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s
- SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).

### Should have

- SANGS should be clearly sign-posted or advertised in some way.
- SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.
- SANGS should link into longer walks of 5km or more through footpath or other green networks

### Desirables

- It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.
- Where possible it is desirable to choose sites with a gently undulating topography for SANGS
- It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.
- It is desirable that SANGS provide a natural space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.
- Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.
- Larger SANGS or those grouped close together should aim to provide longer walks of 5km or more.

## Appendix 3: Summary of SANG costs

The cost of managing strategic SANGs includes three areas:

- Initial Enhancement works costs associated with bringing a SANG up to the necessary standard;
- Maintenance costs in perpetuity associated with the management of SANGs;
- Facilitation costs including contingency to forward plan and deliver the complete avoidance and mitigation strategy.

A summary of the cost per person for managing strategic SANGs in Surrey Heath is detailed in table 7. For residential conversions detailed in paragraph 6.7 of this document, the cost per person will be charged at £2,832.

**Table 7: summary of the per person costs for SPA Avoidance and Mitigation Works and Measures**

SPA Avoidance and Mitigation Works and Measures	Cost per person
SANG initial enhancement works	£66
SANG Maintenance cost in perpetuity (125 years)	£1,772
Facilitation sum	£994
Total cost per person	£2,832

# SURREY HEATH BOROUGH COUNCIL

## LOCAL DEVELOPMENT FRAMEWORK 2011-2028



### THAMES BASIN HEATHS SPECIAL PROTECTION AREA AVOIDANCE STRATEGY SUPPLEMENTARY PLANNING DOCUMENT



Great Place • Great Community • Great Future

January 2012

# Foreword

The Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD) was adopted by the Borough Council's Executive on 4<sup>th</sup> January 2012 and forms part of the Surrey Heath Local Development Framework 2011-2028.

This document is an update to the Thames Basin Heath Interim Avoidance Strategy (IAS) which was adopted by the Council in 2008. The SPD sets out the approach that Surrey Heath Borough Council will take to avoiding harm to the Special Protection Area as a result of new housing development. The content of the SPD reflects guidance that has been issued in the time since the original IAS was adopted, in particular the Joint Strategic Partnership Board's Delivery Framework. It also takes account of Natural England's Strategic Access Management and Monitoring (SAMM) project and recent legislative changes.

If you would like a copy of this SPD in large print, Braille or another language, please contact the Council on telephone number: -

01276 707222 or e-mail [planning.policy@surreyheath.gov.uk](mailto:planning.policy@surreyheath.gov.uk)

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## Executive Summary

The Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005 and is protected from adverse impact under European and UK law. Research conducted on behalf of Natural England in 2005 indicated that the existing level of recreational pressure is having a detrimental impact on the three species of Annex I birds (nightjar, woodlark and dartford warbler) for which the SPA was designated. The breeding success of these ground-nesting birds is affected by disturbance from people and their pets using the SPA for recreational purposes.

Due to this fact, and to the level of house-building expected in the Thames Basin Heaths area, Natural England objected to all planning applications for a net increase in residential development within 5km of the SPA. This affected 11 Local Authorities in Berkshire, Hampshire and Surrey. The whole of Surrey Heath borough is within 5km of the SPA.

In order to allow housing development while still complying with the Habitats Regulations, the affected local authorities established the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) to agree a strategy for the long-term protection of the SPA. The agreed approach set out in the Delivery Framework, and in Policies NRM5 and NRM6 of the South East Plan, has been taken forward into local policy through Policy CP14A & B of the Surrey Heath Core Strategy and Development Management Policies Development Plan Document.

This document provides further guidance in relation to the avoidance measures set out in Policy CP14A & B, which the council will facilitate through collection of developer contributions. This involves the provision of Suitable Alternative Natural Greenspace (SANG) and contributions towards Natural England's Strategic Access Management and Monitoring (SAMM) project. This approach allows the Council to conclude that developments taking place within between 400m and 5km of the SPA are not likely to have a significant impact on the SPA.

This document updates the approach set out in the Thames Basin Heaths Interim Avoidance Strategy which was adopted by Surrey Heath in 2008. In particular it takes account of the Joint Strategic Partnership Board's Delivery Framework and Natural England's Strategic Access Management and Monitoring (SAMM) project.

# 1 Introduction

## Document Status

- 1.1 The Surrey Heath Borough Council Local Development Framework (LDF) outlines the strategies and policies to address future development in the Borough. The overarching document within the LDF is the Core Strategy which sets out the level and spatial distribution of development up to 2028. The Examination in Public of the Core Strategy and Development Management Policies Development Plan Document (CSDM DPD) closed in November 2011 and it is expected that the DPD will be adopted around April 2012.
- 1.2 At the time of writing, the South East Plan (SEP)<sup>1</sup>, set out the long-term planning framework for the region for the years 2006-2026. However, it is expected that the SEP will be revoked through the forthcoming Localism Act. SEP Policy NRM5: Conservation and Improvement of Biodiversity and NRM6: Thames Basin Heaths Special Protection Area set out the approach that Local Authorities should take to avoiding the impacts of new development on the SPA. The emerging Surrey Heath CSDM DPD is in general conformity with the SEP, and, specifically, policy CP14A & B will carry forward the approach of Policies NRM5 and NRM6 into local policy.
- 1.3 Supplementary Planning Documents (SPDs) expand on or provide further guidance on policies in the Core Strategy. SPDs are part of the Local Development Framework and are a material consideration in the determination of planning applications. The primary role of this document is to provide guidance to ensure new development delivers Core Strategy objectives in addition to national and local natural resource management aims. This SPD has been produced in support of Policy CP14A & B of the Surrey Heath CSDM DPD and sets out how that policy will be implemented to ensure that new development within Surrey Heath will not adversely affect the integrity of the Thames Basin Heaths Special Protection Area. This document replaces the Thames Basin Heaths Interim Avoidance Strategy as adopted in July 2008.
- 1.4 This document does not set out the evidence on harm but has been prepared having regard to relevant documents including studies undertaken to address the impact of recreational activity.
- 1.5 This document is intended to provide general guidance on the Council's approach to avoidance of likely significant effect on the Thames Basin Heaths SPA arising from new development. Details of individual SANGs are set out in site-specific proposal documents which will be available on the Surrey Heath website as any individual SANG is adopted. These documents will contain detailed site information including calculations of visitor capacity, schedules of works required (including costings) and levels of developer contributions.

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<sup>1</sup> The South East Plan - Regional Spatial Strategy for the South East of England (May 2009)

- 1.6 In preparing this document the Council has consulted with Natural England (the Government's nature conservation body), with the other members of the Thames Basin Heaths Joint Strategic Project Board and with other local organisations affected by this issue. A list of organisations and individuals consulted on this document is attached at Appendix 1.
- 1.7 This document has been subject to an SEA screening (in accordance with Regulation 9(1) of the SEA Regulations 2004<sup>2</sup>) which found that SEA is not required because the plan or programme is in elaboration of an existing plan or programme (and is therefore a minor modification to that plan or programme), and is unlikely to have significant environmental effects.

## **2 Policy Background**

### **International and National Policy**

- 2.1 The European Union (EU) has introduced two pieces of legislation that deal with protection of rare species and habitats. These are generally referred to as the Birds Directive<sup>3</sup> and the Habitats Directive<sup>4</sup>. The Birds Directive identifies rare species of European wild birds that need protection. Member States are required to take special measures to conserve the habitats of certain rare species of birds. In particular each Member State was required to classify the most suitable areas of such habitats as Special Protection Areas (SPAs). Even if none of the rare birds are there, the land must be protected and managed to favourable condition. This gives the best chance for species recovery by optimising the chance for successful breeding and expansion of bird territory
- 2.2 The EU legislation has been transposed into UK legislation as the Habitat Regulations, which were most recently updated in 2010<sup>5</sup>. The Regulations deal with both the impact of developments and of Development Plans upon European Sites which include SPAs. Local Planning authorities are identified as a "competent authority" for the purposes of determining whether or not a proposed development scheme or development plan document is likely to have a significant effect upon the SPA. The effect of the Regulations is to require Local Planning Authorities to ensure that any proposed development scheme or development plan will not adversely affect the integrity of the SPA.
- 2.3 Development can have direct and indirect impacts on natural resources. Ensuring that new development maintains, enhances, restores or adds to biodiversity interest is a key principle of UK national planning policy (Planning Policy Statement 9: Biodiversity and Geological Conservation, 2005).
- 2.4 The effect of this guidance and legislation together with the Natural England and Rural Communities Act 2006 is to impose on local authorities a legal duty

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<sup>2</sup> Environmental Assessment of Plans and Programmes Regulations 2004

<sup>3</sup> EC Council Directive 79/409/EEC

<sup>4</sup> EC Council Directive 92/43/EEC

<sup>5</sup> The Conservation of Habitats and Species Regulations, 2010

of care to protect biodiversity. Where a European Site (such as an SPA) could be affected by a plan or project then a Habitats Regulations Assessment must be undertaken. This identifies the interest features of the site (such as birds, plants or animals), what they could be harmed by and assesses whether the proposed plan or project could cause that harm to occur. If at the end of the process local authorities are still not certain that harm, or “a significant adverse effect on site integrity” will not occur then they are legally obliged not to approve the proposed plan or project, subject to the procedure outlined in Article 6(4) of the EC Habitats Directive regarding imperative reasons of overriding public interest. A Habitats Regulation Assessment (including Appropriate Assessment) has been carried out on the emerging Core Strategy and concludes that there will be no adverse impacts to the SPA arising from the policies contained within the CSDM DPD.

### **Thames Basin Heaths Special Protection Area**

- 2.5 The Thames Basin Heaths Special Protection Area (SPA) has been designated by the European Union. It is spread across nine local authorities in Berkshire, Hampshire and Surrey. The designation affects the heathland areas which do, or could, support the following 3 species of rare birds: Dartford warbler, nightjar and woodlark. The SPA is fragmented and is interspersed by urban areas. This fact makes it particularly vulnerable to the effects of new development and urbanisation. The designation was finally confirmed 9<sup>th</sup> March 2005. The Thames Basin Heaths SPA covers approximately 23% of the Borough as shown on Map 1.
- 2.6 All 3 species of birds nest on the ground or at low level and so are easily disturbed or harmed by human activity. In particular, this includes recreational activity such as dog walking. Predation by domestic cats is also a risk factor, as is the potential for fly tipping and arson on the heathland habitat.

### **Regional and Local Policy**

- 2.7 The principle of protection of the SPA is set out in South East Plan (SEP) Policy NRM5 and the need to provide measures to ensure avoidance of the impacts of new development on Thames Basin Heaths SPA is embedded within Policy NRM6. The Appropriate Assessment of the SEP identified that such policies were necessary to mitigate the environmental impacts of development.
- 2.8 SEP Policy NRM5: Conservation and Improvement of Biodiversity requires that Local Authorities avoid a net loss of biodiversity and actively pursue opportunities for a net gain. The policy sets out the protection for different types of conservation sites and insists upon the testing of alternative housing distributions to ensure that there is no adverse impact on European sites. The Policy also identifies opportunities for biodiversity enhancement and encourages habitat restoration, enhancement and re-creation targeted within areas of strategic opportunity.

- 2.9 SEP Policy NRM6: Thames Basin Heaths Special Protection Area requires that new residential development which is likely to have an effect on the integrity of the SPA demonstrates that adequate measures are put in place to avoid or mitigate any potential adverse effects. The policy sets out an exclusion zone, a zone of influence and a combination of avoidance and mitigation measures which may be necessary. These include provision of at least 8ha of Suitable Alternative Natural Greenspace (SANG) per 1000 new residents and collection of a joint contribution to fund a strategic access management and monitoring programme. The mechanism for implementation of the policy is the Thames Basin Heaths Delivery Framework<sup>6</sup> and the policy states that its principles should be incorporated into Local Authorities' LDFs.
- 2.10 In addition Natural England have advised that new development within 5km of the SPA should not be permitted unless it can be shown that it will not result in additional pressure for recreational use on the SPA. Recreational use harms the habitat and can disturb the birds. The 5km distance was identified following visitor surveys on the sites which showed that the majority of visitors originate from within 5km of the SPA<sup>7</sup>.
- 2.11 The Thames Basin Heaths Joint Strategic Partnership Board was set up to deliver a strategic framework for avoidance measures across the SPA. The Joint Delivery Framework sets out an agreed approach to the delivery of avoidance measures, detailed in section 3. The approach set out in this document is in line with the Joint Delivery Framework.
- 2.12 CSDM Policy CP14: Biodiversity and Nature Conservation, incorporates the approach of Policies NRM5 and 6 and the Joint delivery Framework into local policy. In particular it sets out when an assessment will be necessary, and states that effective avoidance measures must be demonstrated and secured.

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<sup>6</sup> Thames Basin Heaths Special Protection Area Delivery Framework (Thames Basin Heaths Joint Strategic Partnership Board, 2009)

<sup>7</sup> Visitor Access Patterns on the Thames Basin Heaths, Liley, D, Jackson, D. & Underhill-Day, J. (2005). English Nature.



### **3 Principles for avoidance of harm**

- 3.1 Due to the large number of local authorities involved and the cumulative nature of the impacts (a result of many individual housing applications) a co-ordinated approach to avoidance measures has been necessary and the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) has been set up to provide the vehicle for joint working between local authorities and other organisations responsible for protection of the Thames Basin Heaths SPA. The JSPB includes Member representation for each affected Local Authority together with a number of stakeholders.
- 3.2 In February 2009 the JSPB endorsed a strategic Delivery Framework. This recommends a combination of three avoidance measures to protect the Thames Basin Heaths from the impacts of new residential development:
- The establishment of a 400 metre buffer around the SPA within which no net new residential development will be permitted.
  - The provision of Suitable Alternative Natural Greenspace (SANG)
  - Strategic Access Management and Monitoring (SAMM) measures, co-ordinated visitor management across the whole of the publically accessible SPA

#### **The 400 metre Buffer**

- 3.3 This buffer addresses the most acute effects of urbanisation such as litter, fire setting and cat predation. It is neither reasonable nor enforceable to prevent people from keeping cats. Nor is it possible to prevent litter spread or fire setting, the latter is largely associated with young children playing on the heathland. As a result Natural England has advised that no net new residential development should be permitted within 400 metres of the Thames Basin Heaths SPA.

#### **Suitable Alternative Natural Greenspace (SANG)**

- 3.4 Two avoidance measures are promoted by Natural England and endorsed by the JSPB. These are SANG (Suitable Alternative Natural Greenspace) and SAMM (Strategic Access Management and Monitoring). SANGs are areas that currently are not in use for recreation and so are a new alternative provision or are existing areas that are significantly under-used and so have the capacity to absorb additional recreational use. In the case of the latter category it is important to consider why the site is under-used and whether it truly represents an alternative resource. SANGs should be in place before any development is occupied so that the risk of additional recreational pressure arising on the SPA is avoided.

- 3.5 Access Management is seen as an important part of the avoidance strategy for Surrey Heath. It is proposed to promote the use of SANGs by improving the accessibility of sites, identifying recreational routes (in particular circular walks easily accessible from residential areas) and promoting these measures
- 3.6 Sections 5 and 6 of this document set out the approach for SANGs to be pursued within Surrey Heath.

### **Strategic Access Management and Monitoring (SAMM)**

- 3.7 SAMM is a project to provide management of visitors across the entire SPA and monitoring of the impact. It addresses the issue of cumulative impact of new development across the SPA.
- 3.8 The project has been designed through a series of workshops with landowners and managers and is modelled on the countryside project for the Dorset Heaths. The project will be run through a steering group and aims to provide additional wardening support across the SPA together with equipment and materials to support this. The support will be targeted with areas most under pressure being addressed first. Alongside this a monitoring of visitor numbers and behaviour will be undertaken on a regular basis. This project is currently being finalised and most local authorities are now taking contributions toward this project.
- 3.9 SAMM is a joint project between the Local Planning Authorities affected by the SPA (namely Surrey Heath, Bracknell Forest, Elmbridge, Rushmoor, Runnymede, Waverley, Woking and Wokingham Borough Councils, Hart District Council and Royal Borough of Windsor and Maidenhead) along with Natural England (as the delivery body) and Hampshire County Council (as the administrative body).

## **4 Types of Development Affected**

- 4.1 The duty to consider the possibility of likely significant effect applies to all types of development, not just residential. This document largely concerns itself with the effects arising from development falling within Use Classes C2 Residential Institutions, C3 Dwelling houses and C4 Houses of Multiple Occupation. However, other forms of development may also be required to contribute toward or provide avoidance measures within the proposed development.
- 4.2 Developments within Use Class C3 (Dwellinghouses) where there is a net gain of 1 or more units are considered to give rise to likely significant effect to the SPA and will be required to contribute towards avoidance measures (SANG and SAMM). Replacement dwellings will not be required to provide avoidance measures.

- 4.3 Developments within Use Class C2 (Residential Institutions) may be considered to give rise to likely significant effect to the SPA. Such developments may be required to contribute towards avoidance measures. Applications for C2 development will be considered on a case-by-case basis and in reaching a decision the Council will take into consideration how the development will be used and occupied. In the case of Residential Institutions with permanent residents, such as care/nursing homes, the likely activity levels of the residents will be taken into account in assessing whether the development is likely to give rise to a significant impact on the SPA. Natural England will normally be consulted on such applications.
- 4.4 Conversions from C3 Dwelling Houses to C4 Houses of Multiple Occupation are considered to give rise to likely significant effect to the SPA. Such conversions are included as permitted development under the General Permitted Development Order (1995) (as amended). However, Article 3(1) of the GPDO sets out that such development can only be classed as permitted development subject to the provisions of regulations 60 to 63 of the Conservation (Natural Habitats, & c.) Regulations 1994. Under the provisions of these Regulations, the Borough Council considers that such conversion is likely to adversely affect the integrity of the SPA. Therefore such conversions will require the consent of the Borough Council and are **not** considered permitted development. Such development is likely to be required to contribute towards avoidance measures (SANG and SAMM).
- 4.5 Proposals for other forms of development either by virtue of proximity to the SPA or where the use is quasi-residential will be required to contribute toward avoidance measures. This may include developments in Use Class C1 (Hotels), for example when the accommodation is intended for longer-term guests. Such cases will be considered on an individual basis in consultation with Natural England.
- 4.6 Future changes to the GPDO, to other legal/regulatory frameworks or to Government policy may mean that certain types of development which currently require planning permission may not do so in future. However, if there is a net gain in housing units as set out in paragraph 4.4 above the development will be considered to have a likely significant effect and will therefore be required to contribute towards or provide avoidance measures (SANG and SAMM).
- 4.7 Mobile or temporary dwellings may be required to contribute towards avoidance measures. Such cases will be considered on their individual merits.
- 4.8 Such cases as set out in 4.3 – 4.7 above will be dealt with on an individual basis and applicants are advised to seek advice before submitting a planning application or carrying out conversions under Permitted Development Rights.

## 5 SANGs in Surrey Heath

- 5.1 Surrey Heath will provide SANGs for new developments at a standard of at least 8 hectares per 1,000 head of population as set out in the JSPB Delivery

Framework. As a guide, it will usually be possible for developments of fewer than 100 net dwellings to take up capacity at Council-provided SANGs, subject to availability. Further guidance on the site size threshold is set out in paragraph 5.7. The up-to-date details of available SANGs will be made available on the Council's website.

- 5.2 In the case of Surrey Heath's first SANG at Chobham Place Woods, for the purpose of translating this into a requirement for new dwellings a household size of 2.4 persons per dwelling<sup>8</sup> was used in accordance with the Delivery Framework. This SANG is now full.
- 5.3 For the Hawley Meadows and Blackwater Park SANG and any future SANGs, capacity calculations will be based on a tiered structure so that larger houses, which are likely to accommodate more people, use up more of the SANG capacity than small houses. This is in line with the approach adopted by neighbouring boroughs and by the SAMM project. Therefore rather than being considered in terms of the numbers of dwellings, going forward SANGs will be considered in terms of the number of additional people that can be mitigated for. Average occupancy rates will be taken to be as follows:

Dwelling Size	Occupancy <sup>9</sup>
1 bedroom	1.40
2 bedroom	1.85
3 bedroom	2.50
4 bedroom	2.85
5+ bedroom	3.70

- 5.4 When calculating the number of bedrooms for the purposes of calculation of the contribution, additional habitable rooms capable of realistic conversion to bedrooms will be included. Habitable rooms capable of future conversion into a bedroom will include, for a dwelling house with more than one storey, any room at first floor level and above with an external window (excluding bathrooms and the like), with a floor area greater than 6.5 sqm.
- 5.5 As set out in Paragraph 4.2, SANG and SAMM contributions will only be required where there is a net gain in dwellings. Where there is a net increase, the occupancy of the existing dwelling should be taken into consideration when calculating the contributions to be paid. To give a worked example:

<sup>8</sup> Average household size in Surrey Heath in the 2001 Census was 2.48 persons per household

<sup>9</sup> Occupancy rates taken from Natural England's SAMM Tariff Guidance document, March 2011 and based on analysis of Census 2001 data for Thames Basin Heaths Authorities.

*A 5 bedroom house is knocked down and replaced by 9x2 bedroom houses:*

*Existing Occupancy: 1x3.70 (1 x 5 bed) = 3.70*

*Proposed Occupancy: 9 x 1.85 (9 x 2 bed) = 16.65*

*Net Occupancy: 16.65 – 3.70 = 12.95*

*Therefore mitigation would be required for 12.95 additional people.*

- 5.6 In the case of conversions from C3 Dwellinghouse to C4 HMO, each C4 bedroom will be considered to have an average occupancy rate of 1 person, unless there is evidence to suggest that a higher rate of occupation will be achieved. The occupancy rate of the existing C3 dwellinghouse (based on the table above) will be subtracted from the occupancy of the HMO to calculate the number of persons for whom avoidance is required. A worked example is shown below to illustrate this calculation:

***Example: Conversion of a 3 bed C3 dwellinghouse to 5 bed HMO:***

<i>Existing Occupancy Rate (C3):</i>	<i>(3 bed, from table)</i>	<i>2.5 people</i>
<i>HMO Occupancy Rate:</i>	<i>(1 x 5)</i>	<i>5 people</i>
<i>Avoidance Measures Required:</i>	<i>(5 - 2.5)</i>	<i><u>2.5 people</u></i>

- 5.7 In the period up to 2028 Surrey Heath is expected to grant planning permission for 3240<sup>10</sup> new homes and this will require the provision of over 60 hectares of SANG. Major or large new developments will be expected to provide bespoke on-site SANG rather than relying on the suite of SANGs being developed by the Borough Council. The suite of SANGs will provide avoidance measures for those small and medium sites that are unable to provide avoidance measures on-site. Developments of more than 100 dwellings<sup>11</sup> will generally be expected to provide on-site SANG. Sites of fewer dwellings may in some circumstances be asked to make some on-site provision. Where the Council considers that an individual development proposal represents phased or piecemeal development of a larger overall site, the total capacity of the larger site will be taken into account when reaching a decision on whether an individual proposal should provide on-site mitigation. Proposals for any bespoke SANG will be considered on a case-by-case basis in consultation with Natural England.

- 5.8 In considering the location of new SANG in relation to new development, Surrey Heath will adopt an approach based on that set out in the Delivery Framework as follows.

- i) SANG of 2-12ha will have a catchment of 2km
- ii) SANG of 12-20ha will have a catchment of 4km

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<sup>10</sup> Requirement derived from emerging Surrey Heath Borough Council Core Strategy and Development Management Policies Development Plan Document.

<sup>11</sup> 100 dwellings is the minimum number necessary (at an average of 2.48 people per dwelling and 8ha per 1000 population SANG requirement) to generate a requirement for a 2ha SANG (which is the smallest SANG by area which would be acceptable according to Natural England's guidelines).

iii) SANG of 20ha+ will have a catchment of 5km

- 5.9 The standards for proximity to SANG will apply to all residential sites of 10 or more units. Sites of less than 10 units need not be within a specified distance of a SANG provided that overall there is sufficient SANG capacity within the Borough. Natural England have indicated that where a suite of smaller SANGs can be linked through access management measures to function in combination as a much larger SANG, this will be accepted in lieu of the above
- 5.10 All SANGs, including on-site provision, will be expected as a minimum to meet the 8ha per 1,000 new population standard. The provision of new SANG will be subject to a case-by-case consultation with Natural England and depending on the characteristics of the site or the proposed development a level of provision in excess of 8ha/1000 may be required.

### **Carrying Capacity**

- 5.11 Carrying capacity refers to the quantity of new visitors or recreational activity that a SANG can accommodate without detriment to the site. For new SANGs with no existing usage the carrying capacity will normally be the 8ha per 1,000 population standard. For sites already in use which have the capacity to absorb additional recreational use without detracting from the attractiveness of the site a discount will be applied to capacity. Visitor surveys will be carried out on potential SANGs prior to their adoption so that current usage levels can be assessed. For example a new 20 hectare SANG could provide for up to 2500 people. Where the same size site exists and is already experiencing low to moderate levels of usage a discount will be applied. For example, if a 50% discount were applied a 20ha site would only mitigate for 1250 additional people. Calculations of the capacity of individual SANGs will be set out in the proposal document for each SANG and will be agreed with Natural England.
- 5.12 In the case of SANGs which have a recognised nature conservation interest, capacity will only be released where monitoring indicates that additional usage is having no adverse effect and the site can accommodate more recreational usage. In such cases it will be difficult to identify a definitive capacity. Surrey Heath may be reliant on such sites. For this reason, it may be necessary to identify more SANG capacity than the 8ha standard would initially suggest is required.

### **In Perpetuity**

- 5.13 SANGs are expected to be provided and funded for “in perpetuity”. For this reason the Council’s preferred approach is that SANGs should be provided on land that is, or could be, owned and managed by organisations that will exist in law to all intents and purposes “in perpetuity” and so will provide enduring ownership. Thus the preference is for SANGs to be on land owned and managed by local authorities, by charities with a dedicated land management function or by similar bodies. Where developers bring forward SANGs on privately owned land these will be required to be transferred into enduring

ownership as set out above. Where such land is not owned by the Council, it will seek an interest in the land to ensure that the SANG endures and the funding is used as set out in the SANG agreements.

- 5.14 For the purpose of calculating in perpetuity management costs the Council will consider what is appropriate for each site. . In considering what represents an “in perpetuity” solution for the purposes of funding, the Council will have regard to the following matters as appropriate. The funding must be sufficient for the indefinite future. Where appropriate, as the basis for calculations, regard will be had to the statutory definitions of in perpetuity in force at the time. Funding mechanisms must be reliable, workable and enforceable, providing sufficient funding for the proper future long term management of the SANG over an indefinitely long period to the satisfaction of the Council as competent authority.

## **6 Guidelines for the creation of SANG**

- 6.1 The following guidance is based upon the Delivery Framework and Natural England’s guidance on the creation of SANG<sup>12</sup>.

SANGs may be created from:

- I. existing open space of SANG quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public.
- II. existing open space which is already accessible but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA
- III. land in other uses which could be converted into SANG

- 6.2 No guidance is included on minimum site size, but the requirements set out in Appendix 4, including in particular the requirement for a circular walk, may affect the practical size of a SANG.

- 6.3 Appendix 2 sets out a full list of requirements for the creation of new SANGs.

## **7 Developer Contributions**

- 7.1 New development will be required to make financial contributions toward both SANG and SAMM. Contributions may in part be used to fund the staffing costs for monitoring and administration either within the Borough Council or by a joint body to oversee parts or all of this work. Monitoring will include surveys to be undertaken in future to check visitor numbers to SANGs and the SPA. Payment of such contributions will normally be required on

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<sup>12</sup> Thames Basin Heaths Special Protection Area: Mitigation Standards for Residential Development (English Nature May 2006)

commencement of the development. In addition to the SANG and SAMM tariffs, the Borough Council may require developers to meet the Council's legal costs of processing the legal agreement and internal monitoring/administration of the agreement and payments. The details of the requirements for such payments will be provided on the Council's website.

- 7.2 Contributions may be updated on an annual basis to reflect increased costs or works. This will not affect contributions already paid or committed. Where a development site is entirely self-mitigating on a private SANG within site then contributions will still be required to the non-SANG element (i.e. towards the SAMM project). Where developments are seeking to contribute to a SANG controlled by a third party all contributions must be paid to the Borough Council who will release funds to the third party in accordance with the arrangements in place to deliver and maintain the SANG. This will ensure that the Council fulfils its duty as competent authority to ensure that avoidance measures are provided to the required standard and that monies are available for access management and monitoring.
- 7.3 The level of developer contribution required for any individual SANG will be calculated on a site-by-site basis and will depend on the costs of the individual works required to bring the site up to the required standard. Full details of the costs and tariffs will be set out in each SANG proposal document which will be available on the Council's website following adoption of each SANG.
- 7.4 The level of developer contribution required for SAMM will be set out in Natural England's SAMM Tariff Guidance document<sup>13</sup>. This document is subject to review and tariffs may be amended subject to agreement by the JSPB.
- 7.5 Currently, the standard SAMM tariff has been set at £630 per dwelling. It is proposed that a differentiated tariff be adopted, based on occupancy rates. At the time of adoption of this SPD, the rates were set at £263 per person as follows, although as outlined in paragraph 7.4 these figures are subject to change:

Number of Bedrooms	Occupancy	Suggested Tariff
1	1.40	£399
2	1.85	£526
3	2.50	£711
4	2.85	£807
5+	3.70	£1052

<sup>13</sup> Thames Basin Heaths Strategic Access Management and Monitoring Project Tariff Guidance (Natural England, review ongoing)

## Glossary

**Appropriate Assessment** - An assessment, required under the Habitats Directive, if a plan or project is judged as likely to have a significant effect on a Natura 2000 site.

**Competent Authority** – The decision maker under the Conservation (Natural Habitats, &c.) Regulations 1994 (see Regulation 6): often the local authority, but could be a planning inspector or other body responsible for assessing a plan or project.

**Delivery Framework** - Sub-regional guidance on Thames Basin Heaths SPA avoidance and mitigation methods, produced and endorsed by the Thames Basin Heaths Joint Strategic Partnership Board.

**Development Plan Document** - A Local Development Document which forms part of the statutory development plan, examples include the Core Strategy and Area Action Plans.

**Local Development Document** – comprising two types, Development Plan Documents and Supplementary Planning Documents, which together form the Local Development Framework.

**Local Development Framework** - The portfolio of Local Development Documents which sets out the planning policy framework for the Borough.

**Natura 2000 sites**- an ecological network of sites (SPAs and SACs) established under the Habitats Directive to provide a strong protection for Europe's wildlife areas.

**Planning Policy Statement** - Guidance documents which set out national planning policy. PPGs (Planning Policy Guidance Notes) are being reviewed and updated and are gradually being replaced by PPSs.

**Special Area of Conservation** - Nature conservation site designated under the Habitats Directive for its habitat or species interest.

**Special Protection Area** - A nature conservation site designated for its bird interest under the Birds Directive, but subject to the assessment procedure set out in the Habitats Directive.

**Strategic Access Management and Monitoring Project** - Overseen by Natural England, implements standard messages and additional wardening and education across the Thames Basin Heaths SPA.

**Suitable Alternative Natural Greenspace** - Open space, meeting guidelines on quantity and quality, for the purpose of providing recreational alternatives to the SPA.

**Supplementary Planning Document** - An LDD which does not form part of the statutory development plan, but is part of the LDF. SPDs elaborate upon policies and proposals in a DPD.

**Thames Basin Heaths Joint Strategic Partnership** - Partnership of Thames Basin Heaths-affected Local Authorities and key stakeholders, which form and oversee the implementation of sub-regional guidance, for example the Delivery Framework.

## **Abbreviations**

<b>CSDM DPD</b>	<b>Core Strategy and Development Management Policies Development Plan Document</b>
<b>EU</b>	<b>European Union</b>
<b>JSPB</b>	<b>Joint Strategic Partnership Board</b>
<b>LDF</b>	<b>Local Development Framework</b>
<b>SAMM</b>	<b>Strategic Access Management and Monitoring</b>
<b>SANG</b>	<b>Suitable Alternative Natural Greenspace</b>
<b>SEA</b>	<b>Strategic Environmental Assessment</b>
<b>SEP</b>	<b>South East Plan</b>
<b>SPA</b>	<b>Special Protection Area</b>
<b>SPD</b>	<b>Supplementary Planning Document</b>

## Appendix 1: List of organisations and individuals consulted during preparation of the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD

Organisation/Individual Name	Agent if Applicable
Accent Peerless Ltd	
Adams Hendry	
Aitch Group	GVA Grimley
Alliance Environment & Planning	
Alliance Environment and Planning Ltd	
Annington Developments Ltd	
Arcadia Ventures (Southern) Ltd	
Ash and Ash Vale Parish Council	
Aviva Investors	Barton Willmore LLP
Bacron Developments Ltd	Bell Cornwell LLP
Bancroft Developments	
Barker Parry Town Planning	
Barratt Southern Counties	
Basingstoke and Deane Borough Council	
Basingstoke Canal Authority	
Basingstoke Canal Authority	
Batcheller Thacker	
Bell Cornwell Partnership	
Bellway Homes	
Bellway Homes Ltd	
Berkshire Joint Strategic Planning Unit	
Bisley Parish Council	
Bisley Parish Council	
BJC - Bryan Jezeph Consultancy Ltd	
Blackwater and Hawley Town Council	
Blackwater Valley Countryside Partnership	
Blackwater Valley Friends of the Earth	
BNP Paribas Real Estate	
Bovis Homes Ltd	
Boyer Planning	
Bracknell Forest Borough Council	
Broadway Malyan Planning	
Cala Homes	
Carter Jonas	
Cathedral Holdings Ltd.	
CDHA/HYDE HA	
Charles Church (Southern) Limited	DPP

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Charles Church Southern	
Chobham Common Preservation Committee	
Chobham Parish Council	
Chobham Parish Council	
Circuit Planning Representative	
Coast Properties (Bagshot) Ltd	Rapleys LLP
Colliers CRE	
Council for the Protection of Rural England	
CPRE (Surrey Heath Branch)	
CPRE (Surrey Heath Branch)	
CPRE Surrey	
Crest Nicholson	
Crest Nicholson Developments Limited	Barton Willmore LLP
Crown Golf	Terence O'Rourke
CSJ Planning	
Cunnane Town Planning	
Cushman & Wakefield / Healey & Baker	
D & M Planning Limited	
DB Real Estate	
Defence Estates	
Defence Estates	GVA Grimley
Derek Horne & Associates	
DevPlan	
DPDS Consulting Group	
DPP - Development Planning Partnership	
Drivers Jonas	
East Hampshire District Council	
EC Harris LLP	
Edwards Elliott	
Elmbridge Borough Council	
English Heritage (South East Region)	
English Heritage (South East Region)	
English Rural Housing Association	
Environment Agency South East	
Environment Agency South East	
Eton College	Porta Planning LLP
Eyles	
Fairview New Homes Ltd	RPS plc
Firfield Glyn	
First Wessex Housing Group Ltd	Gregory Gray Associates
Firstplan	
Foundation	
Foy Planning Consultancy	

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Fusion Online Limited	
Future Energy Solutions	Terence O'Rourke
George Wimpey	
George Wimpey Southern Ltd	
George Wimpey West London Ltd	
GL Hearn	
Gondala Holdings	RSA
Gregory Gray Associates	
Guildford Borough Council	
GVA Grimley	
Hallam Land Management Limited	
Hampshire County Council	
Hanover Housing Association	
Hart District Council	
Heine Planning Consultancy	
Home Builders Federation	
Homes and Communities Agency	
Howard Sharp & Partners	
Iceni Projects	
Jim Guest Design	
Joint Nature Conservation Committee	
Julian Brown Consultancy	
Kier Property Limited	Gerald Eve
King Sturge	
King Sturge	
Kingfisher Housing Association	
Lambert Smith Hampton	
Leigh & Glennie	
Lennon Planning - DO NOT USE	
Lin Blakely Property Management	
Mansard Country Homes Ltd	
Mansard Country Homes Ltd	
Mason	
MBH Partnership	
McCarthy and Stone Ltd	Planning Bureau Ltd
McKay Securities Group	Indigo Planning
MGA Town Planning & Development Consultants	
Michael Cox Associates	
Miller Homes	
Montagu Land	
Mr M Fane	
Mr M Keyte	
Mrs A McGee	

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Nathaniel Lichfield & Partners	
Nationcrest	
Natural England	
Natural England	
Normandy Parish Council	
Open Spaces Society	
Paragon Community Housing Group	
Paul Dickinson and Associates - Town Planning & Development Consultants	
Pavilion	
Persimmon Homes South East	
Pirbright Parish Council	
Rail Estate	
Rail Estate	
Rapleys LLP	
Redrow Homes	
Redrow Homes Eastern Division	
Richard Bonny Architectural Design	
Rippon Development Services	
Robert Stephens and Company Ltd	
Roger Tym & Partners	
RPS	
RPS Planning	
RPS Planning and Development	
RSPB (South East Office)	
Runnymede Borough Council	
Rushmoor Borough Council	
Sandhurst Town Council	
Sentinel Housing Association	
Sentinel Housing Association	RPS Planning
Shepperton Homes	
Sigma Planning Services	
Solutions in Building Ltd	
South East England Forest District	
Spelthorne Borough Council	
Stonham Housing Association	
Sunningdale Parish Council	
Sunninghill & Ascot Parish Council	
Surrey Bat Group	
Surrey Community Development Trust	
Surrey Countryside Access Forum	
Surrey County Council - Biodiversity Team	
Surrey County Council - Biodiversity Team	

<b>Organisation/Individual Name</b>	<b>Agent if Applicable</b>
Surrey County Council - Planning Implementation Team	
Surrey Heath Borough Council	
Surrey Heath Borough Council	
Surrey Wildlife Trust	
Tandridge District Council	
Taylor Wimpey Developments Ltd	
Taylor Wimpey UK Ltd	Woolf Bond Planning LLP
Taylor Woodrow	
Terence O'Rourke	
Terence O'Rourke - Bournemouth	
Tetlow King Planning	
Thames Valley Housing Association	
The National Trust	
The Royal Borough of Windsor and Maidenhead	
The Stilwell Partnership	
Vail Williams LLP	
West End Parish Council	
West End Parish Council	
Westwaddy ADP	
White Young Green Planning	
Windlesham Parish Council	
Windlesham Parish Council	
Winkfield Parish Council	
Woking Borough Council	
Wokingham Borough Council	
Woodland Trust	

## Appendix 2: Guidelines for Creation of SANGS

The wording in the list below is precise. The requirements referred to as “must” are essential in **all** SANGS. Those requirements listed as “should have” should all be represented **within the suite** of SANGS, but do not all have to be represented in every site. All SANGS should have at least one of the features on the “desirable” list.

### Must have

- For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it.
- It should include a circular walk of 2.3-2.5km around the SANGS. On sites with car parks this should start and finish there.
- Sites of 10ha or more must have adequate car parking. These should be clearly signposted and easily accessed.
- Car parks must be easily and safely accessible by car and should be clearly sign posted.
- The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
- The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s
- SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).

### Should have

- SANGS should be clearly sign-posted or advertised in some way.
- SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.
- SANGS should link into longer walks of 5km or more through footpath or other green networks

### Desirables

- It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.
- Where possible it is desirable to choose sites with a gently undulating topography for SANGS
- It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.
- It is desirable that SANGS provide a natural space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.
- Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.
- Larger SANGS or those grouped close together should aim to provide longer walks of 5km or more.

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## Corporate Enforcement Policy

### Summary

This report seeks approval for the draft Surrey Heath Borough Council Corporate Enforcement Policy to be released for consultation.

### Portfolios and Dates Signed Off by the Portfolio Holder:

**Economic Development - 26 October 2018**

**Environment & Health – 17 October 2018**

**Planning & People – 26 October 2018**

**Wards Affected: All**

### Recommendation

The Executive is advised to RESOLVE that

- (i) the draft Surrey Heath Borough Council Corporate Enforcement Policy, as set out in Annex A, be agreed for consultation with stakeholders; and
- (ii) the Executive Head of Transformation be authorised to make any necessary amendments arising from the consultation and thereafter adopt the Policy.

## 1. Key Issues

- 1.1 The Council carries out a number of regulatory functions which may require enforcement action. This generic enforcement policy outlines the Council's overall approach to enforcement. The policy is supplemented by service specific policies where appropriate.
- 1.2 The policy has been produced in accordance with the Principles of Good Regulation as set out in the Legislative and Regulatory Reform Act 2006 and has regard to the Regulators' Code which was introduced in April 2014.
- 1.3 We are committed to providing services which are courteous and helpful and seek to work with individuals and businesses, wherever possible, to help them comply with the law. This policy sets out how we aim to achieve this.

## 2. Resource Implications

- 2.1 There are no additional revenue or capital resource implications arising from this report, all additional costs will be met from within existing budgets.

### **3. Options**

- 3.1 The Executive may approve for consultation, with or without amendments, the Surrey Heath Borough Council Corporate Enforcement Policy.

### **4. Proposals**

- 4.1 The Executive is recommended to approve the draft policy for consultation.

### **5. Supporting Information**

- 5.1 This is set out in the policy itself.

### **6. Corporate Objectives And Key Priorities**

- 6.1 The policy supports the Council's objectives as set out in the Annual Plan, it aims to play a part in maintaining and improving the Borough to make it an even better place to live, work and enjoy.

### **7. Policy Framework**

- 7.1

### **8. Legal Issues**

- 8.1 The Head of Legal Services is authorised to institute legal proceedings in respect of enforcement activity. Before deciding to prosecute we will have regard to the Attorney General's Code for Crown Prosecutors.
- 8.2 This includes a consideration of whether the standard of evidence is sufficient for there to be a realistic prospect of conviction and whether the prosecution is in the public interest.

### **9. Governance**

- 9.1 The policy refers officers to Part 3 of the Council's Constitution which sets out arrangements for delegation of functions including responsibility for enforcement activity.
- 9.2 Officers must have regard to both this policy and the Council's Scheme of Delegation as set out in part three of the Constitution, to ensure a fair, consistent and transparent approach to enforcement is applied across all services of the Council.

### **10. Risk Management**

- 10.1 This policy mitigates against the risk of not having an enforcement policy when taking enforcement action. Legal proceedings can be challenged or fail for want of a current enforcement policy.

## **11. Equalities Impact**

11.1 An equality Impact assessment will be completed in due course.

## **12. Human Rights**

12.1 This is a key consideration when considering whether enforcement is appropriate. It should not however prevent action where there is clear breach of legislation with evidence to support action being taken.

## **13. Consultation**

13.1 The Council will need to consult with its stakeholders before this policy is approved or any substantial alteration is made in subsequent years.

<b>Annexes</b>	Annex A-Draft Surrey Heath Borough Council Corporate Enforcement Policy
<b>Background Papers</b>	
<b>Author/Contact Details</b>	Julia Greenfield -
<b>Head of Service</b>	Louise Livingston - Executive Head of Transformation

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**DRAFT**  
**SURREY HEATH BOROUGH COUNCIL**  
**CORPORATE ENFORCEMENT POLICY**

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## 1. INTRODUCTION

We are here to make Surrey Heath an even better **place** to live, work and play. We aim to work with our public and private partners and the community to support and promote our local economy to increase the **prosperity** of the local area. It is important that we maintain our place as clean, green and safe for **people** to live happily and healthily. To achieve these objectives we may from time to time be required to take enforcement action and will have regard to the principles of Good Regulation as set out in this Policy.

Local Authorities are required by the Legislative and Regulatory Reform Act 2006 (2006 Act) to have regard to the Principles of Good Regulation when considering taking enforcement action.

The Department for Business Innovation and Skills, Better Regulation Office introduced a Regulators' Code in April 2014. The Code is a central part of the Government's Better Regulation Agenda. Its aim is to embed a risk based proportionate and targeted approach to regulatory inspection and enforcement in regulators it applies to. We must have regard to this Code when developing policies and operational procedures relating to enforcement activity.

If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.

We fully support the principles set out in the 2006 Act and the Regulators' Code as set out in this policy. The Council is committed to services which are courteous and helpful and seeks to work with individuals and businesses, wherever possible, to help them comply with the law.

The Council acknowledges the need for firm action against those who flout the law and put consumers and others at risk. Officers will be required to use this policy as a guide when making decisions with regards to potential enforcement action. Every case will be decided on its own merits. Officers must ensure that they record the reasons for their decision, and this includes cases where the decision is made not to take action.

This document represents our general approach to enforcement and may be supplemented, in some cases, by more specific and detailed service policies.

## **2. ENFORCEMENT ACTIVITY**

The Council is required to take action where appropriate to enforce a wide range of statutes. In some cases this is a duty in others it may be a power and this is a relevant consideration when deciding whether or not to take action.

The statutes relate to:

- Public health and safety
- Quality of life
- Preservation of public and residential amenity
- Maintenance of the environment and
- Protection of public funds

When considering taking action it is important that we have regard to the general principles of good enforcement as outlined in this Policy. The service areas which fall within the scope of this Policy include:

- **Building Control**
- **Corporate Enforcement - including fraud**
- **Environmental Health and Licensing**
- **Democratic**
- **Finance- Fraud**
- **Housing and Planning enforcement**
- **Parking Enforcement**

**From time to time this list may change as new legislation is introduced or other acts are repealed.**

Enforcement decisions and action will also be made with due regard to the provisions of:

- The Human Rights Act 1998
- Regulation of Investigatory Powers Act 2000
- Equal rights and anti-discrimination legislation

## **3. THE SCHEME OF DELEGATION including AUTHORISATION OF OFFICERS**

Part 3 of the Council's Constitution sets out arrangements for delegation of functions including responsibility for enforcement activity.

Functions fall into a number of categories including:

- Delegation to Officers

Section B of Part 3 of the Constitution provides details of the Scheme of Delegation of Functions to Officers.

Officers **MUST** have regard to the Scheme of Delegation as it sets out the extent to which enforcement powers are delegated to officers. In some cases the decision to take enforcement action may lie with the Executive or relevant Council Committee.

**Our Constitution can be found as follows**

<https://surreyheath.moderngov.co.uk/ieListDocuments.aspx?CId=305&MId=3135&Ver=4&Info=1>

#### **4. OBJECTIVES**

We aim to carry out our regulatory duties in such a way to ensure that we:

- *Support businesses and others that we regulate to comply and grow*
- *Provide simple and straightforward ways to engage with those we regulate and to hear their views*
- *Base our regulatory activity on risk, taking firm action when it is appropriate to do so*
- *Provide clear information, guidance and advice to help those we regulate meet their responsibilities to comply*
- *Ensure that we enforce the law in a fair, equitable, transparent and consistent way*

#### **5. PRINCIPLES OF ENFORCEMENT**

Primary responsibility for compliance with the law rests with individuals and businesses. The Council will however provide information and advice to help to raise awareness of the need to comply and how this may be achieved.

##### **5.1. Overview**

The Council supports the principles of good enforcement, as set out in the 2006 Act and these must be adopted by all Services involved in enforcement.

The principles covered include the need to be:

- Transparent
- Accountable
- Proportionate
- Consistent

- Targeted at cases where action is needed

in our approach to enforcement.

In addition our officers are required to carry out their enforcement duties in a courteous and helpful manner.

We will also employ the principles of the Regulators' Code (RC) in all of our enforcement activities. We will observe the requirements set out by national bodies, for example DEFRA and the Environment Agency and where practicable any national good practice guidance. We will, where appropriate, provide enforcement advice and information in accessible formats such as other languages, large print and Braille.

The principles of the RC are as follows:

1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
3. Regulators should base their regulatory activity on risk
4. Regulators should share information about compliance and risk
  - a. We will follow the principle of 'collect once, use many times' when requesting information from those we regulate
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. Regulators should ensure that their approach to their regulatory activities is transparent

Our objectives reflect this and we will ensure that these principles are embedded in all of our policies and procedures relating to enforcement and the way we do our work. Details of how we aim to achieve this are provided in a number of service specific enforcement policies.

Including the following service specific policies:

- Corporate Enforcement-Environmental Protection, Fixed Penalty Notice Enforcement Policy

<https://www.surreyheath.gov.uk/sites/default/files/documents/residents/environmental-services/CorpEnfFixedPenNoticeEnfPolicyMar16.pdf>

- Local Enforcement Plan –August 2014

<https://www.surreyheath.gov.uk/sites/default/files/documents/residents/planning/advice-services/SurreyHeathLEP.pdf>

There will be a need to review and update these policies from time to time.

We will respond to challenge from businesses, regulated bodies and individuals in a positive way. As a result we will keep this policy under informal review and will make any necessary changes in an effort to improve and learn from our experiences.

## **8. OTHER CONSIDERATIONS**

When considering enforcement we will have regard to **all** relevant local policies and government guidance that impact on our proposed action. This includes policy and guidance on the Regulation of Investigatory Powers Act 2000 and the Human Rights Act 1998.

A copy of our RIPA policy can be found at:

<https://www.surreyheath.gov.uk/council/information-governance/information-rights-public-shbc>

## **9. ENFORCEMENT OPTIONS**

We recognise the importance of adopting and maintaining consistency in our approach to enforcement. Government guidance covering many areas of our work already exists in the form of Codes of Practice, Planning Policy Guidance and Government Circulars etc. In addition, there are local and regional Codes of Practice which promote consistency in our enforcement activity. We will have regard to any relevant national or local guidance as well as the provisions of the Human Rights Act 1998, Equalities Act 2010 and this Enforcement Policy.

### **9.1. Exercise of Powers of Entry**

In order to enforce the various statutory provisions relating to the different enforcement areas, different provision is made through the legislation governing powers of entry.

Entry may be sought for the purposes of:

- Inspection
- Sampling
- Collection of evidence
- Determination of nuisance
- Checking for compliance with a notice
- Seizure of articles or equipment
- Investigation of an accident
- Securing a safe site
- Interviewing witnesses

- Carrying out works in default

The powers of entry prescribed under the applicable legislation vary. Such powers may allow an authorised officer to request entry to a business address without notice. Alternatively, officers seeking access to primarily residential addresses may be required to give notice to an occupier or owner that they wish to gain entry for a specified purpose on a specified day. These powers will normally only be used where informal requests for access to premises have not resulted in access being provided. Failure to provide access as requested may result in an offence of obstruction being committed.

Formal requests for access under powers of entry requiring notice will be made in the prescribed form, stating the purpose for which entry is required and be signed by an authorised officer.

Obstruction of a duly authorised officer, other employee or contractor employed by the Council to carrying out their duties will be considered for prosecution.

Where entry has been refused, depending on the particular legislation, the Council will normally make an application to a Justice of the Peace at The Magistrates Court to issue a warrant authorising entry by force, if needed. The Justice will be shown sworn information in writing that such entry is necessary and proportionate given the circumstances involved.

Application for a warrant to enter will be made when there are facts that in the reasonable belief of the Council indicate the commission of an offence and at least one of the following applies:

- There has been a history of failure to provide access in response to informal and/or formal requests to do so
- The alleged offence involves a flagrant breach of the law such that the safety, health or wellbeing of residents or others may be put at risk
- The alleged offence involves a knowing or wilful failure to comply in full or in part with the requirements of a statutory notice, statutory instrument or other legal duty
- The alleged offence involves a failure to comply with a requirement after having been given reasonable opportunity to do so
- There is a history of similar offences involving risk to the safety, health or wellbeing of residents or others or breach of legal duty

Execution of warrants for entry will be notified to the relevant police office and where appropriate the police may be asked to assist in the execution or to help prevent a breach of the peace.

In some circumstances an application for a warrant may be made without any reference to the owner or occupier of a premises. This includes where, for example, giving notice of our intended entry will defeat the purpose of entry or where there is a potential imminent risk to life. This is allowed for in a raft of legislation, and will be covered in service specific enforcement policies.

If the premises subject to the warrant are unoccupied or the occupier is temporarily absent, the Council will leave the premises as effectively secured against trespassers as it was found and the officer will inform the owner/occupier of the visit. If new locks have been fitted to secure the premises, information will be left on how to obtain the keys.

## **9.2. A staged approach to enforcement:**

### **9.2.1 Prevention**

As a first step to enforcement we will promote good practice, ensure policy compliance to help prevent contravention. We aim to achieve this by raising awareness of the reasons and need to comply. This includes providing appropriate training courses, seminars, press releases, use of the Council's web site and written guidance.

This approach will be used where appropriate.

### **9.2.2. Approvals, Consents and Licences**

These cover a range of activities specified by individual pieces of legislation. A significant number are compulsory such as building regulation approvals, planning and licensing applications but a few are optional. These form an important part of the preventative aspects of our work.

We aim to work with applicants to help them to understand what is required to gain approval. We will provide both pre and post-application advice and publish relevant guidelines.

Applications may be approved;

- As submitted
- Varied by agreement and then approved
- Subject to conditions

Applicants or their agents will be notified, in writing, of the outcome of their application. Where an application is refused details of the reason(s) for rejection will be provided. Details of any statutory right of appeal of a decision to refuse an application will also be provided.

Examples of applications which may be refused include the following circumstances (this is not an exhaustive list):

- They do not comply with Building Regulation
- Work at inspection stage does not meet minimum standards and remedial action is required
- Where contraventions exist

- Where an application is against local policy
- Where a food business fails to meet all the structural and equipment requirements

Details of how to apply for an approval, consent or licence will be provided on our web site together with the relevant application form.

### **9.2.3. Informal Action**

In appropriate circumstances we will work with anyone found to have broken the law without issuing formal notices or taking other forms of formal action.

As part of this approach we will, for example, offer advice, mediation in appropriate cases or request action where required. We will monitor the progress of any undertakings and timetabled schedules of action.

This approach may be adopted where for example:

- The contravention does not warrant immediate formal action
- There is no demonstrable harm to the amenity of the area
- There is confidence that informal action will achieve legal compliance within a reasonable timescale
- Standards are generally good, with an awareness of and general compliance with statutory requirements
- We are taking action on behalf of a customer, who has indicated they prefer an informal approach

If however this approach fails to achieve the necessary results **we will** take formal action to ensure that the required outcomes are achieved.

### **9.2.4. Formal Action**

Formal action will be considered where:

- An informal approach has failed to achieve the desired outcomes
- A significant contravention of legislation exists
- There is significant harm or detriment to the amenity of the area
- Where we are required by legislation to take a specified action
- Where there is no confidence that there will be a successful outcome using an informal approach
- Urgent action is required to remedy conditions which are deteriorating
- Formal action is likely to achieve the desired outcome and is proportionate to the risk involved
- There is a history of non-compliance
- Where a charge applied to a Fixed Penalty Notice has not been paid

- Where in the opinion of a suitably qualified and experienced officer this is the only viable option, given all the available evidence.

Where formal action is taken we will continue to work with either the business or individual with the aim of achieving a successful outcome and compliance with the law. This will not prevent us taking immediate action where warranted e.g. where there is an immediate risk to health, safety or the environment.

Officers are required to have regard to the Council's Scheme of Delegation to ensure that only suitably qualified and experienced officers with delegated powers take formal action.

### **9.2.5. Statutory Notices**

There is provision for the use of Statutory Notices in a wide range of legislation covering a range of potential contraventions. These may be served on individuals, businesses and other organisations requiring them to meet specific legal obligations.

In some cases there is the right of appeal against the notice on a range of grounds. We will provide details of how to appeal a notice including the timescale for lodging an appeal.

Where a notice is served the notice will explain:

- What is wrong
- What is required to put things right, including the timescale for compliance
- And the likely consequences of failing to comply with the terms of the notice

In some cases a notice can be served to prevent the occurrence or recurrence of a problem e.g. a statutory noise nuisance

The service of some notices including Housing Notices may result in a charge being made for the service of the Notice.

### **9.2.6. Appeals**

The majority of legislation enforced by officers has a statutory appeals procedure. Where there is provision for an appeal against action taken by the Council, details of the procedures to be followed, the grounds for appeal and the timescales within which an appeal should be lodged will be provided in writing. In most cases this information will form part of any Statutory Notice when served.

### **9.2.7. Fixed Penalty Notices**

Fixed Penalty Notices (FPN) may be used to deal with a wide range of potential offences and apply a penalty for the offence as an alternative to prosecution in the first instance.

These are generally only issued where:

- An offence has been committed
- An FPN is a proportionate response
- There is evidence to support prosecution if the offender does not pay the fixed penalty sum
- We believe the name and address of the offender are correct

When considering the service of FPNs we will follow Defra guidance on the issuing and enforcement by councils.

A copy of this guidance can be found at.

<https://www.gov.uk/guidance/fixed-penalty-notice-issuing-and-enforcement-by-councils>

A separate policy outlining our approach to the use of FPNs can be found on the Council's website.

### **9.2.8. Works in Default-WID**

Whilst it is the responsibility of others to achieve compliance with the law in some cases it may be necessary for the Council to undertake work to achieve that compliance. To achieve this we may seek a warrant to gain entry to land or premises to do so.

In cases where we carry out WID, we will seek to recover our costs from the responsible person. If the costs cannot be recovered we will, if allowed by the relevant legislation, place a financial charge on the property which will be recovered at a later date.

Occasions where WID will be used include the following:

- Immediate work is required to protect the public and it is not practicable to contact the responsible person, or they are not willing to respond immediately
- A 'statutory notice' requiring work to be undertaken has not been complied with and there has been no appeal against the notice
- There is no responsible person e.g. burial or cremation of a deceased person with no next-of-kin

### **9.2.9. Cautions**

A Simple Caution (previously known as a formal caution) where an offence is admitted may be issued as an alternative to a prosecution and will be considered when making any decision to prosecute.

Cautions will be issued to:

- Deal quickly and simply with less serious offences
- Divert less serious offences away from the courts or

- Reduce the chances of repeat offences

To protect the offender's interest the following must be considered before a caution is administered;

- There must be evidence of guilt sufficient to give a realistic prospect of a successful prosecution
- The offender MUST admit the offence
- The offender MUST understand the significance of a caution and give an informed consent to be cautioned

The issuing of a caution may be considered at a later date if the company or individual offends again. It may be referred to in any subsequent court proceedings, but this will not apply if the caution was issued more than three years before. We will pursue a prosecution in cases where the offer of a caution has been refused.

The Council maintains a central register of cautions administered.

#### **9.2.10. Prosecution**

We recognise that the decision to prosecute is a serious matter. Prosecution will in most cases be used as a last resort. The decision to prosecute will be taken in accordance with the Council's Scheme of Delegation as set out in our Constitution.

In accordance with Article 14 of the Constitution the Head of Legal Services is authorised to institute legal proceedings in respect of all functions of the Council.

Before deciding to prosecute we will have regard to the Attorney General's Code for Crown Prosecutors which means that the following criteria will be considered:

- Whether the standard of evidence is sufficient for there to be a realistic prospect of conviction
- Whether the prosecution is in the public interest

The public interest test will be applied in each case where prosecution is being considered.

To determine the public interest test the following questions will be considered;

- How serious is the offence that has been committed?
- What is the level of culpability of the offender?
- What are the circumstances and the harm caused to the victim?
- Was the suspect under the age of 18 at the time of the offence?
- What is the impact on the community?
- Is prosecution a proportionate response?
- The cost to the Council, especially where it could be regarded as excessive when weighed against any likely penalty

- Sources of information may require protection.

In deciding on the public interest, the Council will make an overall assessment based on the circumstances of each case.

A copy of the Code for Crown Prosecutors can be found at

<https://www.cps.gov.uk/publication/code-crown-prosecutors>.

### **9.2.11. Restorative Justice**

Where appropriate and available, the Council will consider the use of Restorative Justice. This is a process through which parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future.

## **10. TRAINING AND APPOINTMENT OF OFFICERS**

Officers undertaking enforcement duties will be suitably trained and qualified to ensure that they are competent to undertake their enforcement activities.

Officers will be mentored and shadowed to ensure that there is a consistent approach to enforcement.

The Council supports the continuing professional development of its officers and will ensure all officers are given additional in-post training to keep their knowledge and skills up to date. This will be highlighted as part of the personal development plans and as part of their annual performance reviews.

In line with the Council's Scheme of Delegation, officers will be delegated tasks commensurate with their roles. Officers will have a variety of delegated powers to assist them in carrying out their duties. Officers will carry an identity card and their authorisation with them at all times.

It is an offence to obstruct an authorised officer who is conducting an inspection or investigation. We would consider prosecuting anyone obstructing an officer.

## **11. SHARED REGULATORY ROLES**

Where the Council has a shared complementary regulatory role or is required to inform an outside agency of an incident or occurrence it will do so. When sharing information we will have regard to the General Data Protection Regulations (GDPR).

External agencies include (but are not restricted to):

- Defra
- Environment Agency
- Fire Authority
- Food Standards Agency

- Health and Safety Executive
- Other Councils
- Police
- Utility Providers
- Surrey County Council

To reduce the regulatory burdens, officers will attempt to co-ordinate visits and actions with other agencies to achieve efficiencies, effective outcomes and to minimise inconvenience for those being inspected.

Wherever possible, in situations where there is a shared or overlap of enforcement role, the most appropriate authority will, by mutual agreement take the lead and carry out the required enforcement action.

## **12. OUR SERVICE STANDARDS- WHAT YOU CAN EXPECT FROM US**

The Council is committed to measuring its performance against challenging targets. To achieve this we have developed the **Annual Plan** containing a set of four themes with priorities and additional success measures. These targets ensure we achieve our **Five Year Strategy** objectives.

We publish two performance reports a year, a mid-year and an end-of-year report. The most recent report can be found on our website together with the framework which illustrates how we co-ordinate our performance management work.

<https://www.surreyheath.gov.uk/council/about-council/performance-management>

### **Implementation of the enforcement policy**

The appropriate Executive Head of Service is responsible for ensuring that all enforcement officers are familiar with the requirements of and carry out their duties in accordance with this Enforcement Policy.

### **Monitoring and reporting arrangements**

The Council will take steps to ensure that the Enforcement Policy is followed. This will be achieved the following ways:-

- The appropriate Executive Head of Service is accountable to the Chief Executive, the appropriate Portfolio Holder and the relevant Committee, Licensing Committee and Scrutiny Committee for the proper discharge of the powers and duties
- Authorised officers have delegated authority to sign formal notices further to the Council's Constitution and agreed scheme of delegation

- Enforcement Liaison Group – This is a Council wide forum for all enforcement officers and solicitors to meet to discuss enforcement issues.
- Team Meetings - these provide a general forum for discussion of approaches to different problems and the need for consistency.
- 1:1 meetings between team leaders and enforcement officers.
- Multi-agency team meetings – these include Safer Surrey Heath Partnership, Nuisance Group, Best Practice Panel, Surrey Environmental Health Managers Group and Study Groups.
- case by case consideration of enforcement action - when considering the enforcement options of each case the case officer shall have regard to this enforcement policy.

## **Publicity**

The Council will, if the public interest determines and depending on the gravity, publish the names of all the companies and individuals who have been convicted of breaking the law. The Council will also make publicly available information on any convictions and on improvement and prohibition notices, which they have issued. The Council may inform members of the media about forthcoming court cases so that they have the option of being present and can report on the outcome of the case.

The Council will consider in all cases drawing media attention to factual information about charges which have been laid before the courts, but great care will be taken to avoid any publicity which could prejudice a fair trial. They will also consider publicising any conviction which could serve to draw attention to the need to comply with legislative requirements, or deter anyone tempted to disregard their legal duties.

## **13. HOW TO COMPLAIN**

The Council provides well-publicised, effective and timely complaints procedures easily accessible to business and residents. All complaints will be investigated in accordance with laid down procedures. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

<https://www.surreyheath.gov.uk/council/complaints-compliments>

<https://www.surreyheath.gov.uk/webform/submit-complaint>

## **14. HOW TO CONTACT US**

### **By telephone**

You can use the telephone number given on any correspondence sent to you, or you can telephone our Customer Contact Centre

Customer Contact Centre  
Tel: 01276 707100 (This is also a 24 hour Emergency line)  
[contact.centre@surreyheath.gov.uk](mailto:contact.centre@surreyheath.gov.uk) (link sends e-mail)

### **In person**

We can be found at the following address

**Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD**

Surrey Heath House is located off the A30 in the centre of Camberley and is a short distance from the M3. Postcode for satnav GU15 3HD. [\*\*View visitor parking map and information.\*\*](#)

### **Surrey Heath House Opening Times**

Mon to Thurs 8.30am to 5.00pm  
Fri 8.30am to 4.30pm

The contact centre is closed during UK public holidays. If you call when our contact centre is closed you will hear a message giving useful information and emergency telephone numbers.

### **Or write to us at**

Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD

### **By email**

An email address that you can use is provided on all correspondence.

## **Complaints ABOUT OUR SERVICE to You**

At Surrey Heath Borough Council we aim to give the best possible service to all our customers. If we get things wrong we want to try to put them right and improve our services for the future. We also want to know when we do things well so that we can share good practice across.

Our web site provides details of How to complain or to make a Comment on our Services.

[\*\*http://www.surreyheath.gov.uk/council/complaints-compliments\*\*](http://www.surreyheath.gov.uk/council/complaints-compliments)

Once we receive a formal complaint using the Council's Complaints procedure we will respond in a timely fashion. We will keep you up to date with regards to the progress of our investigation of your complaint.

## **15. REVIEW OF THE ENFORCEMENT POLICY**

This policy will be reviewed every three years or sooner should legislation change.

This policy was first published in xxxxx2018 and will be reviewed xxxx2021

**References:**

- Code for Crown Prosecutors
- Council's Constitution – Part 3, Responsibilities for Functions
- Defra Guidance –Fixed Penalty notices: issuing and enforcement by councils
- Regulators' Code- Department for Business Innovation and Skills, Better Regulation Delivery Office

**Service Specific Enforcement Policies:**

- Regulatory Services: Local Enforcement Plan
- Transformation: Fixed Penalty Notices, Environmental Offences

**MAIN POINTS OF CONTACT:**

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## Community Infrastructure Levy

The Council has been collecting CIL funding since the Charging Schedule came into effect on the 1st December 2014.

The CIL Regulations require that the Council, as the collecting authority, pay money over to the parishes, decide how to use that money and to publish its CIL income and expenditure.

The Council received a total of £1, 926,672.71 for the reporting period 1<sup>st</sup> April – 30<sup>th</sup> September 2018.

A breakdown of the CIL receipts received is shown in Appendix 1, attached to this report.

### Portfolio: Finance

**Date Portfolio Holder signed off report: 24 October 2018**

### Wards Affected

All

### Recommendation

The Executive is advised RESOLVE

- (i) to note the CIL monies received;
- (ii) that Ward Councillors for the non-parished areas be asked to submit to the CIL Governance Panel ideas for spending CIL generated income within their wards; and
- (iii) that the remaining CIL contributions held by the Council be retained for spending to support key priorities.

## 1. Resource Implications

- 1.1 CIL includes a contribution toward the cost of administration of the scheme. At this time the monies raised are covering the cost of administration.

## 2. Key Issues

- 2.1 Section 106 payments are now increasingly being replaced by Community Infrastructure Levy contributions.
- 2.2 In respect of monies collected to date, Appendix 1 lists CIL monies collected from sites by parish and ward in the period 1<sup>st</sup> April - 30<sup>th</sup> September 2018. It also sets out how the CIL money is apportioned out according to the priorities in the Section 123 List in particular for SANGs and parishes.

- 2.3 The expenditure of CIL is governed by regulations. Thus payments must be reported half yearly to Executive and payments to parishes must be made half yearly, the Council has no discretion in this. The Council is also required to report on levy income and spending on its website on 31<sup>st</sup> December each year.
- 2.4 No neighbourhood plans have been adopted and thus no more than 15% of CIL collected within parishes and wards is payable. The payment to parishes, in the absence of a neighbourhood plan, is currently capped at £100 per annum for each existing Council tax dwelling. Payments to parishes' payable on 30<sup>th</sup> September 2018 were as follows.
- a. Chobham £18,467.28
  - b. West End £93,351.26
  - c. Windlesham £9,754.08
- 2.5 In March 2015, the Executive agreed that as with the parishes a 15% proportion would be available to spend for non-parished areas according to local priorities. Whilst, the amount of money available to spend remains low at this time there may be small scale projects within these areas that would benefit.

### **3. Options**

- 3.1 The options for the Executive to agree are:
- (i) To agree that Ward Councillors for the non-parished areas be asked to submit to the CIL Governance Panel ideas for spending CIL generated within their wards.
  - (ii) To not agree that Ward Councillors for the non-parished areas be asked to submit to the CIL Governance Panel ideas for spending CIL generated within their wards.
  - (iii) To agree that that the remaining CIL contributions held by the Council be retained for spending to support key priorities
  - (iv) To not agree that that the remaining CIL contributions held by the Council be retained for spending to support key priorities.
- 3.2 The Executive is asked to agree options (i) and (iii).

### **4. Proposals**

- 4.1 4.1 In accordance with the Executive resolution in March 2015, it is suggested that that the Ward Councillors for the non-parished areas now be asked to submit suggestions and bids for projects in their areas to be funded from the 15% of CIL collected in those areas. Ward Councillors can also choose to save the money to roll forward to fund larger projects or combine across wards for jointly beneficial projects. The amount collected in the reporting period 1<sup>st</sup> April – 30<sup>th</sup> September 2018 within these areas is as follows:

- Frimley £17,990.96
  - Town £37,122.38
  - Parkside £ 7,587,00
- 4.2 At the time of writing, the current CIL collected and available to each ward is as follows;

Deepcut & Mytchett - £22,977.00  
 Frimley Green - £0  
 Frimley - £34,685.06  
 Heatherside - £38,345.71  
 Old Dean - £0  
 Parkside - £77,119.15  
 St Michael's - £33,129.00  
 St Paul's - £9,234.00  
 Town - £149,612.10  
 Watchetts - £2,781.00

- 4.3 Local projects will then be put forward to the Executive for agreement for funding in 2018/19 in combination with any projects taken forward from any remaining Planning Infrastructure Contributions.

## **5. Supporting Information**

- 5.1 Income from CIL has started to increase since the CIL Charging Schedule was introduced in December 2014. The levy is only payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres.
- 5.2 It is anticipated that CIL income will continue to increase in the next coming year.
- 5.3 The CIL income received from each development is proportioned as follows:
- 5% - Administration  
 15% -to local neighbourhood ward or Parish  
 £125.00 per sqm (charged on net additional floor space created) - to SANG  
 Balance of income allocated to Surrey Heath BC CIL Main Fund for spending on the priorities, as set out in the Council's Section 123 List.
- 5.4 Surrey Heath Borough Council also operates an instalment policy. The instalment policy requires the SANG element of the charge to be paid on commencement of the development, with the remaining instalment payments allocated, as set out in paragraph 5.3 above.
- 5.5 A total of £1,926, 672.71 has been collected for the reporting period 1<sup>st</sup> April – 30<sup>th</sup> September 2018.
- 5.6 Of the total amount collected for this period, £903,718.53 is retained by the Council, with £777, 352.91 payable to SANGS.

## **6. Corporate Objectives And Key Priorities**

- 6.1 PLACE - to make Surrey Heath an even better place where people are happy to live.
- 6.2 PROSPERITY - to sustain and promote the local economy so that our people can work and do business across Surrey Heath by promoting improvements to local transport and infrastructure.

## **7. Policy Framework**

- 7.1 The ability to set a CIL charge is set out in the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended). A CIL charging schedule will sit alongside the Local Plan, although it does not form part of the statutory development plan.

## **8. Legal Issues**

- 8.1 The legislation requires that that 15% of CIL funds received are transferred to a Parish Council where development has occurred in that area. Payment commenced on 28<sup>th</sup> October 2015 and six monthly periods thereafter.

## **9. Governance Issues**

- 9.1 Governance arrangements surrounding the transfer of CIL revenue to Surrey County Council for those projects prioritised by Surrey Heath BC which are to be delivered by the County will need to be agreed at a future date.

## **10. Sustainability**

- 10.1 CIL will enable the Borough Council to direct funding to those projects which it believes best meet the needs of the local community and to support a sustainable community with the Borough.

## **11. Risk Management**

- 11.1 If the housing targets set out in the Council's Core Strategy are not delivered then this would have financial implications in respect of the amount of CIL which would be raised. In addition the prior consent regime takes development outside of CIL, the government is proposing to extend this regime.

<b>Annexes</b>	Appendix 1 - List of CIL Income 01/04/2018 – 30/09/2018
<b>Background Papers</b>	
<b>Author/Contact Details</b>	<b>Steven Appleby</b> <b>steven.appleby@surreyheath.gov.uk</b>
<b>Head of Service</b>	<b>Jenny Rickard</b>

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## **APPENDIX 1**

### Community Infrastructure Levy (CIL) Income received 1<sup>st</sup> April – 30<sup>th</sup> September 2018

<u>Application No</u>	<u>Address</u>	CIL Admin (5%)	Neighbourhood (15%)	SANGS	CIL Main Fund	CIL Status
15/0031	Rose Cottage, Station Road, Chobham  Erection of single storey one bedroom attached dwelling following demolition of existing garage.	£281.93	£845.79 (Chobham)	£2,800.00 (Chobham Woods/Station Road)	£1,710.88	Completed 10/07/2018 (All monies received)
15/0118	Essex House, Snows Paddock, Windlesham  Erection of a two storey dwelling following demolition of existing dwelling and garage.	£1,546.36	£4,639.08 (Windlesham)		£24,741.81	Completed 30/05/2018 (All monies received)
15/0445	Land North & East of Malthouse Farm, 70, Benner Lane, West End  Erection of residential development to provide 95 dwellings (incl 5 one bed, 25 two bed, 32 three bed and 33 four bed units)		(West End)		£403,180.00	Pay by Instalment (2 <sup>nd</sup> and 3 <sup>rd</sup> Instalments rec'd 03/07/2018)
16/0124	Clockhouse, 65, Park Street, Camberley  Erection of a part third storey, part three storey rear extension to retain ground floor office use and provide residential use to the rear and above to provide in total 2 no two bed and 3 no one bed flats.		(Town)	£11,255.00 (Shepherds Meadow)		Instalment payments
16/0168	15, The Avenue, Chobham  Erection of a two storey detached dwellinghouse with an attached garage.	£2,915.00	£8,745.00 (Chobham)	£33,125.00 (Chobham Woods/Station Road)	£4,902.50	Instalment payments

<u>Application No</u>	<u>Address</u>	<u>CIL Admin</u> (5%)	<u>Neighbourhood</u> (15%)	<u>SANGS</u>	<u>CIL Main Fund</u>	<u>CIL Status</u>
16/0298	44, Middlemoor Road, Frimley  Erection of a two storey 3 bed end of terrace dwelling with single storey detached garage.	£678.00	£2,322.00 (Frimley)	£2,025.00 (Chobham Woods/Station Road)		Instalment Payments
16/0554	Land South of 24-46 (evens) Kings Road & 6 & 9 Rose Meadow, West End  Erection of 84 dwellings (Incl 8 one bed flats, 34 two bed houses, 28 three bed houses and 14 four bed houses) with access from Rose Meadow.		(West End)		£154,738.37	Instalment payment
16/0298	Land between 4 & School Lane, Windlesham  Erection of a detached 3 bedroom, two storey dwelling and detached garage.	£1705.00	£5,115.00 (Windlesham)	£19,375.00 (Chobham Woods/Station Road)	£7,905.00	Completed 25/04/2018 (All monies received)
17/0242	Bradley Court, 3, Knoll Road, Camberley  Erection of a four storey building to provide 8 x 2 bed flats with associated parking, landscaping and amenity space.	£3,996.00	£11,988.00 (Town)	£55,500.00 (Chobham Woods/Station Road)	£8,436.00	Completed 23/05/2018 (All monies received)
17/0368	3, Roundway, Camberley  Erection of two detached, two storey 4 bed houses with associated parking and access following demolition of existing bungalow.	£2,529.00	£7,587.00 (Parkside)	£35,125.00 (Chobham Woods/Station Road)	£5,339.00	Completed 09/05/2018 (All monies received)

<u>Application No</u>	<u>Address</u>	<u>CIL Admin</u> (5%)	<u>Neighbourhood</u> (15%)	<u>SANGS</u>	<u>CIL Main Fund</u>	<u>CIL Status</u>
17/0469	Heathercot Yard, Evergreen Road, Frimley.  Erection of four x 2 bed terraced houses, four x 3 bed terraced houses and two x 4 bed semi-detached houses, creation of new access road following demolition of existing dwellings and outbuildings.	£5,222.98	£15,668.96 (Frimley)	£66,625.00 (Chobham Woods/ Station Road)	£16,942.82	Completed 22/05/2018 (All monies received)
17/0693	Plants To Go, Chobham Nurseries, Bagshot Road, Chobham  Detached four bedroom dormer bungalow and associated parking areas and landscaping following demolition of existing polytunnel and hard standing area.	£2,958.83	£8,876.49 (Chobham)	£29,125.00 (Chobham Woods/ Station Road)	£18,216.28	Completed 03/08/2018 (All monies received)
17/0745	12, London Road, Bagshot  Erection of a three storey building to provide 6 two bed maisonettes and 3 two bed flats with landscaping, parking and access following demolition of commercial buildings.		Windlesham	£76,459.84 (Chobham Woods/ Station Road)	£22,120.48	Instalment payment
17/0868	Curley Croft, 8, Junction Road, Lightwater  Erection of 2 x five bed, 2 storey dwelling houses with associated parking and access.	£5,557.26	£16,671.75 (West End)	£63,150.57 (Chobham Woods/ Station Road)	£25,765.43	Completed 25/05/2018 (All monies received)

<u>Application No</u>	<u>Address</u>	CIL Admin (5%)	Neighbourhood (15%)	SANGS	CIL Main Fund	CIL Status
17/1031	The Walled Garden, Tekels Park, Camberley  Erection of 6 x 2 bed semi-detached and 2 x 3 bed detached dwellings, with associated amenity space, parking and alterations to wall following demolition of existing garden, buildings and outbuildings.	£8,378.12	£25,134.38 (Town)	£96,287.50 (Chobham Woods/ Station Road)	£37,762.55	Completed 07/09/2018 All monies received
17/1046	24, Benner Lane and Land rear of 24 to 30 Benner Lane, West End  Residential development of 41 dwellings (comprising 4 x one bed, 9 x two bed, 13 x three bed and 15 x four bed units) with garages, parking, open space and access following demolition of existing bungalow and garage workshop.	£25,559.83	£76,679.51 (West End)	£237,000.00	£171,957.41	Completed 05/06/2018 All monies received
17/1132	Former Post Office (No 13) and Land to rear and side of no 15, Updown Hill, Windlesham  Erection of a two storey building comprising a retail unit (A1) on the ground floor & 3 one bed flats, 1 two bed & 1 three bed semi-detached dwellings, 3 two bed terraced dwellings, 2 car barns, a detached studio/barn for 15, Updown Hill, assoc parking following demolition of existing buildings.		(Windlesham)	£49,500.00		Instalment payment
		<b>£61,328.31</b>	<b>£184,272.96</b>	<b>£777,352.91</b>	<b>£903,718.53</b>	

**OVERALL TOTAL - £1,926,672.71**

**EXCLUSION OF PRESS AND PUBLIC**

**RECOMMENDATION**

The Executive is advised to RESOLVE that, under Section 100A(4) of the Local Government Act 1972 (as amended) and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act, as set out below:

<u>Item</u>	<u>Paragraph(s)</u>
13	3
14	3

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By virtue of  
Regulation 21(1)(A) of the Local Authorities (Executive  
Arrangements) (Access to Information) (England)  
Regulations 2000.

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