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Friday, 8 March 2019

To: The Members of the **EXECUTIVE**  
(Councillors: Richard Brooks (Chairman), Mrs Vivienne Chapman, Paul Deach,  
Craig Fennell, Josephine Hawkins, Charlotte Morley and Adrian Page)

Dear Councillor,

A meeting of the **EXECUTIVE** will be held at Council Chamber, Surrey Heath House, Knoll Road, Camberley, GU15 3HD on Tuesday, 19 March 2019 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)

**1. Apologies for Absence**

**2. Minutes**

**3 - 4**

To confirm and sign the open minutes of the meeting held on 25 February 2019 (copy attached).

**3. Declarations of Interest**

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.

**4. Questions by Members**

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>Annual Plan 2019/2020</b>  | <b>5 - 6</b>     |
| <b>6.</b>  | <b>Community Fund Grants</b>  | <b>7 - 14</b>    |
| <b>7.</b>  | <b>Parking Places Order Amendment No 1: Creation of St Georges Road Resident Permit Holders Only car park.</b>      | <b>15 - 22</b>   |
| <b>8.</b>  | <b>Update to the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document</b> | <b>23 - 98</b>   |
| <b>9.</b>  | <b>Council Finances as at 31 December 2018</b>  | <b>99 - 104</b>  |
| <b>10.</b> | <b>Write Off of Irrecoverable Bad Debts</b>   | <b>105 - 110</b> |
| <b>11.</b> | <b>Exclusion of Press and Public</b>  | <b>111 - 112</b> |

**Part 2  
(Exempt)**

- |            |  |                  |
|------------|--|------------------|
| <b>12.</b> | <b>Exempt Minutes</b>  | <b>113 - 114</b> |
|            | To confirm and sign the exempt minutes of the meeting held on 25 February 2019 (copy attached).      |                  |
| <b>13.</b> | <b>Review of Exempt Items</b>  | <b>115 - 116</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 Surrey Heath House on 25  
February 2019**

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+ Cllr Moira Gibson (Chairman)

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

+ Present

- Apologies for absence presented

In Attendance: Cllr Rodney Bates, Cllr Bill Chapman, Cllr Paul Ilnicki, Cllr Rebecca Jennings-Evans, Cllr Jonathan Lytle, Cllr Katia Malcaus Cooper, Cllr Adrian Page, Cllr Chris Pitt, Cllr Ian Sams and Cllr Valerie White

**84/E Minutes**

The open and exempt minutes of the meeting held on 19 February 2019 were confirmed and signed by the Chairman, subject to the correct of Councillor Charlotte Morley being shown as not present at the meeting.

**85/E Exclusion of Press and Public**

In accordance with Section 100(A)(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 press and public were excluded from the meeting for the following items of business on the ground that they involved the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act as set out below:

Minute	Paragraph(s)
84/E (part)	3
86/E	3
87/E	3

Note: Minute 86/E is a summary of matters considered in Part II of the agenda, the minutes of which it is considered should remain confidential at the present time.

**86/E London Road Development**

The Council made decisions in relation to the London Road Development.

**87/E Review of Exempt Items**

The Executive reviewed the reports which had been considered at the meeting following the exclusion of members of the press and public, as it involved the likely disclosure of exempt information.

**RESOLVED that**

- (i) the decision at minute 86/E remain exempt until the end of the standstill and challenge period; and**
- (ii) all financial and contractual information to remain exempt for the present time.**

Chairman

## **Annual Plan 2019/20**

### **Summary:**

To approve the Annual Plan for 1 April 2019 to 31 March 2020.

### **Portfolio: Leader**

**Date Portfolio Holder signed off report: 28 February 2019**

**Wards Affected: All**

### **Recommendation**

The Executive is asked to agree the Annual Plan for 2019/20, as set out in the annex.

#### **1. Resource Implications**

1.1 There are no resource implications arising directly from this report.

#### **2. Current Position**

2.1 The Annual Plan includes an overview of the vision and priorities from the Five-Year Strategy and states the outputs and success measures that will be delivered in 2019/20 for each of the key priorities. These priorities are presented under the headings of Place, Prosperity, People and Performance. The Annual Plan 2019/20 text is presented for approval and is contained in Annex A. A designed version for final publication will be tabled at the meeting.

#### **3. Performance Reporting**

3.1 Progress against the Annual Plan is presented in a mid-year and end of year performance report. These reports are presented to the Executive and Performance and Finance Scrutiny Committee every six months. Monitoring of the Annual Plan in this way ensures accountability and allows the Council to illustrate the on-going continuously improving performance of the Council.

3.2 The Annual Plan is designed to ensure the links are made between the Council's longer term objectives and the deliverables that are effective within a yearly timescale.

#### 4. Corporate Objectives And Key Priorities

4.1 The Annual Plan sets out the success measures and outputs that will meet the Five-Year Strategy vision and objectives.

#### 5. Risk Management

5.1 It is recognised that a number of the projects for 2019/20 may require specialist resources. Risk assessments will be completed and costings for the resource will be built into the individual business cases.

#### 6. Equalities Impact

6.1 The Plan itself has not been assessed, as each individual project or work area is subject to an equality impact assessment as appropriate.

<b>Annexes</b>	Annex A – Annual Plan 2019/20
<b>Background Papers</b>	None
<b>Author/Contact Details</b>	Sarah Bainbridge, Senior Organisational Development Advisor, sarah.bainbridge@surreyheath.gov.uk
<b>Head of Service</b>	Louise Livingston - Executive Head of Transformation

#### 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	✓	✓

## Community Fund Grant Applications

### Summary:

To consider grant applications to the Council's Community Fund Grant Scheme received by 31<sup>st</sup> December 2018.

### Portfolio: Support and Safeguarding (Cllr Josephine Hawkins)

Date Signed Off: 21<sup>st</sup> January 2019

**Wards Affected: All**

### Recommendation

**The Executive is asked to consider awarding grants to the applicants from the Council's Community Fund Grant Scheme.**

#### 1. Key Issues

- 1.1 To qualify for a grant from the Community Fund, applications must meet the Council's objectives from the 5 Year Strategy and must demonstrate a benefit to the local community. All awards are made at the discretion of the Executive. Each of the applicants is a not for profit organisation. Each project recommended for a grant must be well planned with a sound financial basis.
- 1.2 Information on the Community Fund Grant scheme is provided on the Council's website and articles are regularly published in the Council's Heath scene magazine promoting recent successful awards.
- 1.3 All decisions on grant awards rest with the Executive. The Executive can also add conditions to the awarding of any grants as it sees fit.

#### 2. Resource Implications

- 2.1 The Council has its own Community Fund from which it provides grants of up to £25,000 to assist local 'not for profit organisations' with the delivery of community projects. Total project costs of up to £2,000 can attract 75% funding and total project costs over £2,001 can attract up to 50% funding from the scheme.
- 2.2 There are two submission deadlines each year, namely 30 June and 31 December. This report includes the applications received by 31 December 2018.
- 2.3 The Portfolio Holder reviewed four applications on 21 January 2019 and recommended that all four applications are supported. An analysis of each of the bids is included in Annex A. Details the supported applications are located in Annex B.

- 2.4 The total amount requested from the three applications is £45,732. However, it is recommended that a total spend of £19,732 is awarded from an existing reserve of **£242,000 as at 1<sup>st</sup> April 2018**. The summary information is included in Annex B. No payments are made until after evidence is submitted that the work is completed.

### **3. Options**

- 3.1 The Executive has the option to;
- i. Fund the organisations in line with the proposed amount in Annex B;
  - ii. Fund the organisations to a greater or lesser amount of their requested sum;
  - iii. Not fund the organisations.

### **4. Proposals**

- 4.1 It is proposed that the Executive agrees the proposed awards set out in Annex B from the Community Fund Grant Scheme.

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

- 5.1 The funding of voluntary organisations allows the Council to meet its objectives to:
- Work in partnership with local organisations to provide support to the community and diverse open space and recreation facilities.
  - Understanding and supporting local voluntary groups.
  - Significantly contribute to civic pride through the provision of events and green spaces.
  - Work in partnership with the voluntary and third sector to extend opportunities in the Borough.
  - Encouraging greater involvement from local clubs and organisations including volunteering.

### **6. Equalities Impact**

- 6.1 The Community Grant Fund has been equality impact assessed.



<b>Annexes</b>	<b>Annex A – Summary of Bids Annex B – Proposed Grant Awards</b>
<b>Background Papers</b>	<b>Application Forms</b>
<b>Author/Contact Details</b>	<b>Jayne Boitoult - Community Partnership Officer <a href="mailto:jayne.boitoult@surreyheath.gov.uk">jayne.boitoult@surreyheath.gov.uk</a></b>
<b>Service Manager</b>	<b>Louise Livingston - Executive Head of Transformation</b>

### CONSULTATIONS, IMPLICATIONS AND ISSUES ADDRESSED

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	N/A	
Capital	✓	✓
Human Resources	N/A	
Asset Management	N/A	
IT	N/A	

<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:**

## Annex A – Summary of Bids

### **Applicant: Citizens Advice Surrey Heath (CASH)**

**Project: To contribute towards the relocation costs from the Porta cabin to the former museum site in Surrey Heath House.**

**Grant requested: £6,500**

**Project cost: £13,186**

The Council and Citizens Advice Surrey Heath have worked in partnership for a number of years, and it has been a longer term aspiration to relocate in to Surrey Heath House. The proposed move will better integrate the support services to the residents of Surrey Heath, and improve communications whilst enabling CASH to retain their impartiality. This will lead to an improvement in efficiency and effectiveness of this local charity.

The relocation does come to a cost to the charity and they are seeking a one of grant to help fund towards the costs. These include purchasing new furniture as the existing second hand desks will not fit and we are advised that it has come to the end of its useful life. New smaller furniture is required to fit in to the space available. Other costs include new address stationery and the actual removal.

The move is on track to take place during March/April 2019, and the Council are fully supportive of the relocation due to the community benefits.

**Recommendation and rationale:** The Council is supportive of this application to assist in relocating and would like to offer a grant of up to £6,500 based upon a maximum of 50% of the verified relocation costs.

**Applicant: Bisley Village Hall**

**Project: To replace windows at the east of the property main hall.**

**Grant requested: £12,000**

**Project cost: £22,200**

Bisley Village Hall offers facilities for around 15 local groups providing a broad time table of activity which results in approximately 250 people per week using the hall. The facilities comprise of a large main hall that hosts a pre-school, plus a school of dance and theatre arts, gymnastics, indoor bowls, concerts and large scale parties and community events. Adjacent to this is a large recently installed kitchen completed in 2016, which the Council contributed £11,000 towards via a Community Fund Grant, and a smaller Jubilee room used for a weekly community café, and meetings, rehearsals and group activities.

The land and building is owned outright via a 1961 deed of conveyance, which requires trustees to hold in trust for the use of the inhabitants of Bisley and the neighbourhood.

The application seeks to replace the three original windows within the main hall that originally formed the chapel of the former Bisley Boys School until this closed in 1959. The windows are dilapidated, single glazed and boarded windows that are unattractive, ill-fitting and drafty and in the winter it does deter users and bookings. Estimates have been provided to undertake this work, which will re-instate the original arch shaped windows, with leaded lights to compliment the other windows this requires a customised manufacture process and the lowest estimate provided from the three quotes submitted is above.

To help meet these costs a heritage lottery grant of £10,000 has been sought with the outcome known by 22<sup>nd</sup> February. The applicant advises they have fundraised raised around 50% of the project cost, and this is ongoing until the funds are in place.

**Recommendation and rationale:** It is suggested that the Council supports an award of around £3,000 considering the above application and available funds, any grant payment to be made following the completion of the project.

**Applicant: Bagshot and Crawley Rise Tennis Club**

**Project: To construct a 5<sup>th</sup> all weather tarmac tennis court**

**Grant requested: £ 25,000**

**Project cost: £61, 410**

In 2013 the club committee introduced a development plan that aimed to develop and expand the membership that at that time was at 60 adults and 30 juniors. It also appointed JET tennis as its coaching service and worked to promote the club in attracting new members. By 2017, the membership numbers had increased to 80 adults and 150 juniors. The coaching outreach service had extended to 8 primary and junior schools in the Bagshot and Camberley Area, together with offering subsidised tennis lessons to pupils from Portesbury and Carwarden schools.

The Club was awarded a grant from Sports Relief in 2016 which enabled subsidise coaching to Pine Ridge and Lorraine School.

The club in 2017 was awarded the title of Surrey Heath and Surrey Sports Club of the year.

Last year the club embarked upon a new initiative to attract more women plays and as a consequence of the success the membership numbers are now: 177 juniors and 127 adults. As a result of this, the numbers exceed the LTA recommended level for tennis clubs at 50 per court.

Planning consent has been granted on 18/0071 and permission granted from the Bagshot Playing Field Association.

**Recommendation and rationale:** The Council is supportive of the application and is reminded of the recent grant award provided to the same site, Bagshot Playing Field Association, in contributing £10,000 to the renewal of the playground awarded in October 2017.

It is suggested that the grant award considered is in the region of £8,000 as the facilities are chargeable to all of the estimated 330 users, although it is acknowledged that large subsidies are provided to young people from areas of need.

**Applicant: Heatherside Community Centre**

**Project: To repair the worn kitchen**

**Grant requested: £2,232**

**Project cost: £4,465**

This popular venue hosts 14 regular groups which include ballet, savoy singers, U3A, WI, Sure-Start, plus weddings, parties, residents association meetings, Barn Dance and many more; it is estimated that 300 plus users per week use the facilities. All users have access to the kitchen facilities which are in need of urgent modernisation. The centre seeks help to replace doors, sink and worktop and to reuse the unit carcass to minimise costs.

**Recommendation and rationale:** The Council is supportive the organisation and the benefits that it provides to the community and would recommend that the award is offered at £2232.

## Annex B – Proposed Grant Awards

Applicant	Project Details	Project Cost £	Amount Sought £	Amount Proposed £	Suggested Conditions
<b>Citizens Advice Surrey Heath</b>	Relocation Costs	13,186	6,500	6,500	SHBC to be acknowledged of the Community Fund Grant Award.
<b>Bisley Village Hall</b>	To replace 3 windows	£22,100	£12,000	£3,000	Funds to be paid upon project completion.
<b>Bagshot and Crawley Rise Tennis Club</b>	To construct a 5th all weather tarmac tennis court	£61,410	£25,000	£8,000	SHBC to be acknowledged of the Community Fund Grant Award
<b>Heatherside Community Centre</b>	To replace kitchen doors, sink and taps	£4,465	£2,232	£2,232	SHBC to be acknowledged of the Community Fund Grant Award
<b>TOTAL</b>		<b>£101,161</b>	<b>£45,732</b>	<b>£19,732</b>	

**N.B. All Grants to be subject to a general rule that SHBC is acknowledged by the recipient as having awarded the grant.**

**Parking Places Order Amendment No 1: Creation of St Georges Road Resident Permit Holders Only car park.**

**Summary**

To amend the Surrey Heath Borough Off-Street Parking Places Order 2018 to create a residents only off-street car park in St Georges Road service area to be known as St Georges Road Resident Permit Holders Only car park.

**Portfolio:** Business

**Date Portfolio Holder signed off report:** Consulted

**Wards Affected:** Town

**Recommendation**

The Executive is advised to RESOLVE that

- (i) a parking places order in St Georges Road car park for resident permit holders only and to charge £100 per permit be introduced;
- (ii) the Borough of Surrey Heath (Off-Street Parking Places) Order 2018 be amended to include St Georges Road car park; and
- (iii) the Executive Head of Business in consultation with the Portfolio Holder for Business be authorised to consider any objections arising from the public consultation.

**1. Background**

- 1.1. St Georges Road service area is situated behind High Street properties No 11 to 27 and is owned by Surrey Heath Borough Council with access in to the car park controlled by a rising bollard operated by E & J Ground Rents, Winchester.
- 1.2. With the reduction of parking on High Street, Camberley, as identified in The Camberley High Street Parking Strategy for the High Street Improvement Works, there will be no residents parking on the High Street between its junction with Pembroke Broadway and its junction with St Georges Road/ Obelisk Way.
- 1.3. This will remove convenient on-street parking for a small number of on-street resident permit holders who live in this section of High Street.

- 1.4. St Georges Road service area has no parking restrictions and is currently being used as a car park without the permission of Surrey Heath BC. Access fobs have been sold to car owners for a fee of £200 per quarter.
- 1.5. In order to control the use of this service area it will be necessary to implement a parking places order and restrict the use to resident permit holders, to whom Surrey Heath Borough Council can authorise and permit unhindered access.

1.6.

## **2. Key Issues**

- 2.1. Camberley High Street Improvement Works will begin later this year. The Camberley High Street Parking Strategy for the Improvement Works shows that there will be a reduction in kerbside parking provisions for all types of parking, which includes the removal of residents permit parking between its junction with Pembroke Broadway and St Georges Road.
- 2.2. This will affect five residential properties that have been issued one permit each.
- 2.3. At present, there is a limit of 19 on-street residents parking permits. This limit will be reduced to reflect the reduced on-street parking provision in Camberley town centre.
- 2.4. It is proposed to introduce parking restrictions on St Georges Road service area to create St Georges Road Residents Permit Car Park, with the following additional conditions:
  - Cost £100 per annum
  - Qualifying residences will be High Street residential properties between its junctions with Pembroke Broadway and its junctions with St Georges Road / Obelisk Way
  - Initial offer is to existing qualifying residences with an existing on-street High Street parking permit

## **3. Resource Implications**

- 3.1. It will cost £2,000 to implement changes which will cover the advertising costs of the Notice and the Order in the local paper, the lining work and the new parking signs for the car park.
- 3.2. Permits will be sold on-line at a cost of £100 each per annum. Expected income will be £800 per annum.

## **4. Proposals**

- 4.1. That the Executive approve:



- a) The introduction of a resident permit only parking restriction in St Georges Road car park limited to households on the High Street between its junctions in line with the additional conditions set out in paragraph 2.4,
- b) The amendment of the Borough of Surrey Heath (Off-Street Parking Places) Order 2018 to include St Georges Road car park.
- c) To delegate authority to the Executive Head of Business and the Portfolio Holder Business to consider any unresolved objections.

## **5. Options**

5.1. The options before the Executive are:

- a) To introduce a resident permit only parking restriction in St Georges Road car park and to amend the Borough of Surrey Heath (Off-Street Parking Places) Order 2018.
- b) Not to introduce a resident permit only parking restriction in St Georges Road car park.
- c) To delegate the authority to the Executive Head of Business and Portfolio Holder Business to consider any unresolved objections.

## **6. Corporate Objectives and key priorities**

6.1. Corporate Object 1: We want to make Surrey Heath an even better place where people are happy to live.

## **7. Policy Framework**

7.1. Surrey Heath Car Parking Strategy Policy 5 – Off Street Provision in Local Centres calls for the review of the usage and occupancy of off-street car parks in local centres with regard to the views of local traders, parish councils and community groups, who shall be consulted in regard to existing provision and car park management.

## **8. Legal Issues**

8.1. All actions pursuant to the Road Traffic Regulation Act 1988.

## **9. Sustainability**

9.1. This will ensure that the parking regulations in all car parks are current, enforceable and allows for a more flexible Parking Service in light of future technologies.

## **10. Risk Management**

10.1. Nil.

## 11. Equalities Impact

11.1. No change.

## 12. Consultation

12.1. All residents affected will be sent a letter prior to the publication of the Notice of Proposal to be advised of the loss of their ability to apply for an on-street residents parking permit. They will be advised that they they will be given priority to apply for a residents permit for St Georges Road Residents Permit Only car park at a cost of £100 per annum, or a rolling monthly permit at £10 per month.

12.2. A formal Notice of Proposal to create change St Georges Road Residents Permit Only car park and to amend the The Borough of Surrey Heath (Off Street Parking Places) Order 2018 will be advertised in the local paper, on line and in the car park, members of the public will be able to support or object to the order.

## 13. PR and Marketing

13.1. There is the possibility of using the allocation of St Georges Road car park to residents only as a positive action in support of the redevelopment of Camberley High Street.

<b>Annexes</b>	<b>A: Proposed Amendment to The Borough of Surrey Heath (Off Street Parking Places) Order 2018</b>  <b>B: Plan of St Georges Road Residents Permit Only car park</b>
<b>Background Papers</b>	<b>Surrey Heath Parking Strategy</b>
<b>Author/Contact details</b>	Eugene Leal - Parking Team Leader <a href="mailto:eugene.leal@surreyheath.gov.uk">eugene.leal@surreyheath.gov.uk</a>
<b>Head of Service</b>	<b>Daniel Harrison - Executive Head Business</b>

## Consultations, Implications and Issues Addressed

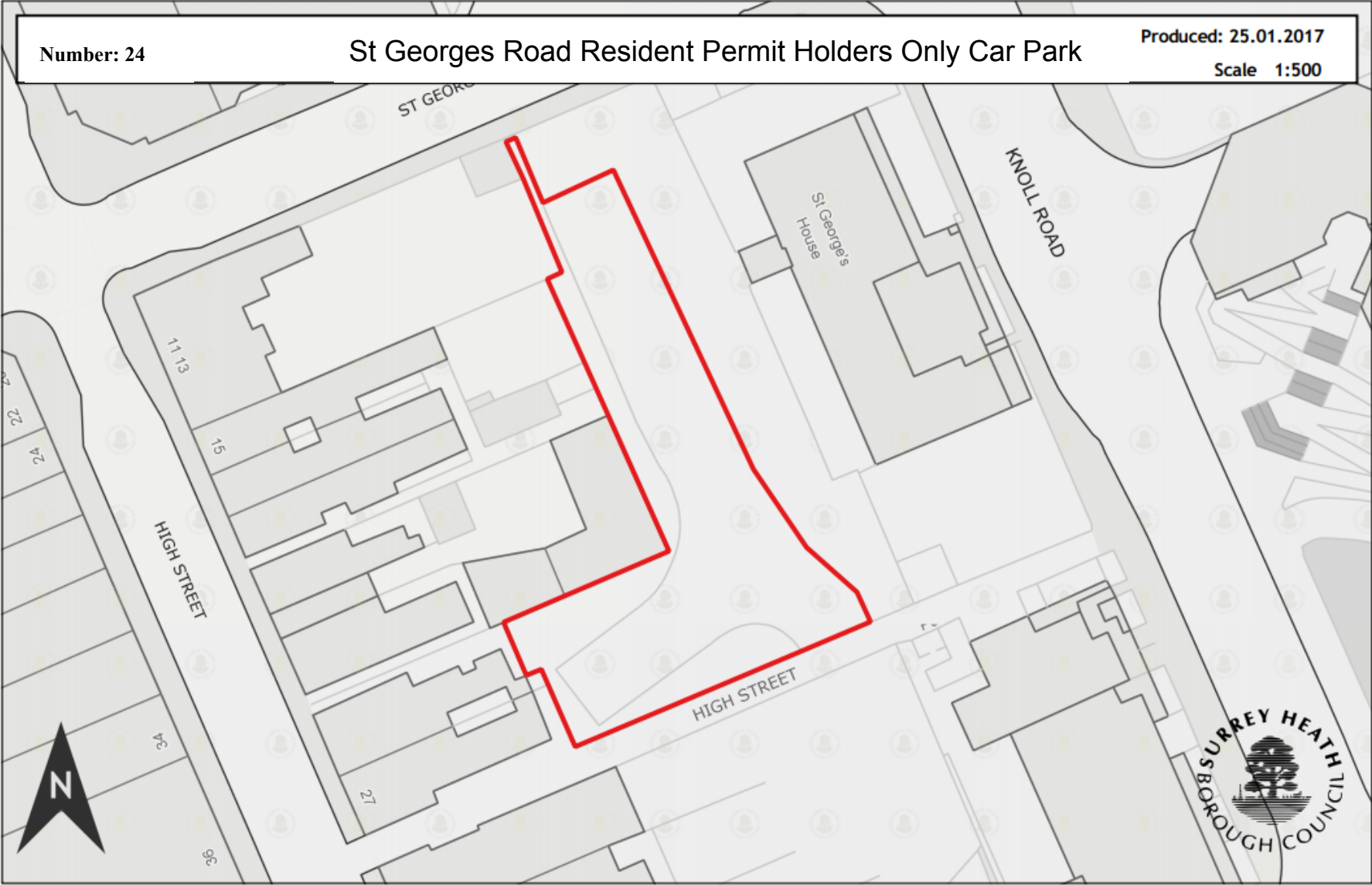
<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	✓	✓
Capital		
Human Resources		
Asset Management		
IT		

<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	✓	✓

**Annex A: Restrictions for St Georges Road Resident Permit Holders Only Car Park:**

Name of Parking Place 1	Position of Vehicle 2	Terms and Conditions
24. St Georges Road Residents' Car Park – as shown edged red on Plan 24	Wholly within a Parking Bay.	Use of Parking Place restricted to holders of an appropriate Permit or Virtual Parking Permit and such use to be strictly upon the terms and conditions of issue of the Permit or Virtual Parking Permit. Permits are restricted to residential properties on High Street, Camberley between its junction with Pembroke Broadway and its junction with St Georges / Obelisk Way

**Annex B: Plan of St Georges Road Resident Permit Holders Only Car Park**



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

**Summary**

The Executive in November 2018 agreed that the Draft “Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2018)” be subject to a six week consultation.

This report seeks Executive agreement to adopt the Thames Basin Heath SPA Avoidance Strategy, as a Supplementary Planning Document (SPD). The SPD will provide additional guidance to policies in the Surrey Heath Core Strategy and Development Management Policies Development Plan Document (adopted in 2012).

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.

**Portfolio – Planning and People**

**Date Portfolio Holder signed off report: 5 March 2019**

**Wards Affected**

All

**Recommendation**

The Executive is asked to RESOLVE that the Thames Basin Heaths Special Protection Area Avoidance Strategy, as set out at Annex 1, be adopted as a Supplementary Planning Document in accordance with Regulation 14 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

**1. Resource Implications**

1.1 There are no resource implications beyond that provided for within the agreed budget for 2018/19.

**2. Key Issues**

2.1 The Executive at the meeting in November 2018 agreed to a six week consultation on the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD.

2.2 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.

2.3 A statutory consultation was undertaken on the Draft Thames Basin Heaths SPA Avoidance Strategy SPD from the 27<sup>th</sup> November 2018 to the 8<sup>th</sup> January 2019 in which comments were received from 18 respondents. Following the consultation, amendments have been made to the Thames Basin Heaths SPA Avoidance Strategy SPD which are summarised in the Statement of Consultation at Annex 2 of this report. The main changes include:

- Following comments made in respect of building in greater flexibility for allocation of capacity to strategic SANGs for larger sites, the document has been amended to state that larger sites (136 dwellings or more) in the Western Urban Area (defined as the settlement areas of Camberley, Frimley, Frimley Green and Mytchett) that are unable to realistically provide land for SANGs may be allocated strategic SANG, subject to availability. This approach may also apply to sites outside this area that have particular, site-specific circumstances which support the need for off-site SANGs provision, subject to the availability of SANG capacity. The Draft SPD provided this flexibility only for sites in Camberley Town Centre.
- Revision of the Strategic Access Management and Monitoring (SAMM) contributions required from developers per dwelling at paragraph 7.3 of the document to accord with the SAMM payments table on page 25 of the document.
- The addition of an objective relating to Biodiversity Opportunity Areas (areas where targeted conservation action will have the greatest benefit) in the desirable features of a SANG set out in Appendix 2 of the SPD.

2.4 If adopted as a Supplementary Planning Document the Thames Basin Heaths SPA Avoidance Strategy can be used to provide updated guidance in the consideration of planning applications in Surrey Heath.

### 3. Options

3.1 The options for the Executive to consider are to:

- (i) **AGREE** to ADOPT the Thames Basin Heaths Special Protection Area Avoidance Strategy as a Supplementary Planning Document (SPD).
- (ii) **NOT AGREE** to ADOPT the Thames Basin Heaths Special Protection Area Avoidance Strategy as a Supplementary Planning Document (SPD).

### 4. Proposals

4.1 It is proposed that the Thames Basin Heaths SPA Avoidance Strategy is adopted as a SPD.

### 5. Supporting Information



5.1 It is proposed that the Thames Basin Heaths SPA Avoidance Strategy is adopted as a Supplementary Planning Document. It has been concluded that a Strategic Environmental Assessment and Habitats Regulation Assessment is not required.

5.2 A six week statutory consultation was undertaken on the Draft Thames Basin Heaths Special Protection Area Avoidance Strategy.

## 6. Corporate Objectives And Key Priorities

6.1 The 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 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 None arising at this time.

<b>Annexes</b>	Annex 1: Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2019).  Annex 2: Statement of Consultation.
<b>Background Papers</b>	
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## Consultations, Implications and Issues Addressed

Resources	Required	Consulted
Revenue	✓	✓
Capital		
Human Resources		

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
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	✓	✓

# SURREY HEATH BOROUGH COUNCIL



## THAMES BASIN HEATHS SPECIAL PROTECTION AREA AVOIDANCE STRATEGY SUPPLEMENTARY PLANNING DOCUMENT 2019



Great Place • Great Community • Great Future

February 2019

# Foreword

This document updates the 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.

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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 (2019) 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.

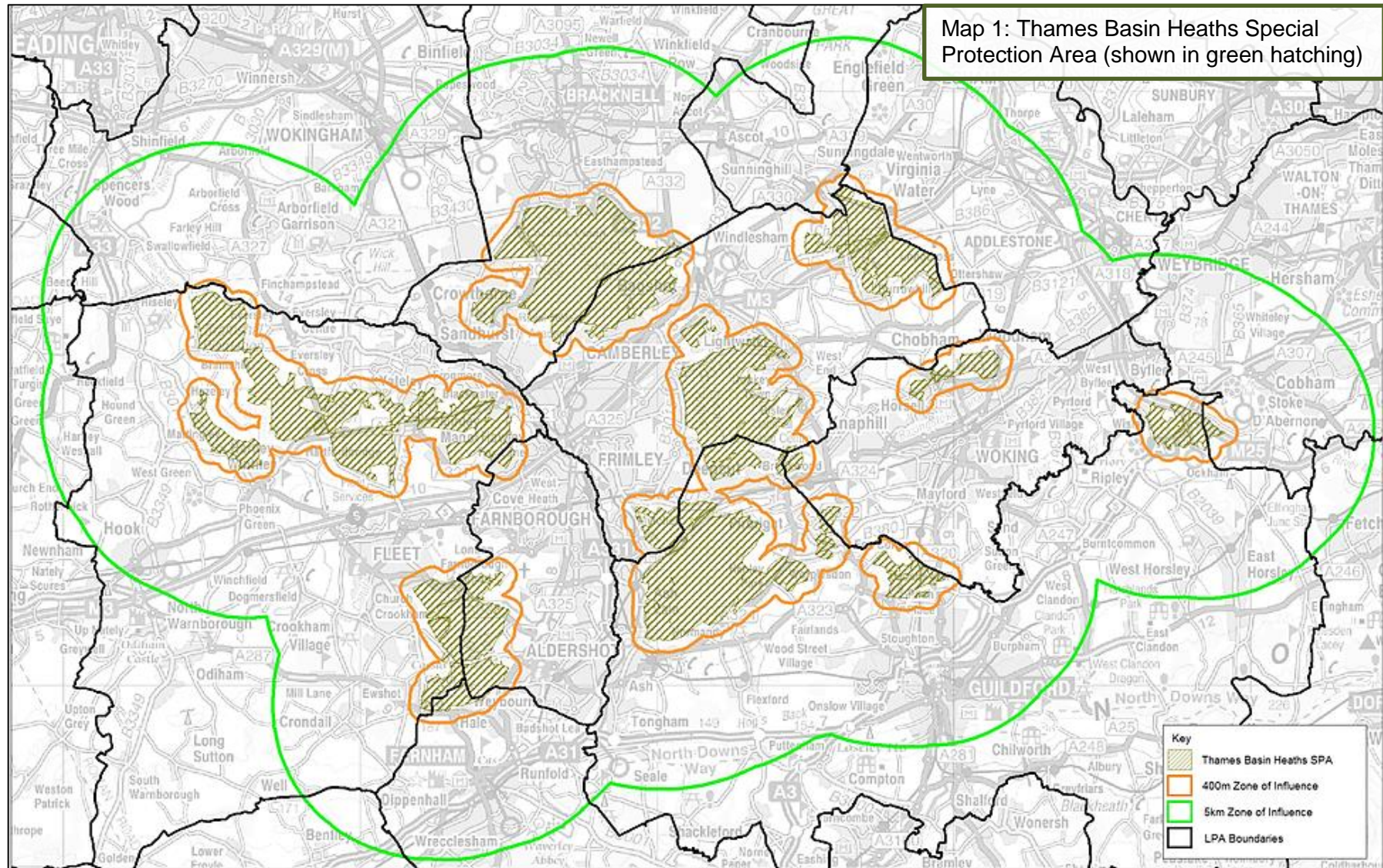
## **Habitats Regulation Assessment**

- 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. The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that a Habitats Regulations Screening Assessment cannot take into account any proposed measures to mitigate any likely impact at the screening stage. The council is therefore now required to carry out a full Appropriate Assessment of relevant plans and planning applications.
- 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 was available for public consultation between 30<sup>th</sup> November 2018 and 11<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. This includes both pedestrian and vehicular accesses.
- 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 an 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 or similar body 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 catchment 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). In practice SANGs are much larger than 2ha since they must provide a minimum 2.3 - 2.5km walk.



## 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.
- 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

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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.

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 the 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 the Western Urban Area<sup>3</sup>, that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs. This approach may also apply to sites outside this area that have particular, site-specific circumstances which support the need for off-site SANGs provision, subject to the availability of SANG capacity.
- 4.21 Developments in Surrey Heath that are allocated capacity at strategic SANGs as avoidance measures are required to make financial contributions towards their enhancement, and ongoing management and maintenance. Contributions

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<sup>3</sup> The Western Urban Area comprises the settlement areas of Camberley, Frimley, Frimley Green and Mytchett.

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 provide avoidance measures for a specific development. New developments of more than 136 units will generally be expected to provide a bespoke SANG rather than relying on capacity at Surrey Heath's available strategic SANGs.
- 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 As stated in paragraph 4.20, to help facilitate development at sites located in the Western Urban Area<sup>4</sup> that are unable to realistically provide land for SANGs 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.
- 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 sites above 136 units, whilst also providing capacity for smaller sites which rely on strategic SANGs. The Council cannot guarantee that all relevant development sites can be accommodated through this arrangement.

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<sup>4</sup> The Western Urban Area comprises the settlement areas of Camberley, Frimley, Frimley Green and Mytchett.

## 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 2, including in particular the requirement for a circular walk, may affect the practical size of a SANG.

5.3 Appendix 2 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 3.

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 guidance document at footnote 8 is the contribution which is applied by Surrey Heath Borough Council. In compliance with Natural England's SAMM Tariff Guidance document, this has been converted to a 'per bedroom' tariff which equates to £263 per person +8%, 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

- 7.4 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

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<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.

- 7.5 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.

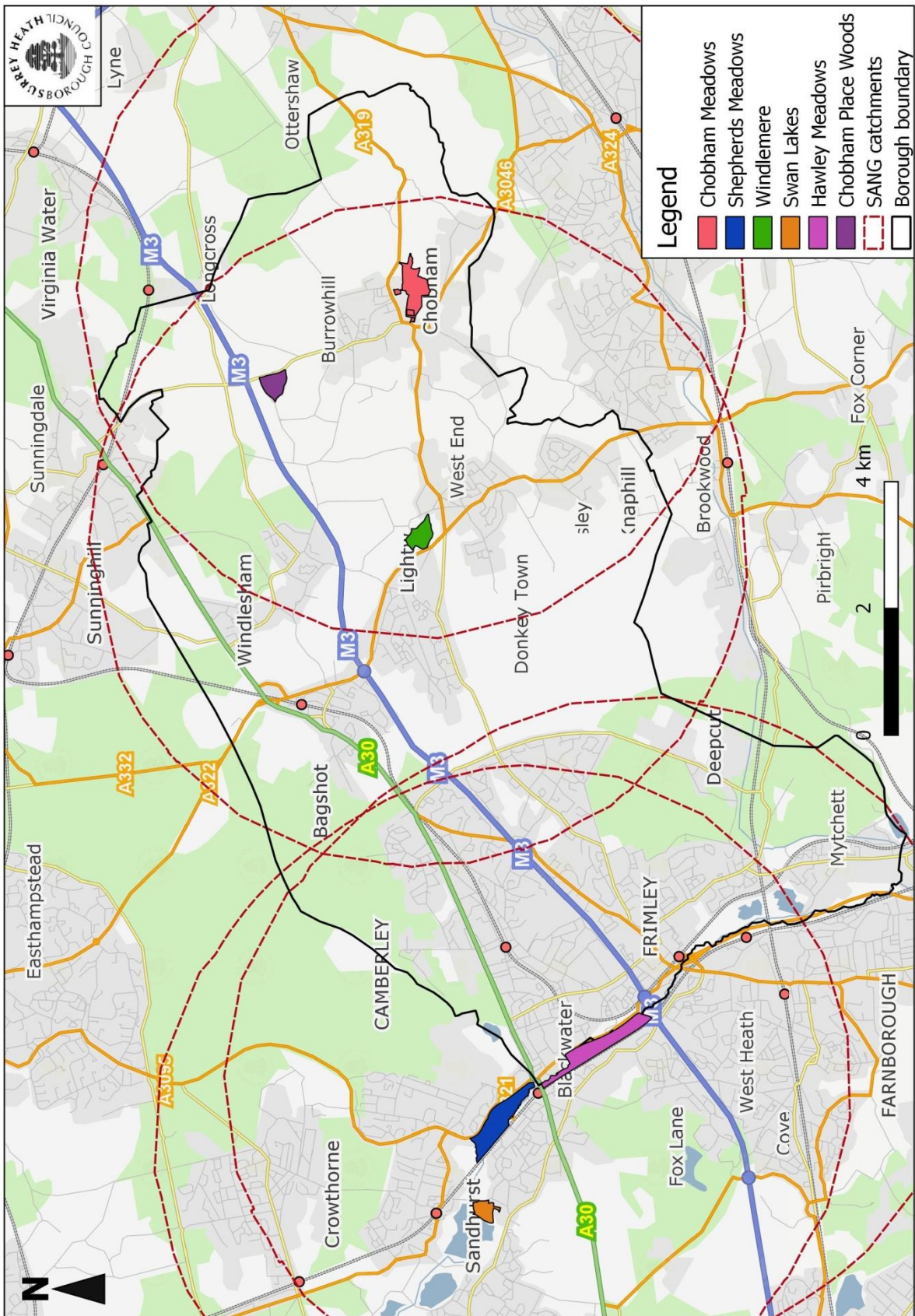
**Supplementary Planning Document** - A planning document produced at the local level to build upon and provide more detailed advice or guidance on local policies.

**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.
- Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate.

## 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



Great Place • Great Community • Great Future

# **Statement of Consultation – Thames Basin Heaths Special Protection Area Avoidance Strategy SPD**

**February 2019**

This statement sets out comments received and the Council's response to Surrey Heath Borough Council's consultation on the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

The Consultation ran for six weeks from the 30<sup>th</sup> November 2018 to 11<sup>th</sup> January 2019.

Letters and e-mails were sent out to residents and organisations on the Council's Local Plan database, neighbouring authorities, Parish Councils and statutory consultees. Printed copies of the document were also available to view at Surrey Heath House. In addition, the consultation was advertised on the Council's social media channels.

**In summary, the changes to the Thames Basin Heaths Special Protection Area Avoidance Measures SPD following consultation are as follows:**

- Page 7, paragraph 1.11 – add the sentences “*The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that a Habitats Regulations Screening Assessment cannot take into account any proposed measures to mitigate any likely impact at the screening stage. The Council is therefore now required to carry out a full Appropriate Assessment of relevant plans and planning applications.*” after “*Natura 2000 sites through a Habitats Regulations Assessment*”, to account for the Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case in relation to its implications for appropriate assessment.
- Page 10, paragraph 2.3 – add sentence: “*This includes both pedestrian and vehicular accesses.*”, following the sentence, “*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.*”
- Page 14, paragraph 4.3 – add phrase, “*or similar body*” between “*Strategic SANGs are owned and maintained by a relevant local authority*” and “*and provide avoidance measures for developments that cannot provide their own on-site SANG.*”, so the full sentence reads, “*Strategic SANGs are owned and maintained by a relevant local authority or similar body and provide avoidance measures for developments that cannot provide their own on-site SANG.*”
- Page 14, footnote 1 – amend to include additional wording at the end of existing footnote: “*In practice SANGs are much larger than 2ha since they must provide a minimum 2.3 - 2.5km walk.*”
- Page 17, paragraph 4.20 - revise as follows: “*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 the Western Urban Area (defined in added footnote as the settlement areas of Camberley, Frimley, Frimley Green and Mytchett), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs. This approach may also apply to sites outside this area that have particular, site-specific circumstances which support the need for off-site SANGs provision, subject to the availability of SANG capacity.*”
- Page 18, paragraph 4.23 – revise as follows: “*Bespoke SANGs provide avoidance measures for a specific development. New developments of more than 136 units will generally be expected to provide a bespoke SANG rather than relying on capacity at Surrey Heath’s available strategic SANGs.*”

- Page 18, paragraph 4.23 – delete the last sentence which states “Appendix 3 shows the location of existing bespoke SANGs in Surrey Heath.”
- Page 19, paragraph 4.26 – revise as follows: “As stated in paragraph 4.20, to help facilitate development at sites located in the Western Urban Area that are unable to realistically provide land for SANGs 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.”
- Page 19, paragraph 4.27 – amend the first sentence of the paragraph as follows: “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 sites above 136 units, whilst also providing capacity for smaller sites which rely on strategic SANGs.”
- Page 20, paragraphs 5.2 and 5.3 – revise “Appendix 3” to state “Appendix 2” in both paragraphs.
- Page 23, paragraph 6.8 – revise “Appendix 4”, to state “Appendix 3”.
- Page 25, Paragraph 7.3 – revise as follows: “The SAMM tariff set out in the above guidance document is the contribution which is applied by Surrey Heath Borough Council. In compliance with Natural England’s SAMM Tariff Guidance document, this has been converted to a 'per bedroom' tariff which equates to £263 per person +8%, as set out in the following table.”
- Page 31, Appendix 2 – add the following wording as a new bullet point under the subheading ‘Desirables’: “Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate.”

<b>Responses to the Draft Statement of Community Involvement (SCI)</b>		
<b>Respondent</b>	<b>Comment</b>	<b>Council's Response</b>
Alison Bunce	From what I can understand in the documentation, this proposal will directly and adversely affect the land near the canal on the opposite bank to Frimley Lodge Park. This is where I have seen signs advertising plots of land. This is going to have a detrimental effect on the wildlife on this land and also catastrophically impact the lives of residents of the village. That land is hugely important to everyone and a focal point of village life. In addition, Frimley Green does not have the infrastructure to support additional housing. This would irreparably change the character of the village. I urge you to reconsider this proposal. The land there should remain as it is.	<p>Noted. Not relevant to the scope of the SPD. The parcel of land described in the response is within the Thames Basin Heaths SPA. This SPD sets out that residential development cannot come forward in this area.</p> <p>The purpose of this SPD is to set out the Council's strategy for delivering mitigation for the impact of increased recreation on the Thames Basin Heaths SPA arising from new residential development.</p>
Berkeley Homes	<p><b>1.0 Introduction</b></p> <p><b>1.1</b> The Surrey Heath Draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2018) ("the consultation document") is open for consultation from the 30th November 2018 to the 11th January 2019. The consultation document provides an updated avoidance and mitigation strategy to show how the adverse effects of development on the integrity of the Thames Basin Heaths Special Protection Area (SPA) in Surrey Heath Borough Council should be avoided and mitigated.</p> <p><b>1.2</b> These representations are made in the context of Berkeley Homes (Southern) Limited ("Berkeley") interests in 22-30 Sturt Road, Frimley Green in Surrey Heath (allocated in the emerging Local Plan as 'Land West of Sturt Road') and for the provision of off-site SANG to accommodate the delivery of up to 170 homes on this site.</p> <p><b>1.3</b> Lichfields also made representations on behalf of</p>	

<b>Responses to the Draft Statement of Community Involvement (SCI)</b>		
	<p>Berkeley to the Surrey Heath Draft Local Plan Issues Options/Preferred Options consultation. The focus of these representations was that the Land West of Sturt Road allocation should be increased from the current proposed 100 units to up to 170 units, one of the reasons being that off-site SANG could be provided.</p> <p><b>1.4</b> The note is structured to first establish the context of Berkeley's interests in the District, alongside the content of the NPPF 2018 relevant to this consultation. Thereafter, specific points on the SPD are drawn out by subheading which references relevant paragraph or section numbers.</p> <p><b>2.0 The NPPF 2018</b></p> <p><b>2.1</b> The current Thames Basin Heaths SPA SPD, adopted in January 2012, is out of date now as the NPPF 2018 has been published. The SPD which forms the basis of this consultation must be in accordance with the NPPF 2018.</p> <p><b>2.2</b> The spatial strategy of the emerging draft Local Plan includes directing development to the most sustainable locations and maximising the use of brownfield sites. Berkeley's site Land West of Sturt Road accords with both these elements due to its location within 400m of the services and amenities of Frimley Green Local Centre and being majority previously developed land. There is a strong argument to maximise the development opportunity of this site due to its sustainable location.</p> <p><b>2.3</b> The SPD must therefore accord with paragraph 123 of the NPPF 2018 concerning 'Achieving Appropriate Densities'. The NPPF is clear that: "Where there is an existing or anticipated shortage of</p>	<p>Noted. The updated SPD has been prepared in accordance with the revised NPPF 2018.</p>



<b>Responses to the Draft Statement of Community Involvement (SCI)</b>		
	<p>land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances: a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate.”</p> <p><b>2.4</b> Land West of Sturt Road is a sustainable site, the majority of which is previously developed land. In a district with significant constraints to housing delivery (the authority is not planning to meet its standardised methodology figure with unmet need being addressed within the housing market area) including the SPA and Green Belt, it is in clear accordance with the NPPF to make optimal use of the site.</p> <p><b>2.5</b> Furthermore, paragraph 137 of the NPPF 2018 states that before concluding exceptional circumstances exist for changing Green Belt boundaries (a major constraint in Surrey Heath) the Council must have made as much use as possible of brownfield sites, optimised densities and discussed unmet needs with neighbouring authorities.</p> <p><b>2.6</b> There is a clear policy justification for increasing the density of development at Land West of Strut</p>	

<b>Responses to the Draft Statement of Community Involvement (SCI)</b>		
	<p>Road and allowing for the contribution of SANG off-site. It is therefore important that the SPD provides sufficient flexibility to enable alternative SANG provisions (i.e. off-site) for schemes that optimise density in sustainable locations.</p> <p><b>3.0 Draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2018) comments</b></p> <p><b>3.1</b> The emerging draft Local Plan maintains the adopted policies in the Core Strategy and Development Management Plan CP14A – Biodiversity and Nature Conservation and CP14B – European Sites. Policy CP14B requires residential developments to “provide appropriate measures to avoid adverse effects upon the Thames Basin Heath SPA in accordance with the Borough Council’s adopted Avoidance Strategy” – this is the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD, being superseded by this consultation document. Paragraph 4.3 “4.3 As a guide, it will usually be possible for developments of fewer than 136 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 –</p>	<p>Noted. The Council recognises that there may be particular sites where it is important to maximise densities to deliver sustainable development of more than 100 homes without on-site SANG, provided off-site SANG can still be secured.</p> <p>This approach would provide greater flexibility within the TBH SPA avoidance measures strategy, whilst still according with the Joint Delivery Framework and relevant policy requirements.</p> <p>Therefore, the SPD will be amended at paragraph 4.20 to state <i>‘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, unless particular, site-specific circumstances support the need for off-site SANGs provision. In addition, larger developments in the Western Urban Area (defined in added footnote), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.’</i></p> <p>The reason for including a particular geographical specification is the limited availability of land for SANG within the western urban area of the Borough, which is largely already built up. Other areas of the Borough will generally be less restricted in their ability to deliver</p>

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	<p><a href="https://www.surreyheath.gov.uk/SANG">https://www.surreyheath.gov.uk/SANG</a></p> <p><b>3.2</b> Berkeley is pleased to see that the consultation SPD no longer simply states that “developments of more than 100 dwellings will generally be expected to provide on-site SANG” and acknowledges that consideration of the feasibility of providing on-site SANG needs to be undertaken. However, it would be helpful to see wording to make it explicitly clear that, in accordance with the NPPF 2018, there may be particular sites where it is important to maximise densities to deliver sustainable development of more than 100 homes without on-site SANG, provided off-site SANG can still be secured.</p> <p><b>3.3</b> The text should be amended accordingly: “...However, it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. However, if it is possible to provide sufficient off-site SANG to accommodate more than 100 homes on sustainable sites in the district, particularly on previously developed land, this should be encouraged in accordance with paragraphs 123 and 137 of the NPPF 2018...” Paragraph 4.19 – 4.20 “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</p>	<p>bespoke SANG solutions.</p> <p>As above.</p>

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	<p>includes small to medium sized developments of less than 136 units. In addition, larger developments in Camberley Town Centre, that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.”</p> <p><b>3.4</b> Whilst the consultation document makes it clear that SANG provision is not Surrey Heath wide and extends into neighbouring authorities who are also affected by the SPA, it is not made explicit within the consultation document that it is possible for the SANG needs generated by a scheme in Surrey Heath to be accommodated in another local planning authority. Provided it falls within the SANG catchments set out at para 4.4 of the consultation document. The SANG provision serves the SPA as a whole without taking into account administrative boundaries and this should be made explicit within the document. Paragraph 4.23 “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.”</p> <p><b>3.5</b> Whilst this paragraph is quite clear that major or large new developments will be expected to provide on-site SANGs, and sites of more than 136 will generally be expected to provide bespoke SANG, it is not entirely clear where the major/large cut-off comes into play. For example, it is not clear if this</p>	<p>Noted. As advised above, paragraph 4.20 will be amended as follows: “<i>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, unless particular, site-specific circumstances support the need for off-site SANGs provision.</i>” As such, the SPD does not prevent SANG capacity being provided by a neighbouring authority for a specific scheme in Surrey Heath. For clarity, paragraph 4.23 will be amended as follows: “<i>Bespoke SANGs provide avoidance measures for a specific development. New developments of more than 136 units will generally be expected to provide a bespoke SANG rather than relying on capacity at Surrey Heath’s available strategic SANGs.</i>”</p>

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	<p>applies to anything over 136 units?</p> <p><b>3.6</b> Furthermore, there are some inconsistencies between this paragraph and paragraph 4.3 of the consultation document. Whilst this paragraph is clear that developments of more than 136 units will generally be expected to provide a bespoke SANG, it does not acknowledge, as paragraph 4.3 does, that it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. This should be included for consistency. In addition, as per the point raised at paragraph 3.4 of these representations above, the plausibility of cross-boundary strategic SANG capacity as an option should be considered in-lieu of providing bespoke on-site SANG.</p> <p><b>3.7</b> Finally, paragraph 4.23 of the SPD references ‘Appendix 3’ which shows the location of existing bespoke SANGs in Surrey Heath. This does not appear to have been included in the SPD and Appendix 3 is actually a ‘summary of SANG costs’. Paragraph 4.26 “4.26 To help facilitate development at sites located in Camberley Town Centre 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).”</p> <p><b>3.8</b> The consultation document makes specific</p>	<p>Noted. The last sentence of paragraph 4.23 that states “Appendix 3 shows the location of existing bespoke SANGs in Surrey Heath.” will be deleted.</p> <p>Noted. See response to paragraphs 3.1 and 3.4 of</p>

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	<p>reference to Camberley Town Centre as a location that cannot provide its own bespoke on-site SANG. As per the response to paragraph 4.3, it should also be acknowledged that there may be particular sites where it is important to maximise densities to deliver sustainable development of more than 100 homes without on-site SANG, provided off-site SANG can still be secured. As is the case at Land West of Sturt Road.</p> <p><b>4.0 Conclusions</b></p> <p><b>4.1</b> In summary, the Land West of Sturt Road allocation should be increased from the current proposed 100 units to up to 170 units, one of the reasons being that off-site SANG could be provided. The consultation document needs to provide sufficient flexibility in how SANG is provided for sites delivering more than 100 homes to allow for off-site provision to facilitate sustainable development, particularly on previously developed land. It is also important to make clear that SANG provision for development in Surrey Heath does not have to be provided in Surrey Heath. Provision in another local planning authority can be made provided the appropriate SANG catchments are still adhered to.</p>	<p>Berkeley Home's representation.</p> <p>In addition, for consistency, paragraph 4.26 will be amended as follows: <i>"As stated in paragraph 4.20, to help facilitate development at sites located in the Western Urban Area that are unable to realistically provide land for SANGs 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."</i></p> <p>Also for consistency, the first sentence of paragraph 4.27 will be amended as follows:  <i>"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 sites above 136 units, whilst also providing capacity for smaller sites which rely on strategic SANGs."</i></p>
Bisley Parish Council	<p>As the Thames Basin Heaths Special Protection Area (SPA) was set up in 2005, it is timely that it is being reviewed now, taking account of the guidance issued since then. Having SHBC's approach to avoiding harm to the SPA clarified and out for</p>	Noted.

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	<p>consultation is helpful.</p> <p>Since Natural England's alert, from their research in 2005, regarding the 'detrimental impact of recreational pressure' on the three species of bird at risk, has SHBC evaluated the effectiveness of the measures taken since, in mitigating these effects?</p> <p>The Thames Basin Heaths Joint Strategic Partnership Board (JSPB) endorsed a strategic delivery Framework recommending three avoidance measures in 2009; one of which was the setting up a 400m buffer zone around the SPA 'within which no net new residential development will be permitted.' Over the years, has this proved effective and achieved the stated goal of protecting these rare birds?</p> <p>Natural England originally 'objected to all planning applications for a net increase in residential development within 5km of the SPA.' Is a 400metre buffer zone sufficient to mitigate the detrimental effects of human activity? Domestic cats roam and dogs are let off leads to run and let off steam, light pollution from housing, streets and cars add to the disturbance.</p> <p>The criterion of no new dwellings built within 400m of</p>	<p>Natural England carried out visitor surveys in 2012 on the SPA at entrance points to the Thames Basin Heaths SPA in order to ascertain the average number of visitors using the SPA since implementation of the avoidance strategy was in place. Further surveys are currently being undertaken by Natural England to update the 2012 study. Natural England also monitors the condition of the SPA and the population of the three protected bird species. On the basis of available information, the measures that are in place are considered by Natural England and other relevant bodies to provide a satisfactory form of mitigation.</p> <p>The Thames Basin Heaths SPA Avoidance Strategy SPD must be in accordance with saved policy NRM6 of the South East Plan and the Joint Delivery Framework. This introduced the three measures for avoidance of harm to the SPA including the implementation of a 400m buffer zone, SANG and SAMM measures. The 400m buffer zone is considered the necessary distance to prevent the impacts associated with new residential development, including increased recreational pressure and cat predation. As noted above, Natural England has carried out research to consider the effectiveness of the strategy for avoidance of harm. In light of this, the mitigation measures in place including the 400m buffer zone are considered effective by Natural England and other relevant bodies.</p> <p>No new net residential development is permissible</p>

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	<p>the SPA, is very limiting to Bisley Village, but the Parish Council feels that this is in the best interest of the village and for nature. However, Councillors do recognise that this could be a barrier to development when housing (residential development) is needed. The Parish Council strongly disagrees with a payment being made to avoid the criterion to offset a proposed development within 400m of the SPA or by supplying mitigating land which can be miles from the development. If the SPA is to be recognised and managed in an effective way is it right that a development can take place and for SANGS to be provided several miles away? How are these to be monitored and controlled.</p> <p>Will SANGS contributions be considered as a method by which planning consent can be bought? The real issue is the protection of the environment. If it is agreed that the strategy is adopted then any contributions must be used for the management and maintenance of SANGS and not, simply another tax on residential development.</p> <p>If the principles of SANGS are accepted, and they are for the protection of the environment and countryside, then a Strategy should be adopted. The big question remains however is the strategy correct to address the issues for all concerned.</p> <p>The draft refers to total people capacity for a SANG. When a SANG capacity has been fully reached what will then happen, will developments be refused? How are these numbers to be controlled? How are visitors to be assessed and the numbers controlled?</p>	<p>within the 400m buffer zone. One of the three avoidance measures set out in the delivery framework is the delivery of SANGs as an avoidance measure for net new residential development between 400m and 5km of the SPA. The purpose of SANGs provision is specifically to protect the environment and to satisfy the Habitat Regulations 2017 (as amended). Where residential development occurs in this area, a proportion of CIL monies or in relevant cases, developer contributions are required for the ongoing maintenance and management of SANGs in perpetuity.</p> <p>The purpose of this SPD is to set out the Council's strategy for delivering mitigation for the impact of increased recreation on the Thames Basin Heaths SPA arising from new residential development. This is in accordance with national and international legislation, including the Birds Directive.</p> <p>Where SANG capacity is not available, planning permission for an increase in residential development will be refused as the Habitat Regulations 2017 (as amended) cannot be discharged. The Council regularly monitors SANG capacity, as set out in the SPD.</p>



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	<p>The provision of car parking for non-residential development needs close control and monitoring as visitors to the SPA could be as detrimental to the SPA as residents associated with residential development. This should include control of hotel car parking, where visitors have immediate access to the SPA. This is of relevance when hotels have long term guests.</p> <p>Bisley Parish Council hopes that the above comments are helpful and looks forward to hearing further on the outcome of the consultation.</p>	<p>Residential development is considered to have the greatest impact on the SPA, arising from increased recreation and domestic pet ownership. It is not a requirement within policy and guidance relating to the SPA for non-residential developments' car parking to be monitored. However, in respect of C1 uses (Hotels), paragraph 3.5 of the SPD sets out that measures may be required to ensure new car parks for hotel cannot be made available to the general public wishing to access the SPA.</p>
Catesby Estates plc	<p>We write in respect of the current public consultation for the draft Thames Basin Heath Special Protection Area Avoidance Strategy SPD. This representation relates to land that Catesby Estates Ltd are promoting at Snows Ride, Windlesham which alongside providing residential development, has capacity to provide for an over-provision of SANG in an area of Surrey Heath where there is a recognised under provision.</p> <p><b><u>Site Background</u></b> Catesby confirms that the land east of Snows Ride, Windlesham is available for residential development with onsite over provision of SANG. This should be considered by the Council as a possible site to deliver housing to meet their housing need in this area of Surrey Heath, as the current lack of SANG could prevent much needed housing coming forward in this location.</p> <p>A Suitable Alternative Natural Green Space (SANG)</p>	<p>There is currently adequate provision of SANG capacity in the Windlesham area through existing strategic SANG provision. However, where capacity becomes more limited, the Council welcomes opportunities for the implementation of new strategic SANGs to provide mitigation for new residential development.</p> <p>Noted. The appeal decision, reference number</p>

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	<p>is proposed on site which comprises a circular pedestrian route set around the new development, landscaping, attenuation and play spaces. It is possible to deliver a SANG on a site alongside residential development. The use of the site for SANG has previously been found acceptable (Planning permission: APP/D3640/A/13/2202523) thereby demonstrating its suitability.</p> <p><b>Under Provision of SANG</b>            There is a need for additional SANG sites in the area around Bagshot and Snows Ride. The Interim Capacity Study (April 2018) states at para 4.3.26 “it is important to note that there is not currently SANGs catchment covering Bagshot and the Snows Ride settlement area of Windlesham. Consequently, sites located in these areas containing more than 9 net units and not providing on-site SANG, are phased in the housing supply beyond 5 years, in the SLAA. The Council is seeking to address this, through investigating possible options to introduce new SANG that could provide coverage for the Bagshot area.”            The subject site can over deliver sufficient SANG for the proposed housing associated thereby providing a wider public benefit.</p> <p><b>Conclusion</b>            The NPPF and the Government’s growth agenda seek to ensure that sufficient land is available in the most appropriate locations to increase housing supply, support growth and boost home ownership. Importantly this land is deliverable, to ensure that Surrey Heath meet their housing need. As mitigation</p>	<p>APP/D3640/A/13/2202523, stated at paragraph 6 that the new open space could in future form a Suitable Accessible Natural Green space (SANG).</p> <p>Since the Interim Capacity study was published, SANG capacity has been made available that provides coverage for the areas of Windlesham and Bagshot.</p> <p>As above.</p>

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	<p>measures are required to protect Thames Basin Heath Special Protection Area ahead of occupation of dwellings, the lack of available SANG prevents development coming forward in this area of Surrey Heath. This letter positively confirms that the site is sustainably located, available and capable of delivering a residential development scheme and SANG in an area where there is a recognised under provision.</p> <p>It is considered that this site should be included within the Council's Local Plan as an allocated site for a residential led development with SANG and we look forward to the opportunity to discuss this further with the Council.</p>	
Chobham Parish Council	<p>The Parish Council would like to make the following comments:</p> <ol style="list-style-type: none"> <li>1. It is noted that no specific reference is made to the new emerging Surrey Heath Borough Council (SHBC) Local Plan amongst the policies that are listed as relevant to the SPD. For policy context looking forward, it is felt that this would be an important policy for mention/inclusion.</li> <li>2. The additional clarification of how measurements are taken for the 400 metre buffer is welcomed. Measuring from the closest point of access on the curtilage appears to be practical. SHBC may wish to consider further clarifying whether this relates to vehicular or pedestrian accesses, or both.</li> <li>3. The Parish Council has previously objected to</li> </ol>	<p>Table 1 of the SPD sets out the policy context for the TBH SPA. As the SPD is being produced under the current adopted development plan for Surrey Heath, it is the policies in this document that must be referred to. However, to take account of future emerging policies in the draft local plan, the wording 'any successive local policies' is also used in relation to policy context.</p> <p>Noted. The wording at paragraph 2.3 will be revised as follows to provide clarification: <i>'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. This includes both pedestrian and vehicular accesses.'</i></p> <p>There are no restrictions that the Council is aware of for</p>

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	<p>development proposals that seek to utilise Common land with existing public access rights as Suitable Alternative Natural Greenspace (SANG). Common land has its own special character, significance and nature conservation importance and should not be used as an offset for commercial gain elsewhere. The conversion of Common land to SANG changes its character, gives the public no new access as a result of the development and causes a natural and unspoiled open space to become urbanised and busier.</p> <p>4. The SPD appears to be almost exclusively focused on the risks associated with residential (and quasi-residential) development. While the Council has not seen the evidence, it seems curious that a single new residential dwelling would not be permitted within the 400 metre buffer zone, but (for example) a large business development with many hundreds of employees may be judged to have no adverse effect on the SPA. Has the possibility of employees and visitors using the SPA for recreation been fully considered, with the associated risks of littering and fires from cigarette butts etc.?</p> <p>5. It is stated that the standard for SANG provision is at least 8 hectares per 1,000 head of population, but that a higher level of provision may be required in some cases. It would be useful to include examples of the circumstances which may give rise to the requirement for provision above the 8ha/1000 standard, and/or a table setting out the formula for additional provision.</p>	<p>siting SANG on common land. Therefore, it would be inconsistent with other policy and guidance to exclude common land from use as a SANG. In cases where there is an existing recreational use, discounts to capacity will be applied as appropriate, and in consultation with Natural England.</p> <p>Residential development is considered to have the greatest impact on the SPA, arising from increased recreation and domestic pet ownership. Saved South East Plan Policy NRM6 sets out avoidance measures should be provided for residential development and the mechanisms for this policy are set out in the TBH SPA Delivery Framework. Therefore, it is for local policies and guidance documents to set out in detail how avoidance measures will be required for this type of development.</p> <p>Noted. Paragraph 4.15 of the SPD provides clarification regarding the calculation for provision above the 8ha per 1000 SANG standard, explaining this will be undertaken on a case-by-case basis for individual SANGs. Paragraph 4.16 provides examples of the existing types of uses that may give rise to the requirement for SANGs provision above 1,000 people per 8ha. These include existing public open space and</p>

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	<p>6. It appears that the threshold for developments to take up capacity at Council-provided SANGs rather than provide on-site SANG has risen from 100 to 136 units (and those between 100-136 are now only “recommended” to provide bespoke SANG). The Parish Council would appreciate an understanding of what has informed this increase.</p> <p>7. Table 3 on page 15 sets out occupancy rates by number of bedrooms, with the rates including rooms capable of realistic conversion to bedrooms. From the accompanying text, it is not clear whether this calculation includes potential new bedrooms created as a result of loft conversions. If potential loft conversions are not included, this would appear to be a significant omission.</p> <p>8. The term “significant effect” is used throughout the document, but a clear definition of what constitutes a “significant effect” is not given. While individual developments may not cause a likely significant effect on the integrity of the SPA, the cumulative effect may be significant when considered in combination with other proposals.</p> <p>9. The Parish Council supports Natural England’s preference for SANGs to be handed over to local authorities to ensure that management is carried out fairly and effectively and funding is secured in</p>	<p>the existing rights and patterns of use.</p> <p>Noted. Footnote 1 on page 14 of the SPD outlines how the figure of 136 was derived. This was based on up to date information for the rates of occupancy at new residential developments that have been allocated Strategic SANG capacity. However, taking account of the responses to the consultation held for this SPD, the Council is proposing further changes to add greater flexibility to this approach where particular, site-specific circumstances support the need for off-site SANGs provision.</p> <p>Paragraph 4.7 of the SPD refers to rooms that are already habitable. On this basis, It is not considered feasible to include loft space as a general rule.</p> <p>The use of the term ‘significant effect’ is in compliance with national and international legislation, including the Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>Noted.</p>

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	<p>perpetuity. SANG land should be accessible for all and not de-facto restricted to communities of the development to which it relates.</p> <p>10. It is noted that the Strategic Access Management and Monitoring (SAMM) contribution tariff remains unchanged over the January 2012 version, suggesting that there has been no increase in project costs or works in the interim. Is this correct, or is there another explanation for the unchanged contribution figures?</p> <p>11. Within the guidelines for the creation of SANGs, should there be any special considerations for SANGs which are themselves proposed to be within the 400 metre buffer zone, or that have the potential to link into longer walks onto the SPA itself? It is possible that SANGs located close to the SPA or with easy links to its paths may have the effect of increasing visits to the SPA rather than mitigating against them.</p> <p>12. It is noted that there is no expectation for provision of parking for visitors when a SANG is intended for local use (within easy walking distance). Chobham Parish Council believes that in order for maximum community benefit to be gained from creation of new SANG, it should be accessible to all, and therefore adequate parking should be provided</p>	<p>Noted. Paragraph 7.3 of the SPD will be amended to accord with the Table 6 in the SPD which takes account of the 8% increase set out in Natural England's SAMM Tariff Guidance document. Paragraph 7.3 will be amended as follows: <i>'The SAMM tariff set out in the above guidance document is the contribution which is applied by Surrey Heath Borough Council. In compliance with Natural England's SAMM Tariff Guidance document, this has been converted to a 'per bedroom' tariff which equates to £263 per person +8%, as set out in the following table'.</i></p> <p>Noted. There is no restriction for siting SANG within the 400m buffer zone within the Joint Delivery Framework. However, in order to ensure there is no greater impact on the integrity of the THB SPA, any proposal for a SANG is subject to consultation with the Statutory Body, Natural England, and therefore issues such as proximity to the SPA are addressed through this process on a case-by-case basis.</p> <p>The Council recognises the potential for SANGs to provide benefits to the local community. With regard to bespoke SANGs, these generally provide mitigation for a specific development that cannot be allocated capacity at a strategic SANG. This type of SANG therefore provides avoidance measures for the specific development that it facilitates. It is desirable that</p>

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	<p>for each new SANG. Any parking for a new SANG should be provided in addition to existing parking arrangements in order to not create a reduction of parking facilities for existing needs. A table giving figures or formulae for what is considered to be 'adequate' parking would also be helpful.</p>	<p>management plans for this type of SANG include local access strategies encouraging sustainable modes of transport.</p> <p>For strategic SANGs, all SANGs of greater than 4ha must provide adequate parking provision, as set out in Appendix 2 of this SPD.</p>
Hart District Council	<p>The SPD sends a message that outside of Camberley Town Centre sites of over 136 homes should generally provide on-site SANG. There is more flexibility regarding sites within Camberley Town Centre:</p> <p><i>“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, that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.</i></p> <p><i>4.26 To help facilitate development at sites located in Camberley Town Centre 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.”</i></p> <p>The rationale for the approach taken towards Camberley Town Centre is that there could be large sites that “are unable realistically to provide land for SANGs”. We support this approach in the SPD but consider that the same flexibility should be applied across the district as a whole to sites where on-site SANG is unrealistic, or would not make best use of</p>	<p>Noted. The Council recognises the benefits of this approach in providing flexibility within the TBH SPA avoidance measures strategy.</p> <p>Therefore, the SPD will be amended at paragraph 4.20 to state <i>‘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, unless particular, site-specific circumstances support the need for off-site SANGs provision. In addition, larger developments in the Western Urban Area (defined in added footnote), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.’</i></p> <p>The reason for including a particular geographical specification is the limited availability of land for SANG within the western urban area of the Borough, which is largely already built up. Other areas of the Borough will generally be less restricted in their ability to deliver bespoke SANG solutions.</p>

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	land. This could well apply to large sites outside Camberley town centre. We urge that a change or clarification is made in this regard.	
Historic England	<p>As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process and welcomes the opportunity to comment upon this key planning document. Historic England has no comments to make on the draft SPD as it relates to matters beyond our direct areas of expertise and remit. These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.</p>	Noted.
Jenny Warren	<p>I am responding to this consultation as a non-expert, purely someone who is concerned about any proposed reduction in the safeguards currently in place to protect the Thames Basin Heaths Special Protection Area.</p> <p>Firstly, Surrey Heath BC have decided that on the basis of their screening process there is no need for a Strategic Environmental Assessment. In my view any changes to the Thames Basin Heaths Special Protection Area Avoidance Strategy should only be considered after a full Environmental Assessment has been done, without this depth of assessment how can people be fully informed of the possible</p>	Noted. A screening process was undertaken which concluded that a Strategic Environmental Assessment was not required for the TBH SPA SPD. As part of the screening process, the statutory bodies Natural England, Historic England and the Environment Agency were consulted. The three statutory bodies each concluded that a SEA is not required. On the basis of the response from the statutory consultees, it is the



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	<p>effects on the environment of the proposed changes to the strategy?</p> <p>Secondly, in the exec summary of the Avoidance Strategy Document, it states that Natural England "objected to all planning applications for a net increase in residential development within 5km of the SPA." this was one of the reasons for updating the Thames Basin Heaths Special Protection Area Avoidance Strategy, and the main reason of course was "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." As far as I can see the objection of Natural England (no development within 5km of the SPA) has not been addressed.</p> <p>The 400m buffer zone is addressed 2.3 (though not very clearly in my view) and 2 avoidance measures are proposed SANGS and SAMM. Whilst SANGS are no doubt beneficial I do not see them as avoidance measures - they are put in place to mitigate the damage/harm done by any development in close proximity to the SPA - exactly the point Natural England were making.</p> <p>As far as I can see these proposed changes to the</p>	<p>Council's determination that the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD does not require an SEA under the SEA Directive and The Environmental Assessment of Plans and Programmes Regulations (2004). This is because there will be no significant environmental effects arising from its implementation and that it supplements adopted policy.</p> <p>The Joint Delivery Framework has been endorsed by the Thames Basin Heaths Joint Strategic Partnership Board and Natural England and is recommended to the local authorities affected by the Special Protection Area (SPA). The updated SPD is in accordance with the Joint Delivery Framework and updates the Thames Basin Heaths SPA Avoidance Strategy SPD 2012 which Natural England was consulted on and raised no objection to.</p> <p>Noted. The Thames Basin Heaths SPA Framework is now long established and proven to be workable. The saved South East Plan (2009) Policy NRM6, which deals with the Thames Basin Heaths SPA, remains in place, setting out the principle of its protection. SANGs form part of this framework and policy requirement.</p> <p>Noted. This SPD supports the protection of the Thames</p>

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	strategy open the flood gates for permitted development within close proximity to the SPA. For this reason I strongly object to the new avoidance strategy.	Basin Heaths SPA and it does not allow any increase in residential development within close proximity of the SPA. The 400m buffer zone is supported by this SPD and remains in place. The principle of the 400m buffer zone is to not allow any net new residential development within its area. This includes residential development approved under permitted development rights.
Natural England	We have considered the contents of the document submitted to us and confirm that we have the following comments to make: - Natural England would recommend that the draft Thames Basin Heaths Special Protection Area Avoidance SPD (2018) should have regard to the recent ECJ judgements.	Noted. The Council will amend the document at paragraph 1.11 to include reference to the Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case in relation to its implications for appropriate assessment.
Runnymede Borough Council	Officers have a limited number of comments to make on the draft document as follows:  Executive summary- it is noted that the whole of Surrey Heath borough is located within 5km of the TBH SPA. It may be worth setting out that development outside of the 5km zone of influence may also have an impact on the Special Protection Area that would require avoidance/mitigation measures.  Pg14- Footnote 1 makes reference to a minimum SANG size of 2ha, which itself is taken from the Delivery Framework. It would be of interest to hear Natural England's comments on this as NE officers have stated to Council officers that normally 8-10ha is realistically required to fit in the circular walk, so smaller sites would probably need some additional land incorporated to make them acceptable.	Noted. As the entirety of the Borough is within 5km of the SPA and this SPD only applied to development within the Borough's Boundaries, it is not considered appropriate to provide guidance for sites beyond 5km of the SPA, which is not within the Borough's remit.  Noted. This is an indicative figure and does not suggest that a SANG of 2ha is necessarily viable. However, in practice, the requirement for a SANG to accommodate a minimum 2.3-2.5km circular walk means that any SANG is much larger than 2ha. For clarification, footnote 1 on page 14 of the SPD will be amended to include the wording, <i>'In practice SANGs are much larger than 2ha since they</i>

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	<p>4.4- SAMM funding can also be paid by development located in the 5-7km zone, although development in Surrey Heath is not itself affected by this zone.</p> <p>4.10 SANG in perpetuity – it is understood that ‘in perpetuity’ is generally accepted to be a minimum of 80 years.</p> <p>The Council continues to welcome the opportunity to comment on relevant policy documents and look forward to receiving information on the TBH SPA SPD as it progresses.</p>	<p><i>must provide a minimum 2.3 - 2.5km walk.’</i></p> <p>Noted. As the entirety of the Borough is within 5km of the SPA and this SPD only applied to development within the Borough’s Boundaries, it is not considered appropriate to provide guidance for sites beyond 5km of the SPA, which is not within the Borough’s remit.</p> <p>The definition of in perpetuity constituting 125 years is in accordance with legislation which defines the ‘in perpetuity’ period (Perpetuities and Accumulations Act 2009). This is referred to in paragraph 4.10 on page 16 of the SPD.</p>
Rushmoor Borough Council	<p>The SPD is well set out and helpfully explains the background and context to the complex issues around the Thames Basin Heaths Special Protection Area and the use of SANG and SAMM to provide appropriate mitigation against the adverse effects of development on the integrity of the SPA.</p> <p>Rushmoor Borough Council has only a few comments to make on the SPD, and principally wishes to reiterate comments made last July (2018) in our response to the Surrey Heath Borough Council Local Plan Regulation 18 Consultation.</p> <p>It is noted that the new SPD replaces the existing SPD (dated 2012) relating to Surrey Heath’s Thames Basin Heaths SPA Avoidance Strategy. The new SPD appears to retain the principle set out in the earlier document that developments of more than</p>	Noted.

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	<p>100 dwellings will generally be expected to provide <b>on-site</b> SANG.</p> <p>The Thames Basin Heaths Delivery Framework (February 2009) notes that;  <i>“...large residential development proposals which, due to their scale and potential impact and ability to offer their own alternative avoidance measures, should be considered by local authorities on a case-by-case basis. The numerical definition of ‘large development proposals’, and the ability of large schemes to provide their own avoidance measures, will vary depending on the particular locality of the proposals.”</i></p> <p>In contrast to Surrey Heath’s approach, Rushmoor expresses a preference for on-site SANG for “large” schemes, yet it does not preclude circumstances where bespoke SANG is not provided as part of a large site, but instead utilises existing strategic SANG (either within or outside the borough) where appropriate and capacity exists. This is set out in paragraph 12.10 of the Rushmoor Local Plan Draft Submission, which is now at an advanced stage, having been through Examination last May.</p> <p>The Rushmoor Avoidance and Mitigation Strategy (May 2018) sets out an approach that could still see larger sites delivered without on-site SANGs, but remain compliant with the Conservation of Habitats and Species Regulations, 2017, and Natural England does not have any concerns with this approach. This enables applications to be considered on a case-by-case basis, delivering a flexible approach to ensure that new development is not precluded from coming forward due to</p>	<p>Noted. The Council recognises the benefits of this approach in providing flexibility within the TBH SPA avoidance measures strategy.</p> <p>Therefore, the SPD will be amended at paragraph 4.20 to state <i>‘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, unless particular, site-specific circumstances support the need for off-site SANGs provision. In addition, larger developments in the Western Urban Area (defined in added footnote), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.’</i></p> <p>The reason for including a particular geographical specification is the limited availability of land for SANG within the western urban area of the Borough, which is largely already built up, as is the case for much of Rushmoor Borough. Other areas of the Borough will generally be less restricted in their ability to deliver</p>

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	<p>constraints relating to the potential to deliver an on-site SANG.</p> <p>It is noted that Surrey Heath is prepared to make an exception to the principle of larger sites providing their own bespoke SANG in relation to large development proposals in Camberley Town Centre, and Rushmoor would encourage this flexibility to be applied across the Borough, in an effort to bring forward as much potential residential development as possible to meet future housing needs.</p> <p>Rushmoor fully recognises the challenges associated with delivering SANG, but consider that a more flexible approach should be considered by Surrey Heath. This would take into account the potential for the identification of additional SANG capacity in the future, which could enable the delivery of homes during the plan period. Rushmoor is concerned that the current approach could be underestimating the capacity of sites identified and therefore the ability to meet housing need within the Borough.</p> <p>A couple of other minor points:</p> <p>With respect to Table 4 in para. 4.22, which identifies the Strategic SANG sites in Surrey Heath, whilst it is acknowledged that available capacity can and will change over time, it would be helpful to have an assessment of residual capacity at a particular point in time, together with an appropriate caveat.</p>	<p>bespoke SANG solutions.</p> <p>Noted. As above.</p> <p>Noted. As SANG capacity changes on a monthly basis, it is not considered necessary to include a snap shot in this document that provides the long term strategy for avoidance of harm to the SPA. Upon publication, this figure would be out of date. However, a guide to the remaining capacity is available on the Council's website. Para 4.3 of the SPD includes a link to this webpage. Capacity figures for each SANG are also available upon request.</p>

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	<p>In para. 6.3, reference is made to the monitoring of SANG capacity on a monthly basis but switching to fortnightly, should strategic SANG capacity become limited. It is considered that it would be useful if there was an explanation of the term “limited” to specify when the more rigorous monitoring may begin, and whether it revert should greater capacity be found.</p> <p>Thank you again for consulting Rushmoor, and we hope these comments are helpful.</p>	<p>Noted. Defining limited capacity in this context is not considered feasible due to each SANG’s size, catchment area, overall capacity and remaining capacity being different.</p>
<p>Savills, on behalf of Fair Oaks Garden Village Ltd (FGVL)</p>	<p><b>Background</b>  As Surrey Heath Borough Council (SHBC) is aware, Savills is promoting a proposal for a sustainable new community at Fair Oaks Airport; Fair Oaks Garden Village (Fair Oaks Garden Village). A Hybrid Planning Application for the proposal was submitted to both SHBC and Runnymede Borough Council (RBC) on 12th July 2018, since the site crosses into both Local Planning Authority areas (SHBC ref: 18/0642 and RBC ref: RU.18/1615).  The determination of the Fair Oaks Garden Village planning application is likely to be no earlier than Summer 2019. Local Plan representations have also been submitted to both authorities, and the FGVL is appearing at the present RBC Local Plan Examination, outlining the benefits of recognising the opportunity for Suitable Alternative Natural Greenspace (SANGs) in the RBC area to also serve wider developments in the Authority area.  The proposal for 1,000 homes and employment space to support more than 1,200 net additional jobs, includes 91.23ha of open space over a total</p>	<p>Noted.</p>

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	<p>site area of 155.42ha. Of this more than one third of the site, 52.78ha, is proposed as SANG since the site is within 5km of the Thames Basin Heaths SPA. Indeed, the whole of Surrey Heath borough is within 5km of the SPA. It is clear that the Thames Basin Heaths SPA remains the principle constraint across the authority area and restricts development in a number of locations. There is a considerable opportunity to realise presently privately accessible land to public good, arising from the FGV proposals.</p> <p><b>Opportunity for new strategic SANG</b> Fairoaks Garden Village therefore presents an important opportunity to serve as new strategic SANG. On the basis that 24ha of the 52.78ha SANG land at Fairoaks is needed to avoid the development's impact on the Thames Basin Heaths (based on the standard of 2.4 people per dwelling at the relevant 8ha per 1,000 population), an over provision of up to 28.78ha which could support the future delivery of 1,499 homes to benefit both SHBC and RBC. In total, of the 52.78ha of SANG proposed at Fairoaks Garden Village, 17.15ha is within the SHBC administrative area and 35.63ha is within RBC's administrative area. The exact dynamics of the potential strategic SANGs areas will of course be determined through further detailed discussions with Natural England, which remain ongoing.</p> <p><b>Response</b> In replacing the existing SPD of January 2012, it must be recognised that the Thames Basin Heaths SPA Framework is now long established and proven to be workable. The South East Plan (2009) Policy NRM6, which deals with the Thames Basin Heaths</p>	
		Noted. Agree.

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	<p>SPA, remains in play, setting out the principle of its protection. Therefore while these representations wholly support the principle of protection that the Draft Thames Basin Heaths SPA SPD 2018 is trying to achieve, there are some minor – but very significant – details which should be amended to remain consistent with the Framework and established precedent.</p> <p>Paragraph 3.6 Object: At Para 3.6 that statement that ‘other forms of development [...] will be required to contribute toward avoidance measures’ is ambiguous. This could mean that any development would need avoidance or mitigation measures, which historically has not been the case.</p> <p>Paragraph 4.2 Support: The ongoing reference at Para 4.2 to meet the 8ha per 1,000 new population standard provides helpful clarity and is consistent with the overarching guidance set out within the Thames Basin Heaths Special Protection Area Delivery Framework (2009).</p> <p>Paragraph 4.3 Object: Paragraph 4.2 states: “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.” It is possible for strategic SANGs to be privately managed and maintained by other non-statutory bodies such as the Wildlife Trust; charitable bodies such as the Land Trust; and/or private companies. Heather Farm is a local example of a SANG that is</p>	<p>Noted. No change. As the competent authority, the Council cannot ignore the potential impact of other forms of quasi-residential development, which should be considered on a case by case basis. This is retained from paragraph 4.1 of the Thames Basin Heaths SPA Avoidance Measures SPD 2012.</p> <p>Noted.</p> <p>Noted. Paragraph 4.12 states that ‘<i>Natural England’s preference is for SANGs to be handed over to local authorities or similar bodies.</i>’ Paragraph 4.3 will be amended as follows to reflect this wording to provide clarity. “<i>Strategic SANGs are owned and maintained by a relevant local authority <b>or similar body</b> and provide avoidance measures for developments that cannot provide their own on-site SANG.</i>”</p>



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	<p>privately managed and maintained by the Horsell Common Preservation Society.</p> <p>The current wording as above, stipulating that all strategic SANG should be owned and maintained by a relevant local authority, could prevent a third party from managing strategic SANGs, limiting the flexibility of management of such sites. It is common place for organisations such as Wildlife Trusts or Community Trusts to manage and maintain SANGs, which can be fully controlled by planning condition / Section 106 and relevant SANG Management Plans approved by Natural England.</p> <p>We would suggest that the wording instead should read: “Strategic SANGs are owned and maintained by a relevant local authority or other approved third party and provide avoidance measures for developments that cannot provide their own on-site SANG.”</p> <p>Para 4.12 already appears to support the above recommendation. It notes Natural England’s preference for SANGs ‘to be handed over to local authorities or similar bodies’ is recognised [emphasis added]. It is recommended that this ambiguity is resolved by the suggested wording above.</p> <p>Paragraph 4.6 Object: Para 4.6 covers SANG capacity. The existing 2012 SPD refers to a multiplier of 2.4 people per dwelling to determine the population of a new development, based on census data. The 2012 SPD also refers to a tiered structure based on average number of occupants by different dwelling size, and a schedule of occupancy rates is provided. The 2018 SPD removes reference to 2.4 people, and</p>	
		Noted. No change. The 2012 SPD refers to an average

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	<p>only uses the tiered structure/schedule of occupancy rates. There is no justification to remove the 2.4 people per dwelling standard. Indeed it risks frustrating the planning process for Outline Planning Applications where detailed fixed dwelling sizes may not be available until Reserved Matters.</p> <p>As such, we recommend reverting on this matter to the existing 2012 SPD which references both the 2.4 people per dwelling multiplier and the tiered structure/schedule of occupancy rates.</p> <p>It is noted that the Thames Basin Heaths Special Protection Area Delivery Framework (2009) states that 'the average occupancy rate should be assumed to be 2.4 persons per dwelling unless robust local evidence demonstrates otherwise'.</p> <p>Paragraph 4.16  Object: Para 4.16 states that: "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."</p> <p>The principle of using existing public open space as SANG land is confused and ambiguous. This is the case across the Thames Basin Heaths authorities. The 'degree of discounting' referenced at Para 4.16 is not subsequently followed up by an explanation of how this discount would work in practice. Clarity on this approach is required.</p> <p>In November 2018 Savills represented Fair Oaks</p>	<p>occupancy rate of 2.4 persons being used in specific relation to only the Borough's first SANG, Chobham Place Woods. However, robust local evidence in the form of available census data shows the average number of persons per household was 2.48 in the 2001 census and 2.52 in the 2011 census. The average occupancy rates for SANGs are included in Table 3 of the updated SPD. This table was also included in the existing adopted 2012 SPD, and set out the same average occupancy rates.</p> <p>Noted. It will not always be feasible to locate SANG in areas that do not have existing public use. The Joint Delivery Framework states at para 5.8, "<i>SANG should be provided on new or existing public open space, taking into account the availability of land and its potential for improvement. Where it is proposed to use existing public open space as SANG, the existing patterns and rights of public use must be taken into account and protected.</i>"</p> <p>Therefore, the SPD is in compliance with the Delivery Framework and can provide enough flexibility for the use of public areas as SANG, provided that a discount is applied. This must be considered on a case by case basis, as areas previously used by the public will have different levels of use in terms of the extent and intensity of the use.</p> <p>Noted.</p>

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	<p>Garden Village at RBC's Examination in Public on a similar matter. RBC are proposing to allocate Chertsey Meads as SANG. Chertsey Meads is already fully accessible public open space with parking, a circular walk, paths, sign posts, and unrestricted access. In total, Chertsey Meads already meets 13 out of 14 essential criteria for SANG and thus is already contributing to public access.</p> <p>It is known from past experience that Natural England seeks to discount existing use of land, in order to ascertain the net 'additional' SANG. This is important to ensure that land which is presently entirely private, is correctly recognised as contributing net additional avoidance/ mitigation for TBH SPA.</p> <p>As SHBC's Draft SPD 2018 already recognises at Para 2.5 whether existing areas of open space '...are significantly under-used and so have the capacity to absorb additional recreational use'. Para 4.16 risks undermining this point by not setting out a means of evaluating the proposed 'degree of discounting' at existing public open spaces.</p> <p>Paragraph 4.22; Table 4; Appendix 1 Object: Paragraph 4.22 and Table 4 comprises a list of strategic SANGs that SHBC allocates to. Appendix 1 is an accompanying map. As explained above, Fair Oaks Garden Village is available for strategic SANG of up to 28.78ha which could support the future delivery of 1,499 homes. We recommend Fair Oaks is included as part of this table.</p>	<p>Noted. Discounting for existing recreational use in calculating carrying capacity is considered on a case by case basis and in consultation with Natural England.</p> <p>Noted. See comments above in relation to para 4.16 of the SPD.</p> <p>Noted. No change. Paragraph 4.22 and Table 4 of the SPD list SANGs that are operational and currently allocated SANG capacity. The Council does not consider it appropriate to include potential or suggested SANGs that are not operational in this list.</p>

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There is of course the potential for a range of the land to be considered for strategic purposes, and in this context it would be appropriate to note the figure as a maxima, and subject to monitoring. An important influence on this is the position of Natural England on the SANG calculations for FGV, which is awaited. We are aware that they have expressed verbal support for SANGs in this location.

It is also significant that the table provided on strategic SANG presents the Total People Capacity for that SANG, but not the Remaining Capacity. On further request, SHBC has provided the Remaining Capacity for each strategic SANG. As of the November 29, 2018, the remaining capacity for each strategic SANG was as follows:

- Chobham Meadows – capacity remaining for 546.1 people (218 dwellings at 2.5 average occupancy)
- Windlemere – capacity remaining for 1552.2 people (621 dwellings at 2.5 average occupancy).
- Shepherds Meadows – capacity remaining for 461.05 people (184 dwellings at 2.5 average occupancy).
- Hawley Meadows – capacity remaining for 31.00 people (12.4 dwellings at 2.5 average occupancy).
- Swan Lakes – capacity remaining for 57.25 people (23 dwellings at 2.5 average occupancy).
- Blackwater Park – capacity remaining for 24.2 people (10 dwelling at 2.5 average occupancy).
- Chobham Place Woods – no capacity remaining.

As you can see, it is unlikely that there is enough remaining capacity at existing strategic SANG to

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	<p>meet housing requirements.</p> <p><b>Conclusion</b>            Whilst we accept and support the principle the Draft Thames Basin Heaths SPA SPD 2018, we consider that the above comments are important issues which need addressing. We trust they are helpful, and would welcome the opportunity to discuss them with you further.</p>	
Surrey Wildlife Trust	<p>Thank you for this opportunity to comment on your Draft Thames Basin Heaths SPA Avoidance Strategy SPD (update 2018). Please consider these comments as those of the Surrey Wildlife Trust; and also submitted on behalf the Surrey Nature Partnership as the government-mandated Local Nature Partnership for Surrey.</p> <p>We have very few comments to make on this concise and well-drafted document. There are a couple of necessary drafting corrections however, as well as one suggested addition.</p> <p>Paragraph 5.2 &amp; 5.3: Appendix 2 presents the 'Guidelines for Creation of SANGs', not 3.</p> <p>Paragraph 6.8: refers to Appendix 4 – this should be Appendix 3.</p> <p>Appendix 2. We suggest that an additional 'desirable' bullet might read; "Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate."</p>	<p>Noted. Paragraph 5.2 and 5.3 will be amended to state Appendix 2, rather than Appendix 3.</p> <p>Noted. Paragraph 6.8 will be amended to state Appendix 3, rather than Appendix 4.</p> <p>Noted. Appendix 2 will be amended to include the following as a desirable requirement for the creation of SANG: <i>'Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate.'</i></p>
Thakeham Homes Ltd	Thakeham Homes Ltd are submitting representations to the Surrey Heath Draft Thames	

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	<p>Basin Heaths SPA Avoidance Strategy SPD. Thakeham are a house builder based in Sussex, with a proven track record for delivering high quality schemes across the South East.</p> <p>Given that the whole of Surrey Heath Borough is within 5km of the Thames Basin Heath SPA, we support the Council's in its endeavours to provide further guidance in relation to the avoidance measures set out in the current adopted development plan. However, we have the following comments to make in relation to the draft SPD.</p> <p>It is our view that in order to ensure that the document is in line with other similar SPA documents affected by the Thames Basin Heath SPA, the Council should liaise with other affected authorities (e.g. Guildford BC) to ensure that it follows the same basic principles with regard to mitigation strategies. Whilst it is noted that there may be area specific issues that are addressed in individual local authority SPA documents, it is our view, that a holistic approach to the management of the SPA will allow for the successful implementation of the SPA avoidance strategy.</p> <p><u>National Planning Policy Framework</u> The revised National Planning Policy Framework (NPPF) came into force in July 2018. Most significantly, it encourages the boosting of housing supply and ensures that Local Planning Authorities have a continuous pipeline of housing delivery. It introduced the Housing Delivery Test (HDT), which</p>	<p>Noted. The SPD is in accordance with the agreed approach between the 11 Local Authorities in the Thames Basin Heaths area as set out in the Joint Delivery Framework. Adjoining authorities, including Guildford Borough Council have been consulted on the draft SPD and where provided, their feedback will be considered, as with all other comments submitted. The Council continues to engage with other local authorities in relation to the protection of the SPA, including regularly attending the Joint Strategic Partnership Board Thames Basin Heaths Officers Meeting.</p> <p>The Council is the competent authority and must have regard to the impact of new residential development on the Thames Basin Heaths SPA. This is in accordance with national and international policy. The Council has built in greater flexibility through its approach to SANG requirements set out in this SPD.</p>

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	<p>is referred to in the 'Five Year Housing Land Supply' section below. The first HDT results were expected in November 2018, drawing on net completions recorded by the Government and calculations of housing need proposed as part of the changes to the NPPF and NPPG. However, the results which have been delayed and are now expected before the end of January will see a number of local authorities annual housing figures increase. The Standardised Methodology which was published in September 2017 provided an indication as to the numbers that Surrey Heath will need to deliver; 352 dwellings per annum between 2016-2026, which represents a significant increase from the current housing target in the adopted Core Strategy (190 dpa).</p> <p>As outlined above, the whole of the Surrey Heath Borough is within 5km of the Thames Basin Heath. Whilst this is a designation that is a material consideration when determining applications, we would encourage the Council to 'approach decisions on proposed developments in a positive and creative way' (Paragraph 38, NPPF), and build sufficient flexibility into planning policies to allow for the Governments objective of 'significantly boosting the supply of homes' (Paragraph 59) to be achieved.</p>	
Transport for London	Thank you for consulting Transport for London (TfL). I can confirm that TfL has no comments to make on the updated SPD.	Noted.
Woking Borough Council	Thank you for consulting Woking Borough Council on the Surrey Heath Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2018. I have a couple of informal comments on the document, which you may wish to consider.	

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	<ul style="list-style-type: none"> <li>The document states in Para 1.12 “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 “. The document does not mention the recent Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case and the Advocate General Kokott Case. It would be helpful to clarify how Surrey Heath has addressed the implications of the ruling and whether it will be changing their take on Appropriate Assessment in light of the rulings?</li> <li>The document states in Para 6.8 that “this will be charged at £2,832 per net additional person”. It would help the quality of the SPD if you could provide further information on how each figure in Table 7 was calculated and I assume this is the same regardless of which SANG the application is allocated against. Also the paragraph mentions Appendix 4, however, this should be Appendix 3.</li> </ul> <p>Please keep Woking Borough council informed on the progression of the Document.</p>	<p>Noted. The Council considers that its determination is correct despite the recent Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case and the Advocate General Kokott Case. Natural England, Historic England and the Environment Agency agreed with this conclusion. However, the Council will amend the document to include reference to the Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case in relation to its implications for Appropriate Assessment.</p> <p>Noted. Paragraph 6.8 will be amended to state Appendix 3 rather than Appendix 4. Table 7 in Appendix 3 sets out the breakdown for the £2,832 per person cost. As noted in the document, this takes into account the initial enhancement costs for SANGs, which is based on the cost of existing SANGS in the Borough, maintenance costs, which is derived from the in perpetuity maintenance of SANGs in the Borough and a facilitation cost.</p>
Wokingham Borough Council	<p>Awaiting formal response</p> <p>The Executive Member for Business, Economic Development and Strategic Planning agrees that</p>	



<b>Responses to the Draft Statement of Community Involvement (SCI)</b>		
	<p>Wokingham Borough Council:</p> <p>a) Raises a holding objection until such time as:</p> <p>i. Clarification is provided that SANG capacity identified within Surrey Heath is reserved to mitigate housing developments within that borough, and is not available to mitigate developments elsewhere.</p> <p>ii. Clarification is provided on what avoidance and mitigation measures will be put in place from additional car journey along roads within the 400m buffer zone of the SPA, to protect the air quality within the area.</p> <p>iii. The map of notional SANG catchment areas included in Appendix 1 are amended to not intersect Wokingham Borough.</p> <p>b) Support further cross boundary discussion and engagement to consider an appropriate avoidance and mitigation strategy relevant to air quality.</p>	<p>Noted. The SPD relates to the provision of SANG capacity for development within the Borough of Surrey Heath. The agreed TBH Delivery Framework as well as national and local policy does not prohibit the use of cross-boundary SANGs. Indeed, for land constrained local authorities, their reliance upon cross boundary SANGs will in some cases be essential to enable housing delivery.</p> <p>Noted. Not within the scope of this SPD. As part of the Habitats Regulation Assessment for the new Local Plan, the Council will consider the impact of proposed development within the Borough and roads within 200m of the Thames Basin Heath SPA.</p> <p>Noted. The map included in Appendix 1 illustrates the location of Strategic SANGs in Surrey Heath and their catchment areas. The Council does not deem it necessary to show only the area within Surrey Heath because there are strategic SANGs that the Council allocates to beyond its administrative boundary. These are included for transparency.</p> <p>Noted.</p>
Yvette Jones	<p>My concern at point 4.17 of the SPASPD is that the stated 8ha/1000 population need not apply if there is a lack of available SANGS. The detrimental impact on the environment of additional buildings cannot truly be offset by any SANGS. To reduce the agreed</p>	<p>Noted. The document does not state that the 8ha per 1,000 population standard should not be applied if there is a lack of available SANGS. The document instead states at paragraph 4.17 that 'it may be necessary to identify SANG capacity at a rate that is above the 8ha</p>

<b>Responses to the Draft Statement of Community Involvement (SCI)</b>		
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	rate further is totally unacceptable in any circumstances.	
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		per 1,000 population standard'.
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**Council Finances as at 31 December 2018**

**Summary**

**To provide the Executive with a high level view as to the Financial Performance for the 3<sup>rd</sup> Quarter of 2018/19.**

**Portfolio - Finance**

Date signed off: 6 March 2019

**Wards Affected**

All

**Recommendation**

**The Executive is advised to RESOLVE to note the report.**

**The Executive is advised to RECOMMEND to Full Council the additions to the 2018/19 capital programme and revenue budget, as set out in the report.**

**1. Key Issues**

- 1.1 This is the third quarter monitoring report against the 2018/19 approved budget, which provides an update on the Revenue, Treasury and Capital budget position as at the 31<sup>st</sup> December 2018.
- 1.2 As we are three quarters of the way through the year it allows us to provide a more accurate estimate as to the year-end outturn. We are forecasting an underspend at this stage and this report is intended to give an update as to where services currently are against profiled budget for the 3<sup>rd</sup> Quarter.

**2. Resource Implications**

**Revenue Budget**

- 2.1 Actuals against Budget for the third quarter are shown in the attached Annex. Corporately, it is forecast that spending will be under budget at the end of the financial year.

**Capital Budget**

- 2.2 At the end of the third quarter, £38m had been spent on capital expenditure of which £30.3m was spent on property acquisitions, £2.3m on the purchase of refuse vehicles, £4.5m on the refurbishment of the Square, £1.2m on the purchase of Sangs Land and £504k on the refurbishment of the Square car park.
- 2.3 Following the receipt of extra funding from the DCLG, an addition to the capital programme relating to renovation grants of £55,910 is requested.
- 2.4 Further to the additional funding, approval is sought for the following additions to the capital programme:
  - £16k for the purchase of a multi-purpose vehicle for use by the Authorities enforcement team.

The Vehicle is to promote officer safety and reduce the risk of damage to officers own cars while carrying out the following duties, site visits where the risk assessment shows that staff should not visit the site in their personal vehicles.

Enforcement staff are also expected to respond to traveller incursions in the Borough, not only on Council owned land, but Parish land and to assist private landowners as and when required.

### **Treasury Investments**

- 2.5 The Council currently has £22M in cash investments and £139m in borrowings. Based on the advice of our Treasury advisers, £29m is made up of longer term loans from the Public Works Loans Board with the remainder being shorter term loans from the other local authorities.

### **3. Debtors**

#### ***Sundry Debts***

- 3.1 Sundry debts include all debts except those relating to benefits. At the 31<sup>st</sup> December 2018 these amounted to £3,463,000 compared with £3,060,865 for the same period last year. The increase of £402,135 relates mainly to the increase in investment property rental invoices being raised due to additional acquisitions throughout the year. The overall increase is related to larger and increased number of invoices being raised plus timing differences rather than an underlying debt collection issue.

#### ***Housing Benefit Debts***

- 3.2 These debts arise when an overpayment in housing benefit has been made and thus has to be recovered. At the 31<sup>st</sup> December 2018 the balance was £560k compared with £599k at the end of the last quarter. During the last 3 months £117k was collected and £78k of new debts was raised. 23 debtors, or around 8 % of the total, account for over half of the debt.

### **4. Officer Comments**

- 4.1 The report covers the third quarter of the year and based on performance so far there are no significant financial issues arising.

### **5. Options**

- 5.1 The report is for noting.

### **6. Proposals**

- 6.1 It is proposed that the Executive is advised to note the report.

### **7. Supporting Information**

- 7.1 None

### **8. Corporate Objectives and Key Priorities**

- 8.1 This item addresses the Council's Objective of delivering services efficiently, effectively and economically.

## 9. Risk Management

9.1 Regular financial monitoring enables risks to be highlighted at an early stage so that mitigating actions can be taken.

<b>Background Papers</b>	<b>None</b>
<b>Author/Contact Details</b>	<b>Adrian Flynn - Chief Accountant</b> <a href="mailto:Adrian.Flynn@surreyheath.gov.uk">Adrian.Flynn@surreyheath.gov.uk</a>
<b>Head of Service</b>	<b>Kelvin Menon -Executive Head of Finance</b> <a href="mailto:Kelvin.menon@surreyheath.gov.uk">Kelvin.menon@surreyheath.gov.uk</a>

## Summary Information on the Revenue Budget Position at 31st December 2018

Services are asked to explain significant variances between their profiled budget and actual expenditure to date and comment on areas of concern.

The statements below show the actual position against profiled budget as at the 31<sup>st</sup> December 2018 excluding pensions, redundancy and asset recharges. These have been excluded as they are not in the control of the services themselves.

Budget for the Period	Actual for the Period	Year-end Outturn Forecast
£8,723M	£6,578M	£250,000F

### Finance

At the end of the third quarter, there are no issues to report and all areas are on track to meet budget targets at the year end.

### Transformation

All budgets are on track to meet their year-end targets except for corporate grants which is forecasting an underspend due to the low take up of grants from the Kevin Cantlon Fund by Surrey Heath businesses. The fund is currently being reviewed and a business case is being put together to widen the use of the fund which will be agreed by the Executive in due course. There will also be a overspend on the corporate training budget due to increased levels of training during the first quarter.

### Corporate

The majority of corporate budgets are on track to be on budget at year end, other than electoral registration which is forecasting a favourable variance at year end due to an revenue grant being received for 2018/19 and an underspend on salaries.

### Business

The vast majority of the budgets are on track to be on or around budget at year end. The age and condition of the Arena is impacting usage which in turn is having an impact on the council's profit share. In addition more repairs are required and are forecast to exceed the budget in 2018/19.

Car Parking fees and charges are below budget for the year due to the fact that the budget anticipated an increase in charges. However other car parking income streams, such as season tickets, rental income and fixed penalty notices are holding their own and are forecast to be on budget at year end.

The theatre performed reasonably well up to the end of the second quarter despite being closed for the majority of August. Fees/charges and room hire income were up on budget and there is a small reduction in Artist fees paid compared to the same period last year but an overspend in this area is forecast. Although the theatre is forecasted to be below budget at year end it remains in line with the 2014 business case.

## **Regulatory**

The majority of budgets are on track to meet budget targets at year end, but it is worth noting that planning income has been strong up to the 3rd quarter and is ahead of budget at this stage. Housing has also received a large grant which has exceeded the budget during this quarter but there are plans to spend the excess grant by year end.

There are also forecast surpluses on land drainage, DFG's and the Surrey Heath local plan at year end which will most probably result in some carry forward requests being made at that time.

## **Legal and Property**

Income from new investments, after offsetting for losses of income from vacant units, are making a positive contribution to the overall forecast at the year end.

## **Investment & Development**

Income from the town centre, with the exception on one property, has met the budget. Any shortfall on rent from this property will be covered by the rental equalisation reserve.

## **Community**

A number of budgets are forecasted to show a favourable variance at year end including recycling, noise pollution, community alarms, meals at home, but due to issues around the joint waste contract, the overall effect on community is an adverse variance.

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## Write Off of Irrecoverable Revenues Bad Debts

### Summary

To approve the write-off of irrecoverable revenues bad debts over £1,500

### Portfolio - Finance

Date signed off: 6 March 2019

### Wards Affected

All

### Recommendation

The Executive is asked to **RESOLVE** that bad debts totalling **£67,288.41** in respect of Council Tax and **£350,354.48** in respect of Non-Domestic Rates be approved for write off.

#### 1. Resource Implications and Key Issues

- 1.1 Attached at Annex A is a schedule of bad debts for Council Tax and Business Rates, the individual amounts of which are greater than £1,500. Financial Regulation 26.1 requires that any bad debt in excess of £1,500 shall only be written-off with the approval of the Executive.
- 1.2 All of the debts have been subject to the relevant recovery action and tracing enquiries have been undertaken.
- 1.3 The Council's enforcement agents (bailiffs) have also been unable to recover the debts from any forwarding address obtained from the tracing undertaken and the debt is now considered irrecoverable.
- 1.4 In respect of the Council Tax a total of £67,288.41 (2018 - £48,120) is being written off in the current financial year of which the cost to Surrey Heath is £7,401. The reasons for writing off are given in the attached annex. The amount written off represents 0.092% of the total collectable compared with 0.6% nationally in 2018. Similarly Surrey Heath's collection rate was 99.2% in 2018 compared with 97.1% nationally.
- 1.5 In respect of the business rates £350,354.48 (2018 - £277,543) is being written off in the current financial year of which the cost to Surrey Heath is £105,106 and represents 0.87% of the total collectable. Debts are only written off if the company is dissolved or in liquidation and this year there have been a number of CVAs being put in place by debtors which has increased the level of write offs. Full details are given in the attached annex. The amount written off represents 0.87% of the total collectable compared with 0.77% nationally in 2018 – data for 2019 is not yet available. Surrey Heath's collection rate in 2018 was 99.5% compared with 98.4% nationally.

- 1.6 The Council Tax arrears as at 31 March 2018 for all years from 1993 were £2.208m. During 2018/19 we have collected over £74.7k to reduce the previous all year arrears.
- 1.6 The reduction in the Council Tax arrears has been achieved by the judicious use of all the recovery options made available to us by the Council Tax (Administration and Enforcement) Regulations. The recovery options available include making special payment arrangements, direct deduction from a debtor's wages or benefits and in cases where all other options are not available or have failed the use of Enforcement Agents.
- 1.8 The £74.7k is net of refunds of £68k made during the year in respect of reduction in liability for previous Financial Years.
- 1.9 Business Rates had arrears of £1,461m as at 31 March 2018. Monitoring arrears on Business Rates is affected by the addition to the list of new properties on a retrospective basis.
- 1.10 We use all the legal methods available to us carefully to ensure that we maximise collection but allow viable businesses to continue trading.

## **2. Options**

- 2.1 The debts are now deemed to be irrecoverable and therefore should be written off. The only other option would be to leave them in the accounts which would show a false situation.

## **3. Proposals**

- 3.1 It is proposed that the debts as set out in Annex A, having been deemed irrecoverable, be written off.

## **4. Supporting Information**

- 4.1 Attached in Annex A is a listing of the individual debts for write-off showing the name of the debtor, year the debt arose, the reason for the write-off and the amount of the debt.

## **5. Legal Issues**

- 5.1 In accordance with advice from the Information Commissioner's office personal details of debtors subject to write-off can only be made public if a full risk analysis as regards possible vulnerability has been undertaken. In all cases being recommended for write-off the authority holds insufficient information as to the debtor's circumstances e.g. age group or possible disability, to perform a proper risk assessment and therefore all cases should remain on the confidential part of the agenda.

## **6. Risk Management**

- 6.1 As some of these debtors may be vulnerable, if any of their personal details were placed in the public domain the Council could be subject to legal action.

## 7. Human Rights

7.1 See Paragraph 6.1

## 8. Officer Comments

8.1 None in addition to the matters raised above.

<b>Annexes</b>	<b>Annex A Council Tax Write-offs and NDR Write-offs</b>
<b>Background papers</b>	<b>None</b>
<b>Author/contact details</b>	<b>Robert Fox – Revenues and Benefits Manager <a href="mailto:robert.fox@surreyheath.gov.uk">robert.fox@surreyheath.gov.uk</a></b>
<b>Head of Service</b>	<b>Kelvin Menon – Executive Head of Finance <a href="mailto:Kelvin.menon@surreyheath.gov.uk">Kelvin.menon@surreyheath.gov.uk</a></b>

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

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**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>
10 (part)	1
12	3
13	3

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