

## **Suitable Alternative Natural Greenspace provision in Surrey Heath.**

### **Summary**

The provision of or financial contribution to Suitable Alternative Natural Greenspace (SANG) is a requirement for all planning applications involving new residential development to mitigate the adverse impacts of human activity on the Thames Basin Heaths Special Protection Area.

SANG capacity in the west of the Borough is becoming limited, particularly in the west of the Borough. Without further provision, by 2020 applications for new residential development are at risk of being refused due to no SANG being capacity available.

### **Portfolio – Planning & People**

**Date Portfolio Holder signed off report: 26 June 2019**

#### **Wards Affected**

All

### **Recommendation**

The Executive is asked to RESOLVE that:

- (i) the Executive Head of Regulatory be asked to include a condition in all delegated planning applications, or a recommendation to the Planning Applications Committee, as appropriate, that planning applications for new residential development be valid for one year following the grant of planning permission, rather than three years as at present; and
- (ii) a forward payment be made to Bracknell Forest Council to reserve SANG capacity at Shepherds Meadows.

## **1. Resource Implications**

- 1.1 There are no resource implications beyond that provided for within the agreed budget for 2019/20.
- 1.2 The proposed payments can be funded from the SANGs reserve which currently sits at £607,089.95.

## **2. Background**

- 2.1 The Thames Basin Heaths Special Protection Area (SPA) was designated in March 2005 under European and UK law. The Thames Basin Heaths SPA was designated to protect three species of ground nesting birds from adverse impact by human activity, including

recreation on the SPA and cat predation.

- 2.2 In 2009 the Joint Strategic Partnership Board agreed a strategy of avoidance and mitigation measures to offset the impact of new residential development. This involves the designation of an exclusion zone where no new residential development is permissible (400m buffer zone), contributions to Strategic Access Monitoring and Management (SAMM) and the provision of Suitable Alternative Natural Greenspace (SANG).
- 2.3 The provision of, or contribution to SANG is a requirement for all planning applications involving new residential development. This is usually facilitated through a contribution to a Council owned SANG (known as Strategic SANGs), whereby capacity is reserved for a given application, or through the provision of bespoke SANGs which are provided by the developer. It is important to note that for development of 10 new dwellings or more, the application site needs to be within the catchment area of the SANG that it is allocated to (catchment area is dependent on the size of the SANG). More information is available in the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document<sup>1</sup>.
- 2.4 Planning applications for development requiring capacity at a Strategic SANG are allocated capacity to a relevant SANG upon being registered (monitored on a monthly basis). Upon approval, a planning application is valid for three years, the SANGs capacity is committed for until such time as development commences or the planning permission lapses. In essence, developers 'bank' SANGs capacity.

### **3. SANG capacity in the west of the Borough**

- 3.1 The availability of SANG capacity in the west of the Borough is becoming increasingly limited, with capacity remaining for 116 dwellings in the Western Urban Area as of the end of May 2019. Although the Council is seeking opportunities for the provision of new SANG, including joint working with neighbouring authorities, there is currently no certainty that the Council can obtain additional capacity at this time.
- 3.2 Consequently, the issue of providing adequate SANG in Surrey Heath is becoming increasingly urgent and the possibility that applications for 10 or more units in the west of the Borough will have to be refused on the basis of no remaining capacity is becoming increasingly likely. The map in Annex 1 of this report shows the locations in the Borough where SANG capacity is most limited. As illustrated in the map, the areas of Camberley and Frimley are likely to have no capacity remaining by 2020. Due to the urban nature of the west of the Borough, it is very difficult to obtain land that is suitable for SANG.

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<sup>1</sup>Available at: <https://www.surreyheath.gov.uk/sites/default/files/Thames%20Basin%20Heaths%20Special%20Protection%20Area%20SPD%202019.pdf>

- 3.3 Shepherds Meadows SANG is the main SANG that provides capacity for the Western Urban Area, including Camberley Town Centre, and is owned by Bracknell Forest Council (BFC). In 2015, the Council signed a Memorandum of Understanding (MOU) with Bracknell Forest Council for the provision of capacity at Shepherds Meadows (capacity equivalent to 1200 people). Upon receiving contributions from developers for applications allocated at Shepherds Meadows, monies are transferred to Bracknell at the rate agreed in the MOU (£1879.00 per person).
- 3.4 To date, the monies that have been sent over to BFC equate to 256 people (therefore in theory the equivalent of 944 people remains to be paid). However, unimplemented applications have 'banked' an allocated capacity of 715 people, but not yet made the relevant SANG contribution. Thus, the capacity remaining for allocation is actually only 229 people (or assuming 2.5 person per household, some 92 new homes). It is important to note that approximately 80% of applications holding capacity at Shepherds Meadows SANG relate to Prior Notifications for the change of use from office uses to residential uses.
- 3.5 Officers met with BFC in late April to seek additional SANG capacity at Shepherds Meadows. As only a small proportion of monies had been paid, SHBC had not yet paid the second maintenance payment for Shepherds Meadows, as agreed in the MOU. This is affecting Bracknell's ability to plan for future maintenance work at Shepherds Meadows due to the funding uncertainty. As a result BFC is uncertain as to whether they are able to provide additional SANG capacity for the Borough from Shepherd's Meadows. A further meeting is planned in July.

#### **4. Next steps**

- 4.1 Officers are of the view that to ensure that SANG capacity is utilised effectively, the Council needs to limit SANGs capacity committed to applications that have not commenced, and thereby ensure that applications that will be delivering housing have capacity. It is, therefore, proposed that the Council reduce the time period for which a planning application is valid from three years to one year for all applications involving net new residential development, as appropriate. The Town and Country Planning Act 1990 (as amended) Section 91, provides local planning authorities with this flexibility.
- 4.2 In specific cases, for example larger development proposals in excess of 100 units, discretion will be applied by the case officer in determining whether it is appropriate for a one year expiration of planning permission to be applied. The change in the time period for which the planning permission is valid will not be applied to development proposals providing their own SANG.
- 4.3 This approach has been adopted by other authorities, including Rushmoor Borough Council, who have introduced similar provisions to

encourage developments to commence within 1 year of permission being granted. It is noted that for Prior Approvals it is not possible to limit the approval to a year. However, it is proposed that as the landowner of strategic SANGs, the Council can enter into an agreement with developers seeking Prior Approval to reserve SANG capacity for a one year period. If the application has not commenced within this time, the capacity will no longer be reserved for the Prior Approval.

- 4.4 Due to the issues raised in respect of payments to BFC, it is proposed that the Council make a forward payment of £300,000.00 for a proportion of capacity that has been reserved, but for which contributions have not been provided. In combination with applications that are due to make the relevant SANG in the coming months (e.g. Prior Notifications that are due to complete and are therefore required to pay SANG monies prior to occupation), this payment would reach the 50% payment and therefore enable SHBC to provide the second maintenance contribution to BFC (as discussed in paragraph 3.5).
- 4.5 Taking account of the outstanding balance of the Council's SANGs reserve combined with the continued need for capacity at Shepherds Meadows, it is considered that there is no significant risk in making a forward payment to BFC. This forward payment will demonstrate that capacity is being used and may also help secure further much needed SANGs capacity at Shepherds Meadow.

## 5. Options

- 5.1 The options for the Executive to consider are to:
- (i) **AGREE** that the Executive Head of Regulatory be asked to include a condition in all delegated planning applications, or a recommendation to the Planning Applications Committee, as appropriate, that planning applications for new residential development be valid for one year following the grant of planning permission, rather than three years as at present; and
  - (ii) **AGREE** for a forward payment be made to Bracknell Forest Council to reserve SANG capacity at Shepherds Meadows.
  - (iii) **NOT AGREE** that the Executive Head of Regulatory be asked to include a condition in all delegated planning applications, or a recommendation to the Planning Applications Committee, as appropriate, that planning applications for new residential development be valid for one year following the grant of planning permission, rather than three years as at present; and
  - (iv) **NOT AGREE** for a forward payment be made to Bracknell Forest Council to reserve SANG capacity at Shepherds Meadows.

## 6. Legal issues

- 6.1 No risks have been identified. It is noted that other Council's, including Rushmoor, have adopted this approach.

## 7. Proposals

- 7.1 It is proposed that the Council reduce the time period for which planning applications are valid from 3 years to 1 year.
- 7.2 To make a forward payment of £300,000.00 to Bracknell Forest Council to reserve SANG capacity at Shepherds Meadow.

## 8. Corporate Objectives And Key Priorities

- 8.1 The proposals may affect the Council's ability to achieve the Objective for prosperity by impacting the Council's ability to deliver new housing development in sustainable locations of the Borough.

<b>Annexes</b>	Annex 1: Map showing locations in the Borough based on SANG capacity remaining.
<b>Background Papers</b>	
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### Consultations, Implications and Issues Addressed

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

**Review Date:**

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