

**Thames Basin Heaths  
Joint Strategic Partnership  
18 October 2012  
Council Chamber, Surrey Heath Borough Council**

**Notes of Meeting**

**Present:**

Board Members

Cllr Graham Cundy	Woking Borough Council
Cllr Roland Dibbs	Rushmoor Borough Council
Cllr Chris Elmer	Elmbridge Borough Council
Cllr John Furey	Surrey County Council
Cllr Moira Gibson	Surrey Heath Borough Council
Cllr David Hilton	Royal Borough of Windsor and Maidenhead
Cllr Peter Isherwood	Waverley Borough Council
Cllr Monika Juneja	Guildford Borough Council
Cllr James Radley	Hart District Council
Cllr Geoff Woodger	Runnymede Borough Council

Advisory Board Members

Ken Ancorn	Surrey Wildlife Trust
Ian Hepburn	Wildlife Trusts in the South East
Patrick McKernan	Natural England
David Pearce	Natural England
Carrie Temple	RSPB
Mike Waite	Surrey Wildlife Trust
Stan Abbott	Forestry Commission

Officers/Observers

Phil Allen	Hampshire County Council
Katie Bailey	Rushmoor Borough Council
Claire Beaumont	Woking Borough Council
Paul Druce	Surrey County Council
Paul Falconer	Waverley Borough Council
Rory Fitzgerald	Hampshire County Council
Cllr Dennis Fuller	Surrey County Council
Julie Gil	Bracknell Forest Borough Council
Philip Gill	Royal Borough of Windsor and Maidenhead
Jenny Rickard	Surrey Heath Borough Council
Sarah Veasey	Elmbridge Borough Council
Lesley Waddell	Guildford Borough Council

**1. Apologies**

- 1.1 Apologies had been received from Ernest Amoako (Woking Borough Council), Kate Ashbrook (Open Spaces Society), Cllr Mary Ballin (Bracknell Forest Borough Council), Richard Ford (Runnymede Borough Council), Cllr Jonathan Glen (Hampshire County Council), Graham Ritchie (Wokingham Borough Council), Cllr Angus Ross (Wokingham Borough Council),

## **2. Chairman's Announcements**

- 2.1 The Chairman welcomed Cllr John Furey, SCC Cabinet Member for Transport and Environment and Cllr Monika Juneja, Lead Councillor for Development and Governance from Guildford Borough Council.
- 2.2 Jenny Rickard had recently been appointed as the Executive Head of Regulatory at Surrey Heath Borough Council. She would, however, continue in her role on behalf of the Partnership.

## **3. Minutes of the Previous Meeting and Matters Arising**

- 3.1 The minutes of the previous meeting were agreed.

## **4. SANGs Visitor Monitoring**

- 4.1 Patrick McKernan presented a report addressing issues in relation to SANGs visitor monitoring, noting that a survey would be held in 2012 on a similar basis to that carried out in 2005, but covering a greater number of points and tying in to the breeding period of key species of birds.
- 4.2 It was anticipated that SPA visitor numbers would be up. This could reflect the economic downturn with fewer people travelling abroad, though it was also expected that the data would show more local residents visiting the SPA for the first time. When the full data was analysed, it would allow a projection of how successful the SANGs were.
- 4.3 With a significant number of SANGs in place, there was a greater need for consistency and a standardised methodology for surveys. Coupled with this, certain councils had assumed that surveys fell within the purview of the SAMM Project.
- 4.4 It was proposed that a consultancy firm be engaged to produce a standardised SANGs questionnaire and to review data on all visitor surveys to date and those carried out in the following year.
- 4.5 Although the SAMM Project had originally been tasked with responsibility for visitor surveys, the SAMM Project Board was only fully established in May 2011 and had not been funded for this role.
- 4.6 It was proposed that the SAMM Board be convened to consider the implications of taking over visitor survey projects. This would, however be a significant undertaking and would need to be funded.
- 4.7 When the SPA was established, it was assumed that bird populations were sub-optimal. Since then, current evidence suggested that numbers had remained the same or had risen only slightly, with the exception of the Dartford Warbler, where numbers had decreased dramatically, as a result of two severe winters.
- 4.8 If the bird numbers have remained constant, despite significant efforts to improve and protect their habitat, involving vast expenditure, the conclusion would have to be that either disturbance to their habitat continued at an unacceptable level and/or the mitigating measures were not effective.

- 4.9 There was evidence to demonstrate that where there were car parks in the SPA, the number of nesting birds was dramatically reduced in a 500 metre area around the car parks.
- 4.10 Members expressed concern that the number of nesting pairs of birds had not increased despite significant expenditure. It was recognised that there were many factors which could contribute to the increase or decrease in bird numbers including weather, disease and migratory implications.
- 4.11 Members sought assurances that any survey data would be meaningful, given the impact of variables beyond the control of the Joint Strategic Board. However, the impact of visitors to the SPA and SANGs was an important indicator and it was agreed that the visitor surveys would give a significant pointer towards the success or otherwise of the SANGs and other mitigating measures.
- 4.12 Councillor Graham Cundy asked Natural England for a future report on bird numbers.

**The JSPB agreed:**

- a) **The proposed approach and spend on SANG surveys and a review of SANG visitor monitoring in 2013. Specifically, for the SAMM project to tender a contract with a cost of up to £20,000 to:**
  - i. Establish a single standard SANG visitor survey questionnaire;
  - ii. Undertake up to four SANG surveys in 2013 to fill ‘gaps’ in TBH SANG visitor monitoring provision;
  - iii. Undertake a review of all SANG visitor monitoring across TBH.
- b) **To ask the SAMM Board to:**
  - i. Consider whether the SAMM project should have a greater role in co-ordinating and commissioning SANG visitor surveys; and
  - ii. Submit a report, with proposals, to the next JSPB meeting.

**5. SAMM Budget**

- 5.1 Patrick McKernan reminded members that it had not been possible to set a SAMM budget due to concerns over the accuracy of Authorities’ funding estimates.
- 5.2 All Council’s had now adopted a standardised methodology, proposed by Patrick and Jenny Rickard, effectively projecting the most pessimistic approach to estimating the return from developments.
- 5.3 In 2011/12, actual income from all TBH Authorities was £270,605.15. Already, the actual income for Quarters 1 and 2 of 2012/13 was £449,866.83 and the minimum estimate for 2012/13, using the new methodology, was £611,593.54.

5.4 Patrick McKernan proposed a budget based on 'worst case scenario' funding. This would focus predominantly on monitoring, with the warden project and proposals for an education/communications officer being on hold until such time as a clear and sustainable funding stream was identified.

5.5 It was proposed that the bird survey continued and that visitor and car-usage be monitored and the bid included funding for pressure counter maintenance. Proposals for web space/log/standardised working had been shelved due to resource limitations, but officers would look to take forward as much publicity work as possible.

Members considered the confidence that could be placed on forward projections and the position that proposals would have on the Endowment Fund. Continued concerns were raised in respect of tariff income and the potential impact of economic trends. However, it was recognised that by using lower end estimated and reviewing on a regular basis, it should be possible to proceed with the proposed works without impacting on the Endowment Fund.

5.6 It was proposed that a project commence in 2013/14, at a maximum cost of £20,000, to carry out a SANG survey and analysis report and that further expenditure be agreed as per Annex 1 to the JSPB report.

**The JSPB agreed to:**

- (i) **Approve the revised financial plan and budget for the SAMM Project;**
- (ii) **Agree the proposed spend of £20,000 on SANG Surveys/analysis work in 2013/14; and**
- (iii) **Review the SAMM Financial Plan and Budget in 6 months' time.**

**6. SAMM Budget Monitoring Review**

- 6.1 Jenny Rickard highlighted a concern over difficulties experienced by Hampshire County Council and Natural England in respect of monitoring data. HCC struggled to get data from Borough/District councils, who in turn experienced difficulties in establishing what data was needed and the format required, whilst also struggling with the demands of core strategy development.
- 6.2 Given that, some of the data collected was not required by either Natural England or HCC, it was proposed that the SAMM Board review both data need and the current form.

**The JSPB agreed to ask the SAMM Board to review the financial monitoring processes, the data required from Councils and the format of the data submission form.**

**7. Community Infrastructure Levy (CIL) Update**

- 7.1 At the previous meeting, members had requested further detail on the implications of the replacement of S106 planning arrangements with CIL.

- 7.2 A CIL charging schedule would not be considered a plan or project for the purposes of the Habitat Regulations. Whilst Natural England and wildlife organisations took the view that CIL should be subject to Habitat Regulation assessment (HRA), councils had considered that this was not necessary, a view supported by a planning inspector in a recent 'Examination.'
- 7.3 Although there was no mechanism in CIL to ring fence funding for SANGs, it might be possible to use a DPD to provide certainty over funding or a combination of restrictive agreements between the developer and councils which bind the local authority to such a provision. It was noted, however, CIL would not be applicable to a number of developments, notably those where floor space did not increase or affordable/social housing. This could lead to Authorities being committed to spend even though developer funding is not forthcoming.
- 7.4 The difficulties from CIL would be different depending on the level of exposure to risk, which would vary from council to council and the mechanisms needed would vary accordingly.
- 7.5 It was noted that the DCLG had submitted papers to the Minister for consideration on CIL and the impact on SPAs. The outcome of his considerations was expected within three weeks.
- 7.6 Councillor John Furey suggested that many councillors were not aware of or fully understood the potential impact of the proposed changes or the differential impact on councils. Whilst understanding the position of Natural England, he highlighted the need for a pragmatic approach and a focus on infrastructure. He also questioned if it was acceptable to retain 70% of generated funds against possible future need.
- 7.7 Members noted that, if European Habitat Regulations in relation to SANGs funding couldn't be built into CIL, it was unlikely that any housing would be generated. This funding requirement effectively added £14,000 onto the cost of building a three bedrooomed house and land in or next to an SPA lost value.
- 7.8 Councillor David Hilton reported that Windsor and Maidenhead now had a SANG in place.

**The JSPB agreed to note the continuing work being undertaken on CIL and to await the outcome of ministerial considerations thereon.**

## **8. Monitoring Update**

- 8.1 Jenny Rickard presented a report which incorporated a series of worksheets which set out progress for each Authority, covering the overall Strategy, SANGs, SAMM and Appeals.

**The JSPB agreed to note progress in taking forward the SANGs and SAMM projects.**

## **9 Any Other Business**

- 9.1 Changes to Permitted Development Regulations – Jenny Rickard reported on recent or proposed changes to permitted development.

- 9.2 Proposals relating to flats above shops and converting hotels into residential units would not generate CIL as they would not involve an increase in floorspace and under permitted development there was a clause built in which could prevent any permitted development that could not comply with the Habitat Regulations. A recent case involving the Isle of Wight Ferry could clarify how permitted development could be controlled.

**Jenny Rickard agreed to draft guidelines for member authorities.**

- 9.3 Publication of the SEA for revocation of the South East Plan – Jenny Rickard presented a brief report on the main issues arising from the Strategic Environmental Assessment (SEA) addressing the proposed revocation of the Regional Spatial Strategy (RSS).
- 9.4 Members noted the CLG view that there was little impact difference between retaining or revoking RSS and no impact on growth. Whilst questioning the CLG assertions, members expressed concern at the proposed revocation of Policies NRM5 and NRM6, which were not replicated elsewhere. Authorities which did not have a Local Plan would be left with particular difficulty in supporting a SAMM or SANGs policy.
- 9.5 The consultation document ran to 251 pages accompanied by 1,157 pages of appendices, but Authorities had been given only eight weeks to submit comments. Members agreed that, whilst individual Authorities should respond to the consultation, the JSPB should submit a joint response asking that Policy NRM6 be retained until all Authorities falling within the SPA have post-2009 Local Plans adopted.

**The JSPB agreed that:**

- (i) **Individual Authorities should be encouraged to respond to the consultation;**
- (ii) **A response be submitted from the JSPB, seeking the retention or Policy NRM6 until all Authorities falling within the SPA have post 2009 Local Plans adopted; and**
- (iii) **Jenny Rickard be asked to draft an appropriate letter and circulate electronically to members for comment.**

- 9.6 Vice Chairman – The Chairman reported that Councillor Jenny Wicks, the previous Vice-Chairman was no longer her Council's representative on the JSPB. The Board may wish to appoint a Vice-Chairman and in that event, she suggested that the appointee should be a longer standing member of the JSPB for continuity.
- 9.7 Members agreed the need to appoint a Vice-Chairman and asked that their thanks be recorded for Councillor Wicks' service as Vice-Chairman over a number of years.

**The JSPB agreed to elect a Vice-Chairman and to thank Councillor Jenny Wicks for her significant input, over a number of years, as Vice-Chairman.**

## **10. Date of Next Meeting**

- 10.1 A further meeting would be arranged for March 2013.

