

# Matter 8Hiv-8Jiv / South East England Regional Assembly



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**8Hiv & 8Jiv Combined: Thames Basin Heath SPA**

**8Hiv/8Jiv.1 What are the implications of the Assessor's Report, and taking account of the Appropriate Assessment, on the ability of the two sub-regions to achieve the housing provision figures in draft RSS, and on any alternative growth levels and spatial options examined?**

Introduction

1. The Assembly generally welcomes the Assessor's Report, and recognises that it attempts to set out a pragmatic way forward in the short term, whilst at the same time increasing the evidence base to ensure that a robust, strategic, solution may be found in the medium to longer term.
2. The Assembly is committed to taking forward the recommendations set out in the Assessor's report, or other recommendations as the Panel see fit, in order to find a sustainable and realistic solution to the problem. However, we recognise that this will necessitate considerable commitment from all parties involved.
3. This statement represents the views of officers. The Assembly's Regional Planning Committee will consider the Assessor's Report on 21 March 2007, and it is hoped that a verbal update can be provided to the EiP on 22 March.

The ability of the sub-regions to achieve the housing provision figures in the draft South East Plan

4. The Assessor is satisfied that the level of housing proposed in the draft South East Plan for the area around the SPA is deliverable without significant adverse effect on the SPA, although recognises that in order to provide mitigation in line with development, there may be a need to phase housing so that the larger proportion comes forward in the latter part of the Plan.

*Level of housing provision*

5. The Assessor's conclusions on the overall level of housing reflect the views set out in our previous statement that the housing levels and distribution in the London Fringe and Western Corridor and Blackwater Valley sub-regions are appropriate.
6. This is also reflected in the South East Plan Appropriate Assessment. The AA considered the potential impacts of recreation on the SPA, and identified that there was a risk of an adverse effect on the site's integrity as a result of increased recreational pressure (and indeed other urbanisation pressures). However the AA concludes that with the provision of a buffer zone of no development; the provision of new or enhanced recreational space; multi local authority working to agree and implement a regime for habitat

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management; and the promotion of access management<sup>1</sup> it is likely that significant ‘in combination’ impacts on the site related to recreation disturbance effects would be prevented.<sup>2</sup>

7. Similarly, research carried out by the Assembly, working with the affected local authorities, has demonstrated that, on the basis of the draft Delivery Plan standards, there is likely to be sufficient suitable alternative open space (SANGS) to provide appropriate levels of mitigation to deliver the proposed levels of housing development<sup>3</sup> (as referenced by the Assessor in section 4.6 of his report). The reduction in the scale of SANGS as proposed by the Assessor provides more certainty that enough SANGS will be available. See paragraphs 16 - 19 below for further comment on SANGS.
8. We therefore support the conclusions of the Assessor that, whilst the proposed level of housing is deliverable, it would not be appropriate to increase the levels of housing allocated to the affected local authorities. We also endorse the view that there is a need to monitor the provision of mitigation measures (SANGS, access and habitat management) and the housing delivery ‘unlocked’ by this to feed into any subsequent review.

### *Phasing of housing delivery*

9. We also support the conclusions of the Assessor in respect of the possible need to phase housing development in the vicinity of the SPA towards the latter part of the South East Plan period.
10. The draft South East Plan, in setting out annual average figures for the period 2006-2026, allows for the phasing of development to reflect particular local circumstances. In some of the affected local authorities this may mean that a large proportion of the housing allocation will be phased post 2011 (or even 2016), whereas for other authorities, which only partially fall within the ‘Delivery Plan’ area, there may be scope for the geographic focus of housing delivery to alter throughout the plan period to allow for appropriate mitigation to be provided.

### *Short term delivery of housing*

11. The Assessor recommends a revised ‘Interim Strategic Delivery Plan’ (ISDP) approach to enable housing provision in the short term.
12. We support a ‘three pronged’ solution and the proposed strengthening of advice on access management measures in a revised ISDP. In general, we consider that the Assessor’s proposals for how an Interim Strategic Delivery

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<sup>1</sup> As well as a generally strengthened approach to recreational provision and green infrastructure – as suggested in the Assembly’s proposed policy amendments in the light of the AA, submitted to the EiP (EiP ref SEP5E and SEP5F)

<sup>2</sup> However, it should be remembered that there may be other effects that arise from proposed developments that may impact on the integrity of the SPA – See Appropriate Assessment of the draft South East Plan (EiP ref SEP5C)

<sup>3</sup> EiP reference TBH 0/1, TBH30/4a-f. It is worth noting that this work only considered land within public ownership – land may also be brought forward by developers in relation to specific large development proposals, or may become available from other private sources

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Plan should address the provision of alternative mitigation land are appropriate, and overall we consider that his recommendations for the ISDP represent a flexible, balanced and deliverable short term mechanism: one which will enable the evidence base to be increased whilst allowing some housing to be developed - but one that will, inevitably, need to be monitored and possibly refined in the longer term as this further evidence becomes available.

13. The Assessor's inclusion of a threshold of 10 dwellings for the provision of SANGS is welcomed as a short term measure to unblock housing delivery – however there are concerns over the longer-term use of such a threshold and its compliance with the Habitats Regulations, which needs to be clarified.
14. We consider that the mechanisms proposed by the Assessor of mitigating against the in-combination effect of new development – that every new dwelling should make a financial contribution to mitigation and/or avoidance measures – to be in line with the general approach set out in the Implementation Plan that accompanies the draft South East Plan.
15. However, one area where we consider the Panel or Assessor could provide further clarification is with regard to how the proposed ISDP should be utilised as part of the wider Habitats Regulations Assessment process for proposals in the vicinity of the SPA, in the light of the Assessor's conclusions in section 4.1 of his report.

### SANGS

16. In the absence of mini-plans for all local authorities, any ISDP cannot be immediately implemented across the affected area. In particular there is a need for further work to explore in more detail the location, size and quality of SANGS available, to explore whether there is a need to secure SANGS from other sources such as private landowners, and to produce a definitive list of sites, and the works and associated costs required to deliver these (as recommended by the Assessor).
17. The Assembly is committed to working with LPAs to carry out this work. However there are a couple of areas where we consider the Panel may wish to provide further guidance in relation to the application of the SANGS concept. These are:
  - i. to provide more clarity about the need for cross boundary sharing of SANGS to enable development to proceed in those local authorities areas where there may be a deficit of available land for mitigation, especially in the short term; and
  - ii. the role that existing areas of open space can contribute to the provision of alternative open space (as suggested by Natural England<sup>4</sup>).
18. However, we consider that there remains benefit in the mini-plan approach adopted by some local authorities to date, as these continue to offer a pragmatic and deliverable way forward in the very short term. There is scope

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<sup>4</sup> EiP ref TBH23/9

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for the mini-plan approach to be further rolled out across the affected area, and we recognise that there may be a need for joint working on mini-plans between some authorities given the distribution of readily available SANGS.

19. Prior to development requiring mitigation being able to be occupied, appropriate SANGS and access management measures will need to be delivered. The Assessor identified the potential role of the Regional Infrastructure Fund in seed-funding mitigation related to the SPA, a proposal which is already being consulted upon as part of the Regional Housing Strategy Review for 2008/9-2010/11<sup>5</sup>.

### *Strategic Partnership and Joint Working*

20. The principle of a strategic partnership to develop broad policy approaches, coordinate monitoring, help formulate a broad policy framework, and potentially manage developer contributions is supported.
21. At the meeting of local authorities in the vicinity of the SPA on 25 January 2007, Councillors agreed that there was a need for joint working, and expressed some support for cross boundary working between 'clusters' of authorities. There is a need for a consistent policy framework across these local authorities, however this must be able to recognise the local circumstances and sensitivities that exist.

### *Impact on alternative growth levels and spatial options*

22. See our comments in paragraph 8 above. We support the conclusions of the Assessor that, whilst the proposed level of housing is deliverable, it would not be appropriate to increase the levels of housing allocated to the affected local authorities.

## **8Hiv/8Jiv.2 What would be involved in a review of levels and distribution from first principles if a resolution cannot be found (Policies WCBV3 and LF11)?**

1. In the light of the Assessor's consideration of the technical evidence base in existence, we see no need to revise the opinion in our previous statement that we are confident that the uncertainties in relation to the Thames Basin Heaths SPA can be resolved.
2. Further comment on this question is set out in our previous statement in relation to this sub-matter. However, notwithstanding this, we consider that there is still merit in the South East Plan taking a cautious approach to development in the vicinity of the SPA, and in the two sub-regions in question, given that there is still a need to monitor and learn from the interim measures being proposed.

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<sup>5</sup> [http://www.southeast-ra.gov.uk/our\\_work/planning/housing/rhs\\_review/rhs\\_review-cons\\_draft-feb07.pdf](http://www.southeast-ra.gov.uk/our_work/planning/housing/rhs_review/rhs_review-cons_draft-feb07.pdf)

**8Hiv/8Jiv.3 What would provide an appropriate policy for the protection of the SPA while enabling acceptable development to proceed (Policies WCBV9 and LFI I)?**

South East Plan Policy

1. We accept that some changes may be necessary to policies WCBV3, WCBV9, and LFI I in the light of the Assessor's report, depending on the extent to which the Panel conclude it is appropriate to take his recommendations on board.
2. We consider that the broad approach in the draft South East Plan remains appropriate. That is, that policies in the London Fringe and Western Corridor and Blackwater Valley sub-regions should provide protection for the SPA, and include policy context which allow for other policy documents (such as an Interim Strategic Delivery Plan, or joint DPDs) to be produced in the early years of the plan period, which set out the detailed implementation mechanisms for a strategic approach. We do not consider that it would be appropriate to include the level of detail suggested for an Interim Strategic Delivery Plan within the South East Plan itself.

Implementation Plan and Monitoring Framework

3. Similarly, we accept the Assessor's recommendations that the Implementation Plan and Monitoring Framework will need to be updated to reflect his recommendations.
4. For the Implementation Plan, it is considered that provision should be made in the London Fringe and Western Corridor and Blackwater Valley sub-regional investment frameworks for the provision of mitigation land and access management measures related to the SPA. However, at the current time it is not possible to provide site specific detail, or costings.
5. In terms of the Monitoring Framework, it is considered that a tailored monitoring framework should be developed over the coming months, specific to the Assessors recommendations and/or other recommendations within the Panel's Report, with input from the Regional Assembly, local authorities and Natural England. This can then be built into the Regional Assembly's Annual Monitoring Report in due course.