



South East Plan
Issue 8H London Fringe
8Hiv and 8Jiv Combined Thames Basin Heaths SPA

FURTHER SUBMISSION ARISING FROM THE ASSESSOR'S REPORT ISSUED ON 19TH FEBRUARY 2007

THIS SUBMISSION IS MADE IN ADDITION TO THAT MADE JOINTLY BY THE AFFECTED LOCAL AUTHORITIES. THE COUNCIL WHOLLY SUPPORTS THE JOINT SUBMISSION.

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?

1. The Assessor's Report (AR) has been received and considered by officers of Woking Borough Council.
2. At this stage the AR represents an opinion for the consideration by the Panel, and in turn by the Secretary of State. As such it is the Council's view that it carries no weight for the determination of planning applications until such time as the Secretary of State issues a draft revised RPG9.
3. The Council supports the AR in principle although it has some reservations about the ease of implementation of some of the details. See Appendix 1.
4. The Council supports the Assessor's assertion that the "in-combination" test can be effectively applied at the sub-regional level in examining the implications of the quantum of development as a whole on the SPA as a whole. Thus negating the need for repeated complicated in-combination tests for each and every subsequent planning application.
5. The Council supports the Assessor's Recommendation D (i) "*Housing levels within the area affected by the Thames Basin Heaths SPA should not be increased at this stage above those indicated in the draft plan*". However, it is concerned that the Assessor's qualification "*unless it can be demonstrated that any additional housing can be accommodated outside the 5km zone around the SPA*" does not take account of his own extension of zone C, i.e. between 5 and 7 km. Thus, this should read "*outside the 7km zone*".
6. Furthermore, the Assessor's recommendations do not carry forward the second part of his conclusion at para 9.1 on pages 60/61, i.e. "*in order to give sufficient time*

for SANGs to be brought forward it may be necessary to phase new housing development so that the larger proportion comes forward in the second half of the plan period (i.e. after 2016)". This should be a specific recommendation for the panel's consideration.

6. Much debate at the Technical Sessions centred on the degradability of a three-pronged approach to mitigating the effects of development, i.e. creation of suitable alternative natural greenspace (SANGS), access management and habitat management. The Assessor accepts the need for habitat management as part of the overall approach (cf para 4.9.10 on page 52 of his report) and yet it does not feature within his recommendations as a mitigation measure within the interim delivery strategy.¹

8Hiv/8Jiv.3 What would provide an appropriate policy for the protection of the SPA while enabling acceptable development to proceed (Policies WCBV9 and LF11)?

7. If the Panel so concluded, Policy LF11 could remain substantially as drafted, subject to the deletion of clause iii and the insertion of phasing implications, as referred to in paragraph 5 of this response.

8. The Council is of the view, however, that LF11 would benefit from complete redrafting to achieve the Assessor's intentions. It is not suggested that a policy should be included that repeats in detail the Assessor's recommendations as this would preclude detailed consideration at the local level.

9. As a consequence it is suggested LF11 should be redrafted along the lines of that shown at Appendix 2. The Panel is urged to adopt this approach.

¹ The Assessor only makes reference to the need to prepare access and habitat management plans as part of a mitigation strategy following the preparation of the interim delivery strategy (cf recommendation B(ii) on page 63 of his report). This implies it is not part of the mitigation approach to be adopted from the outset.

Appendix 1

Implications of Assessor’s Report² to the South East Plan Examination in Public Panel on the Thames Basins Heaths Special Protection Area

Response by Woking BC

A Short term (within next 6 months)

Inspectors recommendations			Woking BC response
(i) Conservation objectives, including target population levels for all three species of Annex 1 birds, be drawn up for the SPA;			Support
(ii) An interim strategic Delivery Plan be drafted, which should include:-			Support , although doubt ability to produce results within 6 months
	(a) 3 Zones at 400m, 1 km and 5km, with the 1km and 5km zones being defined by travel distance and measured to the edge of the SPA. The 400m zone should be defined by linear measurement but should take into account any permanent barriers to the		Support, although “linear distance” needs to be clarified – is this by foot, by car, for humans or animals?

² See <http://www.eipsoutheast.co.uk/downloads/documents/20070220094714.doc>

	movement of cats;		
	(b) No development to be allowed within 400m of the SPA unless it can be demonstrated that it would not lead to further recreational use of the SPA or have any other significant effect on its integrity;		support
	(c) Residential development between 400m to 5 km to provide appropriate mitigation as set out below in (d);		support
	(d) requirement for provision of SANGS at a scale of 8ha per 1000 population for the following residential development:-	<ul style="list-style-type: none"> All schemes of more than 10 dwellings within 5 km of the edge of the SPA; 	Support; believe the “10 dw” threshold is a pragmatic one; although the phrase should read “All schemes of 10 or more dwellings ...”.
		<ul style="list-style-type: none"> All schemes of less than 10 dwellings located within 1km of any part of the SPA where the predicted level of visitor pressure exceeds 30 visits in a 16 hour period (<i>sensitive areas</i>); 	Support, believe the “30 visits per 16 hour period” is a pragmatic one “Sensitive areas” need to be defined on OS maps [see para 4.4.28 on page 31 of Assessor’s report]

		<ul style="list-style-type: none"> Any other form of permanent residential accommodation, including boarding schools, hostels, residential colleges or training centres, houses in multiple occupation and sheltered housing schemes or extra care homes, which would provide more than 10 extra bedrooms, unless it can be demonstrated that the occupants would be unlikely to make recreational use of the SPA. Or any similar development involving less than 10 bedrooms which would be located within 1km of sensitive areas of the SPA. 	<p>Support, however “unlikely to make recreational use of the SPA” needs to be defined.</p>
	<p>(e) Any residential development of over 50 houses between 5 and 7kms from the edge of the SPA to be assessed on an individual basis and required to provide appropriate mitigation if it is concluded that it would lead to increased use of the SPA;</p>		<p>Support, however the 7 km distance seems to be somewhat arbitrary.</p>
	<p>(f) Any other type of</p>		<p>“Sensitive areas” need to be</p>

	development located within 1km of sensitive areas of the SPA be individually assessed in relation to its possible impact on the SPA and appropriate mitigation or avoidance measures be required.		defined on OS maps [see para 4.4.28 on page 31 of Assessor's report]
	(g) Specific provisions for the minimum size and location of SANGs, as currently set out in tables 6 and 7 of the DDP, be deleted and replaced with more general advice on the quality, size and location of SANGs;		support
	(h) More detailed advice on the role of access management measures in the mitigation and avoidance strategy, including a requirement that all schemes of between 10 and 50 dwellings within 1km of sensitive areas of the SPA or any scheme of over 50 dwellings make an appropriate contribution towards such measures on the parcel of the SPA that is located nearest to it. Such		support

	contribution to be additional to the requirement to provide 8ha of SANGs per 1000 population;		
	(i) Further advice on how to apply the “in combination” test;		support
	(j) Inclusion of a monitoring strategy.		support
(iii) Further research be undertaken to re-examine the findings of the Footprint Ecology study in respect of the relationship of urban development, visitor pressure and territory densities of nightjar, woodlark and Dartford warbler using more up-to-date visitor survey data and larger samples including more pedestrian access points and smaller car parks.			support
(iv) Work be undertaken to identify and establish a definite list of land available for use as SANGs and the costs			Support, although doubt ability to produce a “definitive list” within 6 months

necessary for bringing it up to the required standard;			
(v) Provision be made for seed funding, to be given to local authorities to provide new, or upgrade existing, open space to create the necessary quantity and quality of SANGs as part of a new Regional Infrastructure Fund;			Support, although doubt RIF being in place within 6 months
(vi) A standard contribution figure per dwelling to be calculated, based on the number of bedrooms, and taking into the account the requirements related to the different size and location of the scheme, using the current approved mini-plans as a starting point;			Support in principle, although should be scope for local variation where above-average cost of provision can be justified.
(vii) Complete consultation on the introduction of appropriate access management measures across the SPA.			Support

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Medium term (12 – 18 months)

	Woking BC response
(i) A strategic partnership be set up involving SEERA, the affected local authorities and Natural England to co-ordinate policy for the management and protection of the Thames Basin Heaths SPA;	Support
(ii) Detailed access and habitat management plans for each of the constituent SSSIs be adopted following consultation, which should identify all works that could be provided or funded as part of a mitigation strategy for new development;	Support, although have concern as to the resource implications and thus ability to complete all of these within 18 months. Thus, RIF should provide funding for additional staff support.
(iii) Further research be instituted to establish the carrying capacity of the various parts of the SPA and their tolerance to increased visitor pressure, as well as establishing a methodology for assessing the carrying capacity of proposed new SANGs;	Support
(iv) Further research be undertaken on the level of use of the SPA generated by people living in flats;	Support
(v) Further research be undertaken on the impact of edge effects and how they can be mitigated	Support

C Longer term (24-36 months)

	Woking BC response
(i) Permanent consultative forums to include landowners, user groups and other relevant organisations to be set up for each of the SSSIs or for the SPA as a whole;	Support
(ii) Reviews be undertaken of the impact of all SANGs that have been provided and are in use in order to establish their success in reducing recreational impacts on the SPA;	Support, although have concern as to the resource implications and thus ability to complete all of these within 18 months. Thus, RIF should provide funding for additional staff support.
(iii) A joint development plan be drafted setting out a long term management plan for the SPA, including detailed access and habitat management measures, including costings, and an avoidance and mitigation strategy for all development within 7kms of the SPA. This should modify the interim strategy, as necessary, taking into account the findings of the further research that has been undertaken;	Not convinced [despite Assessors assertion in para 4.12.6 on page 56] that the LPAs would support a joint DPD; what they do support is a common and consistent approach to preparation . It may not be possible for each LPA to commit to a joint DPD in their LDS at one and the same time. In any event it is not for the Panel to impose a requirement to prepare a joint DPD on the LPAs. Thus, would prefer “DPDs be prepared by the constituent authorities on a common and consistent basis within a comparable time frame setting out ...”
(iv) A coordinated wardening scheme be established for the SPA;	Support, although have concern as to the resource implications and thus ability to complete within 18 months. Thus, RIF should provide funding for additional staff support.
(v) A coordinated education and information strategy in relation to the objectives for the SPA, including the need to achieve an appropriate	Support

balance between conservation and recreational interests, be developed and implemented.	
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D South East Plan

	Woking BC response
(i) Housing levels within the area affected by the Thames Basin Heaths SPA should not be increased at this stage above those indicated in the draft plan unless it can be demonstrated that any additional housing can be accommodated outside the 5km zone around the SPA;	Support, however the Assessors recommendations do not carry forward the second part of his conclusion at para 9.1 on pages 60/61, i.e. “in order to give sufficient time for SANGs to be brought forward it may be necessary to phase new housing development so that the larger proportion comes forward in the second half of the plan period (i.e. after 2016)” This should be a specific recommendation to the panel.
(ii) The Implementation Plan should be amended, as necessary, to cover the need to provide appropriate seed funding for the provision and monitoring of SANGs through a Regional Infrastructure Fund;	Support
(iii) The Monitoring Framework is amended, as necessary, to make provision for appropriate monitoring of the effectiveness of SANGs and the impact of new housing on the Thames Basin Heaths SPA.	Support

Appendix 2 PROPOSED REPLACEMENT Policy LF11

LF11: THAMES BASIN HEATHS SPECIAL PROTECTION AREA

- a. New development within the sub-region that could adversely affect the conservation objectives of the Thames Basin Heaths Special Protection Area will not be permitted.
- b. Local authorities will work with the Regional Assembly and Natural England, supported by central and regional government and other relevant agencies and stakeholders to:
 - i. prepare an interim strategic delivery plan that:
 - 1. embodies a zonal approach to the facilitation of new development;
 - 2. requires the provision in mitigation of suitable alternative natural greenspace (SANGS)
 - 3. introduces access and habitat management measures for the SPA; and
 - 4. includes effective monitoring arrangements.
 - ii. Undertake research on the effects of development and visitor pressure on the habits of the protected annex 1 birds
 - iii. Identify a schedule of realistic SANGS
 - iv. Deliver SANGS and management measures through pump-priming by the Regional Infrastructure Fund and developer contributions based on a standard figure per bedspace
 - v. Establish a strategic partnership in relation to the TBH SPA to coordinate policy for its protection and management, supervise permanent consultative forums and deliver an education and information strategy
- c. New housing development within the sub-region totalling 37,360 dwellings (as allocated in policy LF2) will be phased so that the larger proportion comes forward after 2016.

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