

DRAFT SOUTH EAST PLAN
Examination in Public

AIRTRACK RAILWAYS LIMITED (8116)

**ADDENDUM COMMENTS TO THE ASSESSOR'S REPORT
ON THE THAMES BASIN HEATHS SPECIAL PROTECTION
AREA AND NATURAL ENGLAND'S DRAFT DELIVERY
PLAN**

MARCH 2007

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HEATHS SPECIAL PROTECTION AREA AND NATURAL ENGLAND'S
DRAFT DELIVERY PLAN**

1.0 Introduction

- 1.1 Airtrack Railways Limited (ARL) is a pan European property company with a unique approach. It seeks permission to develop significant sites and uses part of the uplift in land values to fund infrastructure of national or regional significance.
- 1.2 ARL is pursuing development on land between Bracknell & Wokingham that would allow the company to fund 'Airtrack' - the proposal to construct a new 4.5 km twin track rail link running from the Western access of Heathrow Terminal 5 to the main South West line.
- 1.3 The Airtrack railway has wide support in Government and from local authorities across the South East of England, because
- it will relieve congestion in the Thames Valley, particularly on the M4 and other roads serving Heathrow, and help to cut CO₂ emissions
 - it will contribute to sustainably underpinning the economy of the SE region.
- 1.4 The Government has stated a firm commitment to Airtrack but is unable to fund the capital costs involved. The only realistic way Airtrack can happen, without recourse to the debt market, is if the funding gap is met by development. ARL can provide these missing funds.
- 1.5 This approach is widely supported by a number of bodies, including the Airtrack Forum (a group of interested local authorities in the South East that will benefit from the Airtrack railway).
- 1.6 ARL proposes to do this by developing land to the west of Bracknell with a mixed-use commercial and residential scheme. This development can provide the funds to deliver Airtrack. The site is bisected by a direct link to the M4 motorway and the railway line and is thus physically connected to the Airtrack project (see attached plan). A proposed new railway station and major park and ride facility will pull traffic off the M4 and significantly enhance the local economy.
- 1.7 ARL considers that the provision of significant new railway infrastructure to allow growth should be a major plank of the SE Plan. **Consequently ARL is calling for the draft SE Plan to state that any potential development allocations with the ability to deliver infrastructure of regional importance should be afforded high priority by LPA's as they allocate land through their LDF's.**

- 1.8 In addition, ARL seeks recognition that the land to the west of Bracknell is a sustainable site for new housing that both Bracknell Forest and Wokingham should consider.**
- 1.9 Representations were made by ARL to the draft South East Plan in June 2006 and continue to be made at the local level to Bracknell Forest and Wokingham in respect of their emerging Local Development Framework documents.
- 2.0 Addendum Comments on the Assessor's Report to the Panel for the draft South East Plan (SEP) Examination in Public (EiP) on the Thames Basin Heaths (TBH) Special Protection Area (SPA) and Natural England's Draft Delivery Plan (DDP)**
- 2.1 The text below will outline ARL's response to the Assessor's Report. It will address each of the section of the report individually before making a number of conclusions.
- 2.2 Section 1 Introduction
- 2.3 ARL has no comments on Section 1 of the Assessor's Report.
- Section 2 Terms of Reference**
- 2.4 The assessor has clearly stated both in Section 2 and in Appendix 4 his terms of reference. It has however come to the attention of ARL that whilst the assessor has been given the opportunity to make recommendations to improve the DDP, these recommendations may be being ignored by some of the local authorities when they are progressing their mini-plans and mitigation and avoidance strategies. It is therefore considered important that Section 2 fully explains the remit of the assessor, which it only partly has, and the weight of his recommendations. We have no doubt that in the future, these recommendations will be used to guide planning applications and planning appeals. The importance that local authorities, planning inspectors and the Secretary of State should place on his recommendations should be clearly stated within this report.
- 2.5 It is the view of ARL that the Assessor's comments should be afforded strong weight and that local authority documents should be amended accordingly in order to maintain the 'strategic' approach across the affected authorities. ARL considers that the Assessor's position as a representative of an elected body, his considered understanding of the issue (particularly after all of the technical sessions), and his overall neutral position, provides him with a unique perspective to move the issue forward. It would be unhelpful if the judgements and recommendations were considered nothing more than another set of views, with no more weight than a member of the public.

Section 3 Background

- 2.6 ARL has no comments on Section 3 of the Assessor's Report.

Section 4 The Draft Delivery Plan

Avoidance and Mitigation

- 2.7 ARL agree with the Assessor's findings regarding the provision of SANGs, the interpretation of significance and appropriate assessment found in paragraphs 4.1.11 to 4.1.20. It is clearly the case that SANGs were never going to be able to guarantee that people would stop going to the SPA, and therefore cannot be considered as an avoidance measure. It is also not enough to use this 'avoidance' measure as a way of discounting the need for an appropriate assessment. The appropriate assessment is required by the legislation and cannot be bypassed. Without an assessment there is no way of showing what the significant effects are and no way of establishing the proportionate level of mitigation.

The Pre-cautionary principle

It seems clear from the EC Guidance that Natural England's (NE) approach to interpreting the pre-cautionary principle has been too rigid. It seems that this approach has then been carried through in a broad-brush fashion to the DDP. NE is requested to reconsider its approach to this issue. This is an important matter to raise because the majority of local authorities will take a lead from NE when making decisions regarding the effect a residential development may have on the SPA.

- 2.8 ARL support the conclusions made in paragraph 4.1.43.

Conservation Objectives

- 2.9 ARL supports the conclusion made in paragraph 4.2.6 that a clear reference level for the bird populations is required to allow appropriate assessments to be properly conducted. This reference level will, however, take some time to establish. In the short-term, would it not be a more practical solution to use the existing bird populations as a reference level. At least in this way appropriate assessments can move forward with greater certainty.

Other considerations

- 2.10 Paragraph 4.4.35 notes that if large areas of existing open space exist around the development site then relaxation of any avoidance or mitigation measures will only be warranted if statistical evidence from surrounding areas shows that people living in the surrounding area make minimal use of the SPA. ARL would like to see this provision repeated in the recommendations section. Large areas of existing open space that are not SPA, as well as the open countryside, could provide extra recreational capacity.

The impact of different forms of residential development

- 2.11 Paragraph 4.5.4 notes the differences between flats and houses. It also states that there 'may be justification for accepting lower levels of mitigation in individual cases, especially where it can be demonstrated that a restriction on pet ownership would be enforced.' This measure is already being accepted within the planning process in some of the planning authorities, and has been tentatively accepted by NE as part of a group of mitigation measures. ARL believe it would be useful if this measure was noted in Section 10 of the report, and a suggested SANGs standard provided for schemes that can prove that dogs will not live within their new flatted developments. More guidance on this specific point would be welcome.

The provision and delivery of SANGs

- 2.12 In response to paragraph 4.6.20, SANGs should be able to be shared across district boundaries, as long as the land is within the same distance from the development as the SPA. SANGs only has to relate to the development itself, not to district boundaries. Local authorities should be open to the possibility of SANGs being provided outside their boundaries, as long as it relates to the development in hand.

Section 8 Report Conclusions

- 2.13 ARL supports the conclusions within Section 8 of the Assessor's Report. It is clear that the approach towards a strategic mitigation strategy was too reliant on the provision of SANGs and did not take into account the variety of other measures that could be used to safeguard the populations of Annex 1 birds on the TBH.

Section 9 Implications for the South East Plan

- 2.14 The assessor believes that reducing the standard of SANGs to 8ha per 1000 population does not necessarily mean that the South East Plan should increase the amount of housing in the surrounding sub-region. Clearly the housing numbers in the sub-region should not be led by the amount of available mitigation land for the SPA. Housing numbers need to take account of a number of economic and social factors as well as environmental issues. ARL understands that the Assessor is required to make a recommendation to the South East Plan, however we believe that housing can be provided alongside the SPA, and that any housing needs to take account of the SPA to be truly sustainable.

Section 10 Recommendations

- 2.15 ARL supports the recommendations within Section 10 of the Assessor's Report. We believe that each local authority should consider and implement these recommendations to ensure a strategic approach across the sub-region.

Appendices

- 2.16 Finally, please amend Appendix 6, so that the entry for Mr W Miles reads 'Mr W Miles – URS' not 'Mr W Miles- RUS'. Many Thanks.