

**Thames Basin Heaths  
SPA and  
Natural England  
Draft Delivery Plan**

**EDP Review of  
Assessor's Report to  
the Panel for the  
Draft South East Plan  
Examination in Public**

Prepared by  
Martin J Leay  
BA(Hons), MSc, MIEEM,  
MRAC, MLI, FRICS

Dr Rob Rowlands  
BSc (Hons), PhD, MIEEM,  
CEnv

Alison Williamson BSc  
(Hons) MSc MIEEM  
MIPROW CEnv

of

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**Author** RR / MJL      Date 27<sup>th</sup> February 2007  
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## Section 1 Introduction

- 1.1 The Assessor's Report by Peter Burley to the Panel for the Draft South East Plan (DSEP) Examination in Public on the Thames Basin Heaths SPA (TBH) and Natural England's Draft Delivery Plan (DDP) was published on the 19<sup>th</sup> February 2007. EDP has prepared this review of the key findings and recommendations made in the Assessor's Report, together with our preliminary consideration of the implications of these recommendations. EDP will also be preparing representations on the Assessor's Report, which will be submitted to the EIP on the 5<sup>th</sup> of March 2007.
- 1.2 Where paragraph references are given in brackets, these cross-reference to the relevant section of the Assessor's report.

### Purpose of Assessor's Report

- 1.3 The primary purpose of the Assessor's Report was to address the strategic implications of the TBH SPA for the DSEP. However, the Assessor was also required to consider whether the DDP is a sound solution for the area. This included consideration of (**Para. 2.1**):
- i. The appropriateness of the zonal approach;
  - ii. The package of mitigation measures for on-site mitigation;
  - iii. Off-site compensation and access management;
  - iv. The realism of the mitigation land standards;
  - v. The impact these measures might have; and
  - vi. Recommendations for improvements to the DDP or an alternative approach if necessary.

### Key Findings and Recommendations

#### Legal Background and Interpretation

- 1.4 In terms of the legal background and the interpretation of the legislation within the DDP, the Assessor concludes that:
- i. The DDP fails to interpret correctly the requirements of the relevant legislation (**Paras. 4.1.9 - 4.1.14**);
  - ii. It is incorrect for the DDP to consider that the provision of SANGs would remove the need for an appropriate assessment. The Assessor is not satisfied that SANGs would in principle avoid any likely significant effect on the SPA (**Para. 4.1.14**), however the Assessor does conclude that people would use additional open space provided but that there is little quantifiable evidence that the provision of such space would be sufficient to ensure that any visitor pressure on the SPA arising from

new development would be at a level that would avoid any likely significant effect (**Para. 4.1.15**). Until such evidence is available, the Assessor considers that the correct approach would be to undertake an appropriate assessment (**Para. 4.1.17**);

- iii. The application of the “in combination” requirement is unduly rigorous. The Assessor concludes that for the DSEP the correct approach is to assess the likely combined effect of all housing proposed within the vicinity of the SPA and that further consideration of the location of this housing will be required through the appropriate assessments required at LDF level (**Para. 4.1.22**). For planning applications, the Assessor considers that requirement to consider the 40,000 houses to be allocated within the DSEP at this level would depend on the particular circumstances of each case (**Para. 4.1.23**) and that it would be reasonable for NE to take a more flexible approach to “in combination” test in respect of [1] housing in the vicinity of less sensitive parts of the SPA or [2] residential developments which are unlikely to give rise to significant use of the SPA (**Para. 4.1.23**); and
  - iv. The application of the precautionary principle does not comply with EU Guidance, particularly in terms of proportionality and consistency. The Assessor does consider that there is sufficient justification for the precautionary principle to be invoked (**Para. 4.1.30**). In terms of proportionality, the Assessor considers that NE has sought in some respects to avoid any effect rather than a significant effect on the SPA (**Para. 4.1.35**). In terms of consistency, he considers that there is a lack of consistency between the approaches being promoted in Dorset in comparison with that proposed for the TBH (**Para. 4.1.36**).
- 1.5 EDP welcomes the Assessor’s recommendation and conclusions in relation to the DDP’s legal background and its interpretation of the legislation and, in particular welcomes:
- i. The need for research into the effectiveness of SANGs;
  - ii. The more flexible approach suggested for the “in combination” test; and
  - iii. The recognition that the legislation only requires the consideration of likely significant adverse effects rather than just any effect on the integrity of the SPA.

## Section 2 Conservation Objectives

2.1 In relation to conservation objectives, the Assessor concludes that:

- i. It is imperative that clear conservation objectives which relate specifically to the purposes for which the SPA was classified are established for the SPA as a whole as soon as possible. The Assessor considers that undertaking an appropriate assessment in relation to the TBH is difficult since no conservation objectives have been defined for the SPA as a whole (**Para. 4.2.1**). The Assessor also identifies that there should be a clear distinction between the objectives of the SPA and SSSI classifications, which are designated at different geographical levels (international and national, respectively) and for slightly different reasons; and
- ii. Target and reference levels for the designated interests need to be established: The Assessor concludes that there is no way at present of establishing clearly whether or not the SPA has achieved favourable conservation status, due to the absence of target and reference levels for the designated interest (**Para. 4.2.4**).

2.2 EDP agrees with the importance identified by the Assessor of the essential requirement to establish clear and transparent conservation objectives together with target and reference levels of the designated interest for the SPA as a whole. EDP considers that these need to be quantifiable and measurable in order for them to provide an effective baseline against which:

- i. Any new development can be tested;
- ii. Any existing effects can be measured and monitored; and
- iii. Any future strategy refined in accordance with the requirements of the EU guidance on the precautionary principle.

## Section 3 Evidence Base

- 3.1 On evidence base, the Assessor concludes:
- i. Evidence base is either weak or insufficiently robust to support the approach that has been adopted;
  - ii. However, there is evidence to indicate that the population levels on nightjar on the TBH are affected by surrounding urban development; and
  - iii. On the basis of the precautionary principle, there is a need for some form of avoidance/mitigation strategy in relation to housing development in the vicinity of the TBH.
- 3.2 In terms of a detailed breakdown, the Assessor's conclusions are in relation to bird data, the Assessor concludes that there was **"...no reason to believe that either the methodology or the results of the bird surveys were insufficiently robust..."**, but that there is a requirement for more consistent and regular recording in the future if monitoring of avoidance or mitigation measures is to be fully effective." (**Para. 4.3.7**).
- 3.3 In relation to evidence on the impact of visitors and disturbance to birds, the Assessor concludes:
- i. When the DDP was drawn up, although the findings from the Dorset studies appear to point to a potential problem with human disturbance, the Assessor was not satisfied that the Dorset studies constituted a sufficiently robust evidential base to conclude that the same problem existed on the TBH. However, since the DDP was drawn up, two further studies produced, namely EDP and, subsequently, Footprint Ecology;
  - ii. Overall, the Assessor considers that the conclusion from the Footprint Ecology study that there is a negative correlation between urban development and the nightjar densities appeared to be relatively robust (**Para. 4.3.21**) and that the link between nightjar densities and surrounding urban development on the TBH is reasonably strong up to 800m but much weaker beyond that (**Para. 4.3.22**).
  - iii. Despite the above, the Assessor considers that the evidence for a similar effect in respect to woodlark and Dartford warbler populations on the TBH remains weak (**Para. 4.3.25**). In addition, the Assessor considers that evidence of direct links between specific recreational activities and bird densities also remains relatively weak (**Para. 4.3.26**).
  - iv. Overall, the Assessor concludes that findings of the Footprint Ecology study do support the need for a cautious approach to the issue of further housing development around the TBH.

- 3.4 With respect to the evidential base for SANGs:
- i. The Assessor has no doubt that the provision of suitable and more accessible alternative space may well deflect some, if not all, of the day to day recreational pressure arising from new housing development; and
  - ii. Although the scientific evidence to support the approach is weak the Assessor does not consider that the DDP was wrong in principle to include SANGs provision as part of an overall strategy (**Para. 4.3.29**)
- 3.5 In relation to the evidential base for the zonal approach, the Assessor has some concerns regarding the definition of the boundary of these zones, in particular Zone B, although the Assessor is satisfied that at the time the DDP was published the visitor survey data did constitute a robust scientific basis for adopting a zonal approach (**Para. 4.3.30**).
- 3.6 In relation to the evidential base for the SANGs Standards:
- i. The Assessor considers that how the SANGs standards of the DDP were defined is the weakest part of the DDP's evidential base (**Para. 4.3.44**);
  - ii. The Assessor considers that the process of deciding the scale of SANGs for each zone relied heavily on the space that was to be provided in connection with the QEII Barracks, Fleet and Lorraine Road, Camberley (**Para. 4.3.24**). As a result the Assessor is concerned about decisions to draw wider conclusions on the scale of SANGs from just two schemes and considers that there is currently confusion, including by NE, between the need for suitable alternative green space to mitigate harm to the SPA and the need for more suitable accessible green space generally. On this matter, the Assessor concludes that the DDP should only reasonably be seeking to require the level of greenspace that is necessary to mitigate the impact on the SPA. (**Para. 4.3.35**):
- 3.7 EDP was pleased to note that our long-expressed concerns regarding the evidential basis of the DDP had been vindicated. In response to the evidence base, we welcome the Assessor's recommendation later in the report (**Para. 7.1**) for further research to be undertaken to:
- i. Examine the impact of urban development and associated recreational pressure on woodlark and Dartford warbler on the TBH SPA; and
  - ii. Establish a methodology for calculating the visitor capacity of the SPA and other open space areas that are identified as SANGs and assessing the effectiveness of SANGs at reducing additional recreational pressure on the SPA.

## Section 4

### Future Housing and Recreational Pressure on the SPA

- 4.1 On future housing and recreational pressure on the SPA, the Assessor concludes:
- i. Although bird populations of all three species have increased over the last 12 years, they are still subject to considerable fluctuations. In addition, the Assessor considers that it is difficult, in the absence of any clear conservation objectives for the SPA as a whole or any target population figures, to establish with any certainty whether these increases [in population levels of the three bird species] would have been even greater if the additional housing had not been built (**Para. 4.4.7**);
  - ii. This increase is insufficient to conclude that additional housing would be unlikely to have a significant effect on the SPA, however the Assessor is doubtful whether a blanket moratorium on all new housing developments within 5km of the SPA, unless it makes appropriate provision for SANGs, is necessary to protect the integrity of the SPA (**Para. 4.4.10**);
  - iii. Although overall increase in visits to the SPA is likely to be quite small, they could have a detrimental impact in areas that already suffer from high levels of visitor pressure or close to this level. This is based on the Assessor's assumptions that an overall increase in population for the 11 core authorities of between 6-8% in the period up until 2026, or an annual increase if around 0.35 to 0.45%, will occur (**Para. 4.4.20**). Assessor considers that while this small increase may have a significant effect in the areas where visitor pressure is already high or very high; it is unlikely to have a significant impact on less visited areas (**Para. 4.4.25**). The Assessor defines sensitive areas as those areas of the SPA where there are currently predicted to be 30 or more visits during a 16 hour period (**Para. 4.4.28**);
  - iv. Large development, and smaller development in the vicinity of areas that already suffer from high level of visitor pressure or close to this level, should make appropriate provision of avoidance or mitigation; and
  - v. There is sufficient objective evidence to conclude that development of 10 dwellings or under would be unlikely to have a significant impact if they are located a sufficient distance from sensitive parts of the SPA.
  - vi. Overall, the Assessor considers that:
    - a. Due to the potential increase in visitors that would arise from large scale development either individually or in combination it would be sensible to continue to require them to undertake appropriate avoidance or mitigation measures in all cases; and
    - b. Due to the very small increases in visits to the SPA that are predicted in the short term, it would be appropriate to adopt a different approach to small scale developments. The Assessor defines small scale development as 10 dwellings or less (**Para. 4.4.33**).

- vii. Where there is already other open space close by that would result in residents being unlikely to make significant use of the SPA, the Assessor concludes that to justify an exemption/relaxation of avoidance and mitigation standard would have to be made on the basis of clear statistical evidence that people already living in the immediate area make minimal use of the SPA (**Para. 4.4.35**);
  - viii. Where there is either no or limited access to parts of the MOD estate, this should be taken into account as part of the strategic avoidance and mitigation strategy (**Para. 4.4.36**);
  - ix. Brownfield developments should not be treated differently to other development since there is no evidence that occupants of its development would make less use of the SPA (**Para. 4.4.42**).
- 4.2 EDP welcomes the Assessor's conclusions concerning:
- i. A blanket moratorium being unnecessary;
  - ii. The removal of the need to consider the impact of small developments within 5km of the SPA that are located away from sensitive areas; and
  - iii. Recognition that existing non-SPA open space areas could result in residents being less likely to make significant use of the SPA, subject to clear statistical evidence.
- 4.3 EDP considers that further clarification/confirmation is required that only net increases in dwelling numbers need to be considered in establishing whether the development is likely to trigger the need for further consideration. For example, if there are three existing dwellings on a site that are to be demolished and the site redeveloped for twelve dwellings, is this considered a development of twelve new dwellings or nine new dwellings in regard to the SPA.
- 4.4 EDP considers that it would be useful for a detailed 'Sensitive Area Plan' to be produced for the whole SPA to enable developers and local authorities to identify the proximity of their proposals to these areas. EDP also considers that there will be a need for this plan to be regularly reviewed and updated to take account of changes in recreational use of the SPA, together with habitat and management changes.

### **Impact of Different Forms of Residential Development**

- 4.5 With respect to flat developments, the Assessor considers that there is not sufficient evidence at this stage to conclude that the failure of the DDP to treat flats differently renders it unsound and that it justifies adopting a different mitigation strategy for flats at present (**Para. 4.5.3**). However, if research demonstrates that flat dwellers are less likely to have a significant impact on the SPA then the Assessor acknowledges that the strategy should be adjusted; and the Assessor accepts 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 effectively enforced (**Para. 4.5.4**).
- 4.6 NE accepts that, subject to a workable pet covenant, development within Use Class C2 would not be likely to have a significant impact. However, sheltered and extra care

accommodation in Use Class C3 should provide appropriate avoidance or mitigation measures unless it can be shown that the occupants would have a low standard of independence and mobility (**Para. 4.5.4**). However the Assessor concludes that the following development types, in addition to normal residential development, should or should not provided avoidance and/or mitigation:

<b>Developments that <u>should</u> provide avoidance and/or mitigation</b>	<b>Developments that <u>should not</u> provide avoidance and/or mitigation</b>
Boarding schools	Most nursing homes
Residential colleges	Hospitals
Sheltered housing	
Extra care schemes	
Houses in multiple occupation	
Hostels	

- 4.7 The Assessor considers that greater flexibility should be given to car free developments located beyond an easy walking distance of the edge of the SPA e.g. 1km (**Para. 4.5.7**).
- 4.8 The Assessor also considers that the DDP should perhaps also include other forms of development to be located close to more sensitive parts of the SPA, such as new schools and other educational establishments, garden centres and museums, where they are likely to generate additional visits to the SPA (**Para. 4.5.8**)
- 4.9 EDP was disappointed that residents of flats should not be treated differently to other non-flatted development in relation to the SPA, especially where management companies exist to enforce restrictive covenants against the keeping of cats and dogs; however EDP welcomes the stated need for further research on this matter with a subsequent revision of the strategy, as necessary.
- 4.10 EDP considers that further justification is required to explain why the Assessor has made a link between visits to garden centres and museums and visits to the SPA? There is also concern that “other developments” could be broadly interpreted and applied. EDP considers that care should be taken to avoid double accounting for existing residents within 5km of the SPA. EDP considers that further clarity is required.

## Section 5 The Provision and Delivery of SANGs

- 5.1 On the provision and delivery of SANGs, the Assessor concludes:
- i. There is reasonable certainty that subjects to SANGs being of appropriate quality and suitably located they should mitigate any adverse impact on the SPA, if necessary in combination with access management measures (**Para. 4.6.4**);
  - ii. There will be a need for the effectiveness of SANGs to be monitored (**Para. 4.6.6**);
  - iii. There is sufficient quantum of land available to provide the required level of SANGs for the DSEP (**Para. 4.6.12**), particularly given the recommendation that the SANGs standard is reduced (**Para. 4.8.19**);
  - iv. The delivery of land and the provision of necessary funding should be possible within the time scales of the DSEP, however the Assessor did recognise that the delivery of housing in some area may need to be deferred until after 2016 to allow for the provision of SANGs (**Para. 4.6.27**). Specifically, the Assessor considers that if housing development is not to be unduly held up, it may be necessary for LPAs to bring forward and/or improve appropriate sites in advance of granting planning permission. The Assessor considers that financial issues in doing this could be overcome by SEERA's suggestion that seed funding could be provided via a Regional Infrastructure Fund (**Para. 4.6.29**).
  - v. That many larger developments may be able to provide the alternative open space as part of the development rather than relying on sites which have been identified by the local authority (**Para. 4.6.30**). With respect to smaller developments, where mini-plans are in place there is clear guidance as to the level of financial contribution required, however where mini-plans are not in place small developers are currently in limbo with no clear way of knowing how to break the log jam (**Para. 4.6.31**). In order to overcome this issue, the Assessor considers that it is essential that a standard financial contribution is calculated as soon as possible, which could then be required under the provisions of S106 agreement (**Para. 4.6.32**); and
  - vi. There are no envisaged insurmountable problems with the future management and maintenance of additional land subject to appropriate funding (**Para. 4.6.38**).
- 5.2 EDP would welcome clarification on the following points:
- i. Should the provisions of SANGs be within 5km of the proposed development, even if this requires cross-district SANGs provision?
  - ii. Could a SANGs deliver mitigation for multiple development up to a defined capacity as determined by the outcome of the research identified in the report (**Para. 7.1**)?
  - iii. How are local authorities compelled to deliver appropriate, identified SANGs sites in their area?

- iv. Has sufficient consideration been given to potential recreational capacity within the identified SANGs sites already in public use in the Land Use Consultant's (LUC) report?
- 5.3 EDP considers that it would be important to consider the availability of SANGs in light of the Assessor's recommendation for zonal changes, which are likely to contract and modify the boundaries of the zones considerably.

### The Zonal Approach

- 5.4 On the Zonal Approach, the Assessor concludes:
- i. Boundary of Zone A to be defined as a linear distance (**Para. 4.7.4**);
  - ii. Boundaries of Zones B and C to defined by travel distances (**Para. 4.7.4**);
  - iii. Boundaries of Zone A and C to remain unmodified at 400m and 5km, respectively;
  - iv. Boundary of Zone B to be reduced to 1km (**Para. 4.7.16**);
  - v. Larger developments in between 5 to 7km from the SPA should be individually assessed to ascertain whether or not they would have an adverse impact on the SPA (**Paras. 4.7.5, 4.7.18**);
  - vi. Inappropriate to use the distance to access points for establishing the zones;
  - vii. Specifically with respect to Zone A:
    - a. Barriers should be taken into account where they clearly form a serious impediment to movement for cats and humans when defining the boundaries of Zone A, such as the Basingstoke Canal, M3, M25 but not trunk roads and railways (**Para. 4.7.11**);
    - b. The provision of cat proof fencing should not be considered an acceptable mitigation measure (**Para. 4.7.12**);
    - c. A revision of the Zone A boundary from 400m to 1km would be disproportionate (**Para. 4.7.11**); and
    - d. The presence of existing housing closer to the SPA would not warrant allowing further development within Zone A because it is not proven that existing housing does not provide a barrier to their movement (**Para. 4.7.14**).
- 5.5 EDP welcomes the Assessor's recommendations regarding how zone boundaries are calculated and that the boundary of Zone B has been significantly reduced. EDP considers that the use of travel distance as a measure for Zones B and C will significantly alter the current boundaries, with areas previously included now falling outside the 5km zone. EDP considers that a revised and detailed boundary plan should be produced as a matter

- of urgency, but that account should also be taken of ease of travel / access to the nearest SPA access point and / or car park facilities.
- 5.6 EDP considers that further clarification is required regarding how the zones are to be measured, since currently the report only concludes that distance to access points should not be used. It does not define what should be used and how the measurements are to be made. For example, is it the distance from a development by the most direct road link to the nearest part of an SPA where that road adjoins or crosses the SPA boundary?
- 5.7 EDP was surprised that an additional zone (5 to 7km) was recommended by the Assessor and we consider that further clarification should be provided with respect to:
- i. Criteria for assessing if mitigation and avoidance measures are required; and
  - ii. What levels of mitigation and avoidance measures would be required, if necessary.

### **SANGs Standards**

- 5.8 On the SANGs Standards, the Assessor concludes:
- i. The DDP standards are not based on a robust evidential basis (as detailed above, **Para. 4.8.2** and **Para. 4.8.11**);
  - ii. There is insufficient justification for different SANGs standards for Zones B and C (**Para. 4.8.4**);
  - iii. That a revised single standard of 8ha per 1000 population should be adopted (**Para. 4.8.11**). The Assessor considers that this would provide a reasonable and proportionate standard for the provision of SANGs, particularly if supported by appropriate access management measures;
  - iv. More general guidance to be provided on the quality and accessibility of SANGs and the type of features that should be provided;
  - v. Linear routes could make a contribution in respect of providing alternative places for people to walk with or without a dog, particularly where they are linked to other area of existing open space (**Para. 4.8.16**);
- 5.9 In addition to the Assessor's conclusions with respect to SANGs, the following conclusions are also drawn:
- i. Habitat Management. There is scope for habitat management within the SPA to deliver mitigation, particularly in the longer term (**Para. 4.9.6**) and the preparation of a Habitat Management Plan for the whole SPA is recommended (**Para. 4.9.10**); and
  - ii. Access Management. Access management measures should play a much greater part in the avoidance and mitigation strategy than the DDP currently allows (**Para. 4.9.10**). The Assessor recognised that it was vitally important for the long term integrity of the SPA that NE moves forward with access management measures as quickly as possible.

- iii. Education Strategy and Wardening. An effective education strategy to underpin the work on the ground will be vital to the successful management of the SPA. In addition, introduction of a coordinated wardening service will be fundamental (**Para. 4.11.1**) and would need to cover the SPA and the SANGs (**Para. 4.11.2**). The Assessor does conclude that a significant part of the cost of an effective wardening service would have to be defrayed through the Government, EU or charitable funding.
  - iv. Pet Covenants. Pet covenants may work where a residential development is subject to effective management control. Only likely to be certain where there is some form of on-site management, such as sheltered housing or some leasehold flat schemes, where there is a resident warden or caretaker (**Para. 4.11.3**).
- 5.10 EDP welcomes the Assessor's conclusions on SANGs and we are pleased at the recommendation that greater flexibility should be provided in terms of the quality and accessibility of SANGs, in particularly the recognition that linear routes can make a contribution to this provision. We are also pleased to note the recognition of the importance of habitat and access management on the SPA and the need for an education and wardening strategy.
- 5.11 EDP welcomes the Assessor's and NE's recognition that pet covenants can be effective in terms of avoidance.

## Section 6 Other Matters

### Role of Delivery Plan in the Planning System and Period it Should Cover

- 6.1 Assessor considers that the DDP in current form, or when revised, can only be an interim measure and that it needs to be incorporated into the development plan system to be effective (**Para. 4.12.1**). However, there remains a need for an overall strategy for the SPA (**Para. 4.12.3**).
- 6.2 Assessor considers that the strategic approach is best achieved through a joint Development Plan Document (DPD) involving all affected authorities and that the DPD needs to be taken forward by the local authorities rather than by Natural England, although NE will need to be closely involved (**Para. 4.12.4**). The Assessor recommends that the DPD need to be produced within the next three years (**Para. 4.12.6**).
- 6.3 The DPD will need to incorporate/address the following (**Para. 4.12.5**):
- i. Habitat and access management plans;
  - ii. Policy framework to manage other effects on the SPA;
  - iii. Issues relating to control of development outside the SPA, which may have a bearing on its future integrity including the protection of areas of woodland which are an important feeding grounds for Annex 1 birds and areas of lay back land that are necessary to maintain cattle and other grazing animals important for the management of the SPA; and
  - iv. Monitoring (**Para 4.14.1**).
- 6.4 EDP is pleased to note the Assessor's recommendation regarding the need for a DPD led by the local authorities. However, we consider that the timescales for the preparation of the DPD are too long and would welcome the production of the DPD in a shorter timeframe.
- 6.5 EDP would welcome greater clarity as to how developers who are required to bring forward development proposals within the next few months, particularly in terms of imminent inquiry commitments and prior to the adoption of the Assessor's report, are to deal with the SPA issue.
- 6.6 If greater consideration is to be provided to areas beyond the SPA boundary for provision of feeding grounds and 'layback' land for the management of the SPA, EDP considers that this is likely to be a grey area, potentially subject to mis-application and the adoption of an over cautious approach by the authorities and consultees. Hence, EDP recommends that the Assessor needs to acknowledge this as a further area of research which is required prior to it inclusion in any strategy.

## Funding

- 6.7 The Assessor considers that funding should come from developers and, if linked to measures necessary to mitigate the impact of the development, could be required through a S106 agreement (**Para. 4.13.1**). However, it may not be possible to secure some areas of funding through a S106 since they could not reasonably be related to the development, such as aspects of education, publicity and wardening (**Para. 4.13.2**).
- 6.8 The need for SANGs to be provided before occupation will mean that local authorities will need to have identified and undertaken works to bring them up to a required standard before planning permission is granted, incurring significant costs. This could be overcome through seed funding from a Regional Infrastructure Fund (**Para. 4.13.4**).
- 6.9 EDP welcomes the Assessor's conclusions in terms of funding and we would urge that the necessary seed funding and implementation of works to create and improve SANGs are given high priority.

## Monitoring

- 6.10 Monitoring of the avoidance and mitigation strategy essential and will need to include both the SANGs and SPA as well as bird populations and their breeding success. A monitoring requirement to be included within DPD (**Para. 4.14.1**).
- 6.11 EDP has always considered a need for monitoring as vital to underpin the entire strategy for the SPA, and modify the approach according to any future findings in accordance with the EU guidance on the precautionary principle.

## Future Management of the SPA

- 6.12 The Assessor considers there is a need for a strategic body to be formed to coordinate future strategy for the SPA and the suggested membership of partnership to include SEERA, NE and the local authorities (**Para. 6.2**).
- 6.13 EDP welcomes the Assessor's conclusions that a strategic body be formed to coordinate future SPA strategies. However, EDP is firmly of the view that representatives of the development industry should be a part of this body.

## Section 7 Conclusions

- 7.1 The overall conclusions of the Assessor's report are summarised as follows:
- i. DDP unsound in its present form due to **(Para 8.1)**:
    - a) Misapplication of legislative requirements;
    - b) Weak evidential base;
    - c) Disproportionate blanket inclusion of all housing development;
    - d) Excessive requirements for SANGs; and
    - e) Failure to give sufficient weight to other avoidance or mitigation measures.
  - ii. Provision of a significant scale of additional housing within 5km of the SPA would be likely to have a significant effect in combination due to potential increased recreational pressure on the SPA and therefore there is a need for Interim Strategic Avoidance and Mitigation Strategy (ISAMS) for the SPA **(Para. 8.2)**;
  - iii. ISAMS only needs to cover:
    - a) Large developments of more than 10 houses within 5km of the SPA; or
    - b) Smaller developments of less than 10 houses within 1km of sensitive areas of the SPA **(Para. 8.3)**:
  - iv. Developments over 50 houses within 5 to 7km of the SPA should be individually assessed;
  - v. The level of SANGs should be reduced to 8ha per 1000 and general guidance should be provided on the size, quantity and distribution of SANGs.
  - vi. Further work required immediately to **(Para. 8.4)**:
    - a) Confirm availability of suitable land for SANGs;
    - b) Preparation and laying out of SANGs as soon as money from RIF can be made available;
    - c) Standard contribution figure for avoidance and mitigation measures should be calculated for all new dwellings; and
    - d) NE to identify those access management measures that could be provided as part of the mitigation and avoidance strategy.

- vii. In the medium term (Para. 8.5):
    - a) A loose strategic partnership involving the affected local authorities, SEERA and NE should be set up to coordinate strategy and channel funding to the SPA;
    - b) NE should finalise its access management plans and produce a habitat management plan for the SPA; and
    - c) Further research undertaken to improve the evidence base for future strategy.
  
  - viii. In the longer term (Para. 8.6):
    - a) Joint DPD should be drawn up informed by reviews of the success of SANGs and other measures in mitigating the impact of new housing development and by any other relevant research;
    - b) Consultative bodies should be drawn up to include landowners, user groups and other relevant organisations; and
    - c) A coordinated wardening scheme should be established and a strategic education and information strategy should be developed and implemented.
  
  - ix. In the terms of the implications for the DSEP:
    - a) Due to the quantity of land available to provide SANGs and the amount of SANGs required, the Assessor is satisfied that the level of housing currently allocated in SEP for area around TBH should not have a significant adverse effect on the SPA. However, the larger proportion of housing should come forward in second plan period i.e. after 2016 (**Para. 9.1**);
    - b) No additional housing should be allocated within the area until further quantifiable evidence that the provision of SANGs together with other measures will be sufficient to mitigate the impact on the SPA (**Para. 9.2**); and
    - c) Once evidence to demonstrate that strategy has been successful; it would be possible to reconsider the housing allocation for the area as part of any subsequent review of the SEP (**Para. 9.3**).
- 7.2 EDP would welcome clarity over the discrepancy in timeframes for the short, medium and long term. In addition, EDP considers that the tasks set out by the Assessor should be refined further into a clear and concise SPA Action Plan allocating tasks to specific accountable bodies.