

**TO: ENVIRONMENT, CULTURE & COMMUNITIES OVERVIEW & SCRUTINY PANEL
11 JULY 2017**

**THAMES BASIN HEATHS SPECIAL PROTECTION AREA INCOME AND SPENDING
Director of Environment, Culture & Communities**

1 PURPOSE OF REPORT

1.1 To inform the Panel of:

- How the individual components which make up the Suitable Alternative Natural Greenspaces (SANGs) contributions are spent including the Council's pump priming programme; and
- The operation of finances regarding Strategic Access Management and Monitoring (SAMM) measures.

2 RECOMMENDATION(S)

2.1 **That the Panel notes the content of this report.**

3 REASONS FOR RECOMMENDATION(S)

3.1 To provide Members with factual information regarding the spending of money to mitigate the impact of development upon the integrity of the Thames Basin Heaths Special Protection Area (SPA).

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 No alternatives considered as this report is a response to a request for information by the Panel.

5 BACKGROUND

5.1 The Thames Basin Heaths Special Protection Area (SPA), which cover parts of Surrey, Hampshire and Berkshire, comprise a rare example of lowland heathland. It is home to three important bird species, (the Dartford Warbler, the Nightjar and the Woodlark). The SPA is protected by international law (the EU Birds Directive and the EU Habitats Directive), national legislation (the Conservation of Species and Habitats Regulations 2010 (as amended)) and by planning policy as a 'Special Protection Area' (SPA). The heaths, and the birds that nest and breed there, are easily disturbed by people and their pets.

5.2 To comply with legislation the Council must ascertain that any development in Bracknell Forest would not harm the integrity of the SPA either by itself or in combination with all other developments in Bracknell Forest and in the other 11 local authorities affected by the SPA.

5.3 A Habitats Regulations Assessment is undertaken on all relevant planning applications (and development plans). This involves:

- Predicting the likely effects of the development;
- Assessing whether the predicted effects are likely to have an adverse effect on the integrity of the SPA;
- Proposing avoidance and mitigation measures; and
- Consulting conservation bodies, where required.

5.4 To mitigate the impact of residential development within a zone extending between 400 metres and up to 7 kilometres from the edge of the SPA the Council has produced the Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPASPD) (2012) which sets out a two-pronged strategy:

- Provision of Suitable Alternative Natural Greenspaces (SANGs), new or upgraded existing open space to divert recreation activity away from the designated SPA.

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- Payment of Strategic Access Management and Monitoring (SAMM) contributions - financial contributions paid by developers to Natural England which are spent on matters such as wardening the SPA and monitoring the SPA Strategy across the region.

SANGs

- 5.5 The Council facilitates some residential development by providing access to its own SANGs. Individual SANGs have catchment areas and therefore a development needs to be within a specific distance of the SANG in order to use it for mitigation. SANG capacity is a finite resource and is particularly under pressure in the north of the Borough where there tends to be a higher level of residential development.
- 5.6 There are two types of SANGs:
- Strategic SANGs which are open space land which is owned / managed by the Council and to which developers pay financial contributions towards their enhancement to SANG status and long term management. These are mainly for smaller schemes or urban developments which cannot realistically provide their own land for SANGs.
 - Bespoke SANGs which are new open spaces provided mostly by large developments where the developer upgrades part of the land to SANG status and then usually transfers the SANG land to Council ownership with maintenance sums to guarantee its long term management.

The Strategic SANGs

- 5.7 The Strategic SANGs are currently all either Council owned or maintained open spaces and are located throughout the Borough. Developments pay for their upgrade, use and maintenance through a combination of s106 agreements and the Community Infrastructure Levy (CIL). There are six Strategic SANGs in operation, these are:
- The Cut Countryside Corridor (Warfield) to which relevant developments within 5km can make a financial contribution.
 - Englemere Pond (Winkfield) which also has a catchment of 5km.
 - Longhill Park Group/Lilly Hill Park (Winkfield) with a 5km catchment. This SANG is used for developments associated with the Town Centre planning permission and sites allocated in the Site Allocations Local Plan (SALP).
 - Ambarrow Hill/Court (Sandhurst) with a 4km catchment.
 - Shepherd Meadows (Sandhurst) with a 5km catchment.
 - Horseshoe Lake (Sandhurst) with a 4km catchment.
- 5.8 There are further Strategic SANGs to come forward which include Great Hollands Recreation Ground and Popes Meadow. These should be ready to receive contributions within two to three years.
- 5.9 Each Strategic SANG has a Management Plan which has been agreed with Natural England and details the open space works required to enhance each piece of land to full SANG status. Such works are carried out on an incremental basis which includes measures such as new footpaths, planting, signage, interpretation boards and bins.
- 5.10 The funds are secured incrementally by each development through a combination of s106 obligations and the CIL. The level of the financial contribution depends upon the number of dwellings in the scheme and the number of bedrooms they contain. The sum is calculated using the individual amounts per bedroom as set out in Table 1 of the SPASPD.
- 5.11 The mitigation amount for Strategic SANGs is divided into four fund categories and placed into four separate accounts. Officers meet on a monthly basis to operate the strategy and ensure the funds are managed appropriately and in a timely manner. Twice a year, officers meet with two Executive Members and Senior Managers to report on the strategy and finances. The following table explains each fund category:

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Fund Category		Open Space Enhancements	In Perpetuity Maintenance	Admin and Education	Facilitation
Percentage of mitigation amount per dwelling		9.5%	60%	4.5%	26%
Source of Mitigation		CIL	S106	S106	S106
Purpose		To upgrade each Strategic SANG to SANG status through incremental blocks of open space project works	To maintain the Strategic SANG for a period of 125 years	To provide administration support and to fund educational projects such as SANG awareness and the need to protect the SPA	To keep the strategy operational which can include measures such as strategy review, land purchase, pump priming open space enhancements and staff salary.
Accounts (Total amounts up to April 2017 since the start of strategy in 2007)					
Income received	£2,974,319.01	£361,381.00	£1,581,758.00	£258,499.00	£772,681.01
Income spent	£978,302.27	£361,349.53	£122,850.00	£143,768.95	£350,333.79
Income to be spent	£1,996,016.74	£31.47	£1,458,908.00	£114,730.05	£422,347.22
Comments		All Open Space Enhancements are carried out in a timely manner on a rolling basis for each Strategic SANG. Because it cannot be projected when and how much CIL and s106 will be received, the Council operates a pump priming project to carry out the necessary works. Therefore when CIL money is transferred it repays money borrowed from the Facilitation account. It should be noted that most of the income was secured by s106 before the start of CIL. The money is now taken from CIL which to date, has cost £53,682 from the overall CIL income of around £4 million.	This fund has the largest amount because it is needed to fund on-going maintenance over a very long period of time. This fund also has to accrue interest to ensure there is enough money to maintain the Strategic SANGs over a very long time. The Council has now been operating the fund for a number of years so it has accrued a sizable amount. This account has therefore started to be drawn down upon for maintenance and Ranger salaries.	Before the SAMM project was established, applied some contributions by commissioning an SPA education project. Berks, Bucks and Oxon Wildlife Trust carried out the Heathland Education Project over three years. This project targeted heathland and fire awareness in schools within 1km of Wildmoor Heath, part of the SPA. Between 2013 and 2016, the project educated just over 800 children. The Thames Basin Heaths Partnership has now taken on responsibility for education on the SPA. Any new or unspent income will be spent on the Biodiversity Officer salary and general administration.	The draw down on this fund is twofold at present: 1. Senior Environmental Policy Officer (planning) salary. 2. Borrowed money to pump prime Open Space Enhancements works. This is achieved through Officers developing projects with sizable blocks of works which can contain relatively minor works (e.g. £2,000 worth) or more major projects such as the £50,000 spent on footpaths at Englemere Pond. All works operate within normal procurement rules and delegated authority to spend up to £150,000 per year on such projects.

Bespoke SANGs

- 5.12 Normally Bespoke SANGs are large new open spaces which are provided by developers within larger development schemes for example, the Berkeley Homes schemes in Warfield, Amen Corner North, Blue Mountain and the Transport Research Laboratory. All of these are providing land which will be upgraded by the developers to SANG status in line with agreed SANG Management Plans. Once they are upgraded and any snagging works undertaken to the satisfaction of the Council these SANGs will be transferred to Council ownership. Each will be transferred with a large commuted sum payment for the in-perpetuity maintenance (125 years). These sums once received will be either ring-fenced for each Bespoke SANG or placed into the In-Perpetuity Maintenance fund category as described in the table above. This ensures that the quality of the SANGs will not deteriorate over time for the benefit of existing and future residents and to ensure that they continue to provide effective mitigation.

Strategic Access Management and Monitoring (SAMM)

- 5.13 All developments make financial contributions towards SAMM measures which are calculated on a per bedroom basis and secured in S106 Agreements. Contributions are based on an average contribution across the region of £630 per dwelling. Some dwellings pay more or less than this based on the number of bedrooms they contain as set out in Table 1 of the SPASPD. These contributions are received by the Council and then transferred quarterly to Hampshire County Council (the Administrative Body) to spend in accordance with a legal agreement signed in 2011 by the Council, Natural England and the other local authorities affected by the SPA. The project is overseen and administered by the Joint Strategic Partnership Board (JSPB).
- 5.14 The JSPB is a cross-authority group which is made up of elected members representing the 11 Local Planning Authorities covered by the Thames Basin Heaths delivery framework as well as representatives of Hampshire and Surrey County Councils. Cllr Turrell is the elected representative for Bracknell Forest. The Board is advised by a number of bodies including Natural England, Crown Estates (as a major landowner), Forestry Commission (as a major landowner), Ministry of Defence (as a major landowner), a representative of the housebuilding industry, representatives of non-governmental nature conservation interests, a representative of non-governmental recreation and access interests, a representative of the financial manager. The JSPB is responsible for ensuring the delivery of the avoidance and mitigation measures as set out in the delivery framework.
- 5.15 The SAMM Project is hosted by Natural England on behalf of the JSPB and is responsible for delivering the access management, other mitigation and monitoring elements of the delivery framework. This includes the provision of access management wardens on the SPA, and a combination of in-house and commissioned monitoring work to ascertain the level of change in recreation patterns on the SPA and SANGs as well as the population levels of the birds for which the site is designated. The work of the SAMM project is overseen by the JSPB who also approve the project's annual budget.
- 5.16 With regard to the SAMM spending processes, the Administrative Body pay 70% of the SAMM income into an endowment account and 30% into a current expenditure account. The SAMM Project Manager forwards to the Administrative Body an invoice for the amounts it requires to meet its Project Current Expenditure during the preceding Quarter. This expenditure must be in accordance with the budget agreed by the JSPB for that year. For any major expenditure or for any significant changes to the budget further approval is required from the JSPB. The projects the contributions are spent on are:
- Salaries for wardens on the SPA designated land.
 - SANGs Visitor Surveys.
 - TBH Partnership website.
 - Launching 'Heathland Hounds' which is a dog owner focused initiative which is intended to provide another mechanism for promoting positive behaviour specifically on the SPA.

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- Taking on the schools education project previously delivered by BBOWT with funding from Bracknell Forest Council.
- Automatic people counter installation.
- Car park counts.

5.17 At the end of the financial year 2016/17 a total £1,205,149 had been received by the SAMM project from developers in Bracknell Forest who have implemented residential schemes which have triggered the s106 obligations to make a SAMM contribution. The total income to-date from all authorities (including ours as above) was £4,155,215 up to April 2017.

Background Documents

Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document (SPASPD), 2011.

Contact for further information

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