

TO: EXECUTIVE
19 DECEMBER 2017

**DRAFT THAMES BASIN HEATHS SPECIAL PROTECTION AREA SUPPLEMENTARY
PLANNING DOCUMENT (DRAFT SPASPD)
– CONSULTATION DRAFT AND PROCESS**

Director of Environment, Culture & Communities

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to inform the Executive of the development of a new draft Supplementary Planning Document (draft SPASPD) setting out avoidance and mitigation measures required to mitigate the impacts of development on the Thames Basin Heaths Special Protection Area, as attached at Appendix A, and to seek approval for the proposed period of public consultation set out at section 8 of the report to commence in early 2018.

2 EXECUTIVE SUMMARY

- 2.1 The draft SPASPD provides guidance on the statutory requirement to avoid and mitigate harmful impacts caused by recreational pressure on the Thames Basin Heaths Special Protection Area (SPA). The draft SPASPD:
- Provides context to the SPA designation including regulations, harmful impacts and other issues
 - Describes buffer zones of influence as to where development can or cannot be located.
 - Sets out avoidance and mitigation measures relating to Suitable Alternative Natural Greenspaces (SANGs) and Strategic Access Management and Monitoring measures (SAMM) and their standards, criteria and costs.
 - Provides details maps and supporting evidence in the Appendices.

3. RECOMMENDATION(S)

- 3.1 **That the Executive approves the draft Thames Basin Heaths Special Protection Area Supplementary Planning Document (draft SPASPD) at Appendix A for public consultation for the six week period from the 8th January to the 19th February 2018.**

4 REASONS FOR RECOMMENDATION(S)

- 4.1 The Council has reviewed its current SPA guidance and considers that a revised SPASPD would assist with the implementation of current planning policies and provide prospective applicants with a clearer idea of the Council's requirements for mitigating the impact of development on the SPA. A public consultation that accords with the Council's Statement of Community Involvement (SCI) will be required as part of this process.

5 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 Not producing the draft SPASPD will result in the loss of the required contributions to support alternative open space (SANG) provision in Council management which will risk their effectiveness over the long term.

6 SUPPORTING INFORMATION

Background

- 6.1 The SPA, which covers 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.
- 6.2 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.
- 6.3 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.

Summary of existing strategy

- 6.4 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 (TBHSPD) (2012) which set 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.
 - Payment of Strategic Access Management and Monitoring (SAMM) contributions - financial contributions paid by developers to the SAMM Project which are spent on matters such as wardening the SPA and monitoring the SPA Strategy across the region.

CIL and Planning Obligations SPD

- 6.5 The Council adopted the Community Infrastructure Levy (CIL) in April 2015 and also the Planning Obligation Supplementary Planning Document (POSPD). The POSPD included updated guidance on how CIL and S106 Agreements will operate including where part of the SANG mitigation will be secured by CIL and the remainder by s106 obligations.

Need for review

- 6.6 The TBHSPD is in need of review and it is intended to replace it with a revised SPD (SPASPD) which will also replace the SPA elements in the POSPD. Therefore the current guidance needs revising to:

- Consolidate the relevant elements of the SPASPD and POSPD into a single guidance document and revoke the SPASPD and the relevant sections in the POSPD.
- Update SANG costs and how they apply to development.
- Introduce new SANG capacity in the Borough.
- Provide more up to date information on the types of development requiring SPA mitigation.

Summary of draft SPASPD content

6.7 A revised draft TBHSPD has been produced for public consultation which comprises the following:

- Consultation section – consultation information and how to respond.
- Summary section – a table of SANG and SAMM costs.
- Chapter 1 – Introduction: context and scope of the SPD; the policy and guidance framework; Sustainability Appraisal context; information about partnership working.
- Chapter 2 – Background: information about the habitats regulations and a section on the negative impacts on the SPA.
- Chapter 3 - SPA Avoidance and Mitigation Strategy: geographical zones to which measures apply; the types of development affected; the different types of SANGs; a table of current and emerging SANGs with information about each; the SAMM project; and, the issue of air quality impacts.
- Chapter 4 – Implementation and Monitoring: Strategic SANG contributions (showing market housing, affordable housing and Prior Approval contributions); Bespoke SANGs; Third Party SANGs; SAMM contributions; and the timing of mitigation, monitoring and review.
- Appendix 1 – map of the SPA and the Zones of Influence.
- Appendix 2 – flow chart showing the process of considering development in relation to the SPA.
- Appendix 3 - detailed information about the Strategic SANGs.
- Appendix 4 – information about Bespoke SANGs.
- Appendix 5 – information about Third Party SANGs.
- Appendix 6 – SANG maps and their catchment areas
- Appendix 7 – background information to calculating mitigation (SANG and SAMM) costs
- Glossary of terms used in the draft SPASPD.

Key main changes

6.8 There are many key changes to the existing SPASPD but this section just focuses on the key changes which are:

1. There is a need to cover the costs of increased maintenance requirements coupled with the legitimate expectation that a more commercial rate should be charged for the use of Council owned SANG land to enable development to progress. Other increased but necessary costs has resulted in the Council needing to reconsider its previous strategy which involved cross subsidy from open space s106 contributions which now cannot be secured due to s106 obligation pooling restrictions. The increased charges will provide more capacity for pump priming SANG enhancements and the ongoing operation of the strategy. In order that the increased costs should not have a disproportionate impact on the provision of affordable housing, higher SANG costs will apply to market dwellings. The following table shows the proposed total SANG costs for market housing (CIL and s106). In the draft SPASPD, Table 1 and Table 9, the

CIL amount has been deducted showing only the amount payable by s106. The Council will recover the remaining SPA costs from CIL.

Number of bedrooms per market dwelling	Draft SPASPD Cost per dwelling	Existing TBHSPD costs	Difference
one bed	£4,568	£1,350	+£3,218
two beds	£5,412	£1,770	+£3,642
three beds	£6,408	£2,400	+£4,008
four beds	£7,175	£2,730	+£4,445
five beds	£8,324	£3,550	+£4,774

2. To ensure that affordable housing remains viable it is proposed that reduced rates are applied to affordable housing under the current definition (for rent or intermediate housing). The following table shows the proposed total SANG costs for affordable housing (CIL and s106). In the draft SPASPD, Table 1 and Table 10, the CIL amount has been deducted showing only the amount payable by s106. The Council will recover the remaining SPA costs from CIL.

Number of bedrooms per affordable dwelling	Draft SPASPD Cost per dwelling	Existing TBHSPD costs	Difference
one bed	£1,943	£1,350	+£593
two beds	£2,412	£1,770	+£642
three beds	£3,033	£2,400	+£633
four beds	£3,425	£2,730	+£695
five beds	£4,199	£3,550	+£649

3. Additional Strategic SANG capacity will be provided through:
 - Popes Meadow.
 - Great Holland Recreational Ground.
 - Anneforde Place.
 - The Chestnuts.
 - Edmunds Green.
 - Whitegrove Copse.
 - Bigwood.
 - Shepherd's Meadow Extension (Seeby's Copse, Seeby's Meadow and Shepherd Meadows North)
4. An additional Zone of Influence has been formalised (between 5km and 7km of the SPA) in which reduced SANG and SAMM costs will be required on a case by case basis.
5. It should be noted that SAMM costs are intended to remain as they are in the existing SPASPD which are collected by the Council and passed to the SAMM Project to spend under the authority of the Joint Strategic Partnership Board which covers all of the other affected local authority areas.

Sustainability Appraisal

- 6.9 The Planning Practice Guidance (PPG) states that supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment (SEA) if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the Local Plan.

- 6.10 In order to decide whether significant effects are likely, BFC undertook a SEA Screening and from 28 September to 9 November 2017 a consultation was undertaken on this screening report with Natural England, the Environment Agency and Historic England. Responses were received from three consultation bodies and these can be found in the appendices of the final SEA Screening Determination. The Council has concluded that this SPD is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The main reasons for this conclusion are:
- The SPASPD elaborates on the policies and principles set out in the National Planning Policy Framework (NPPF), the South East Plan Policy NRM6, Core Strategy Policy CS14 Thames Basin Heaths SPA and the Bracknell Forest Local Plan (2001 – 2006) and sets out how development proposals can achieve them. It does not present any policies, and serves only to provide greater clarity about the Council's expectations in relation to existing policies within the Development Plan. The South East Plan and the Core Strategy has already been subject to full Sustainability Appraisal (including SEA) and assessed as having no significant environmental effect.

7 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 7.1 SPD's are local plan documents that add further detail to policies in a local plan and can be used to provide additional guidance on a particular issue, such as design. Once adopted an SPD becomes a material consideration in the determination of planning applications and will form part of the Council's statutory Local Development Framework.
- 7.2 As SPDs are not Development Plan documents that form part of the Development Plan they are not subject to the requirement to undergo independent examination in the same way as Development Plan Documents. However, the Council is still legally required to undertake a process of public consultation before they can be adopted in accordance with paragraph 12 of The Town and Country Planning (Local Planning) England Regulations 2012 and Section 19(3) of the Planning and Compulsory Purchase Act 2004.
- 7.3 The Council is required to adhere to the public participation requirements set out in paragraph 12 of The Town and Country Planning (Local Planning) England Regulations 2012 prior to the adoption of an SPD. This includes the production of a statement confirming the persons who have been consulted, setting out a summary of the main issues raised by those persons and explaining how those issues have been addressed in the SPD.
- 7.4 Section 19(3) specifically requires local planning authorities to comply with their adopted Statement of Community Involvement (SCI) when undertaking a consultation exercise in respect of the adoption of an SPD. The Council's SCI provides for a period of 4 weeks of formal public consultation and the recommendation therefore accords with this statutory requirement.
- 7.5 After reviewing responses received, the Council will consider the need for any further consultation, which may relate to a specific topic. These matters will be addressed in subsequent reports as part of the decision making process.

Borough Treasurer

- 7.6 The draft SPASPD has been prepared in consultation with the Finance Partner for ECC especially on the increased SANG costs in the context of the Council's ongoing transformation processes which seeks to ensure that all necessary costs incurred by the Council are covered effectively and that a more commercial approach is undertaken. The costs associated with the public consultation can be met from within existing revenue budgets.

Equalities Impact Assessment

- 7.7 A draft Equalities Screening Record has been undertaken for this stage of the process (refer to Appendix B) which will be completed with the final adopted SPASPD.

Strategic Risk Management Issues

- 7.8 None as a consequence of this report.

Other Officers

- 7.9 The preparation of this draft SPASPD has been informed by technical evidence and consultation with officers across the Council.

8 CONSULTATION

- 8.1 The draft SPASPD has been produced in consultation with Planning, Parks and Countryside, Finance and Legal Services.
- 8.2 The draft SPASPD will be subject to a full public consultation for six weeks between January 8th and February 19th 2018. The consultation will be made available online through the Council's consultation portal or responses can be made in writing and either emailed or posted to the Council. Copies of the draft SPASPD will be made available at borough, town and parish offices and in all libraries. The consultation will be advertised on our website and targeted mail will go to residents, developers, agents, statutory consulters and other interested parties on the Local Plan consultation database.
- 8.3 All consultation responses will be considered in preparing a final version of the SPASPD which will be considered by the Executive for adoption as planning guidance in spring 2018.

Background Papers

- Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document 2012

Contact for further information

Max Baker, Environment, Culture and Communities, Head of Planning - 01344 351902

Max.baker@bracknell-forest.gov.uk

Simon Cridland, Environment, Culture and Communities, Implementation and Infrastructure Manager – 01344 351186

simon.cridland@bracknell-forest.gov.uk