

TO: EXECUTIVE MEMBER FOR TRANSFORMATION AND FINANCE
September 2021

Providing Suitable Alternative Natural Greenspace (SANG) capacity for a development in Surrey Heath District

Executive Director of Place, Planning and Regeneration

1 PURPOSE OF REPORT

- 1.1 To seek approval to secure a larger sum of money than set out in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPASPD) 2018 as mitigation for a housing development in Surrey Heath District.
- 1.2 To seek approval for officers to liaise with Surrey Heath District Council to ensure that the negotiated sum of money is secured in a s106 Agreement between the developer and Surrey Heath District Council and fully paid to the Council on completion of the s106 Agreement.
- 1.3 To set out that this proposal, if accepted, will deliver significant funds over and above what is normally collected, to support the on-going maintenance of the Council's SANGs and contribute to the Council's wider transformation processes.

2 RECOMMENDATION(S)

- 2.1 **That the Executive Director of Place, Planning and Regeneration be delegated to secure a SANG contribution of £717,626 and a monitoring fee of £160 from a residential development in Surrey Heath District.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 Securing £717,626 as a SANG contribution from the development will maximise the potential amount of money the Council can secure from its SANG assets. A development at the Absolute Building, Lyon Way, Frimley (Surrey Heath District, planning reference 16/0803) was approved as a prior approval dated 19th October 2016. However, before the scheme can be implemented (occupied) it requires SANG capacity to be secured and provided. There is no available SANG capacity option from within Surrey Heath District so the agent for the developer has requested Bracknell Forest Council to assist by providing the necessary capacity to mitigate the impacts of the development on the Thames Basin Heaths Special Protection Area.
- 3.2 Following a review of the proposal for 91 dwellings (of which 72 are one-bedroom and 19 are two-bedroom, dwellings) the Borough Council can assist in providing sufficient SANG capacity for the development provided a financial contribution is made to the Council. However, because the development is for 91 dwellings which are small (in terms of their number of bedrooms) to provide the SANG capacity at the 1 and 2-bedroom rates in Table 1 of the SPASPD means potentially a lower overall amount received than if the Council provided capacity for other development with a greater number of bedrooms. Therefore, because the Council is utilising 91 dwellings worth of SANG capacity, it is reasonable to maximise the potential amounts it could receive from this out-of-borough development. In order to reflect this opportunity-cost to BFC, it is recommended that the SANG capacity for the 91 dwellings is charged at the highest rate (as set out in Table 1 of the SPASPD) (£7,886 per dwelling or

£717,626 in total). The agent for the developer has agreed with their client that the sum in the recommendation is acceptable.

3.3 Providing SANG capacity and generating income from its sale positively contributes towards a number of Council objectives, including:

- Demonstrating that the Council is proactive in its statutory Duty to Cooperate with other neighbouring authorities by enabling wider delivery of housing need.
- Providing significant income to support the Council's SANG programme and strategy.
- Providing increased income which will translate into high quality maintained open space (SANG).
- Providing increased income to support relevant Council services as part of the Council's Transformation programme.

4 ALTERNATIVE OPTIONS CONSIDERED

4.1 To not provide any SANG capacity for this development which means it would take a considerable amount of time to deliver the income level identified and which could only be achieved from 91 x 5+ bedroom dwellings. It would be very unlikely that £717,626 could be secured from an alternative development.

4.2 To provide SANG capacity at the rates in the SPASPD Table 1, which would total £415,683 which would not maximise the receipt for use of the Council's SANG assets in this respect resulting in £301,943 less income than is proposed in this report.

5 SUPPORTING INFORMATION

5.1 The Thames Basin Heaths Special Protection Area is a designated habitat site to which increased recreational activity caused by increased pressure from new development causes harm to the integrity of the designation which is the habitat of 3 species of ground nesting birds. The SPA designation affects 11 local authority areas including Bracknell Forest Borough and Surrey Heath District. The Council since 2007 has operated a strategy to ensure any harm is mitigated. Mitigation is in the form of two measures:

- Suitable Alternative Natural Greenspaces (SANG) which are a suite of open spaces to which recreational activity such as dog walking takes place which alleviates the equivalent pressure upon the SPA designation; and,
- Strategic Access Management and Monitoring (SAMM) measures which are financial contributions which are collected by all 11 authorities and passed to Natural England to spend on measures under the authority of the Thames Basin Heaths Strategic Partnership Board.

5.2 The Council as part of its duty as a competent authority ensures that there is enough SANG capacity to meet its development needs across the Borough through, for example, assigning capacity to relevant developments in return for financial contributions in line with the strategy at that time. Currently such contributions are set out in the SPASPD.

5.3 The Council is diligent in ensuring there is sufficient SANG capacity to meet its development needs, however, the Council, in some cases, can provide SANG

capacity for developments in other authorities and there are recent examples where it has done so.

- 5.4 The Council has been approached by an agent of a developer which is converting a former office block into 91 residential dwellings. The scheme is ref 16/0803, the Absolute Building, at Lyon Way, Frimley (Surrey Heath District). The description of the approved development is "Prior Notification for Change of Use of the ground, first, second and third floors from B1a (Office) to C3 (Residential) to create 91 apartments comprising of 31 studio units, 41 one-bedroom units, 11 two-bedroom units and 8 two-bedroom duplex units. (Additional Plan Rec'd 07/09/2016) (Amended Plans Rec'd 29/09/2016)". For the development to complete and be occupied it must satisfy the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) via an application to Surrey Heath District Council secure and provide SANG capacity/contributions and SAMM contributions in a s106. Surrey Heath cannot provide SANG capacity for the development hence the approach to BFC SANG capacity.
- 5.5 The Council has sufficient SANG capacity within the catchment of the development to be able to support it. Without detriment to its own strategy going forward. However, the development is for 72 one-bedroom dwellings and 19 two-bedroom dwellings which in accordance with the SPASPD, Table 1, would require a SANG contribution of £415,683. However, should the Council wish to maximise the value of its assets, it is reasonable to maximise this opportunity. This means it is recommended that the 5 bedroom+ rate in Table 1 of the SPASPD is secured instead (totalling £717,626). The Council charges monitoring fees on s106 payments also which in this case is £160 in line with the Council's published schedule <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/section-106-agreements/s106-administration-schedule>
- 5.6 The following facts in support of the recommendation are:
- The agent for the developer has confirmed the sum of £717,626 is acceptable.
 - Surrey Heath District Council support the Council providing SANG capacity for this development.
 - The Council has sufficient SANG capacity to support this development.
- 5.7 There are a number of benefits to support the recommendation which are:
- The Council's SANG asset has been maximised because the amount of money to be secured is £301,943 more than applying the per bedroom rates in Table 1 of the SPASPD (which apply within the Borough).
 - It supports the Council's Duty to Cooperate where the Council continues to work with and support neighbouring authorities.
 - It provides funding for Council SANGs and the relating transformation programme to support Parks and Countryside and Planning services.
 - It benefits the residents of the Borough by ensuring its open spaces (SANGs) are maintained in perpetuity.
 - Protects the integrity of the designated habitat site.
- 5.8 The agent on behalf of the developer (owner) has agreed to the Council's recommended amount and would like to proceed. The process will be for BFC to agree the amount in the recommendation. On approval the developer will enter into a s106 with Surrey Heath District Council to secure the SAMM payment (to be paid by Surrey Heath to Natural England) and the SANG contribution of £717,626 to be paid

by Surrey Heath to the Council direct on completion of the s106. The Council will then apply the amount in accordance with the SPASPD and write to Surrey Heath to confirm it has done so to confirm compliance of the development in this respect to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). The money will be spent over time in accordance with the SPASPD.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 It was advised that because the amount to be sought (in the recommendation) is over and above that in the Council's adopted guidance (Thames Basin Heaths Special Protection Area Supplementary Planning Document (2018)); and as a key decision because of the financial amount involved, an Executive Member Decision should be secured. This item provides the necessary democratic process to support the recommendation.

Director: Resources

- 6.2 The financial implications are set out in the report. The recommendation will secure additional funding to the Council than would otherwise be achievable on a similar development in the local area and is within the SANG capacity of the Council.

Equalities Impact Assessment

- 6.3 N/A. The report is solely about an increased financial income opportunity.

Strategic Risk Management Issues

- 6.4 There are no strategic risk management issues.

Assistant Director of Planning

- 6.5 The planning implications are set out in the report. This clarifies that there is surplus SANG capacity in this part of the Borough such that the proposal will not result in a lack of available mitigation for residential developments within Bracknell Forest.

7 CONSULTATION

Principal Groups Consulted

- 7.1 N/A

Representations Received

- 7.2 N/A

Background Papers:

Thames Basin Heaths Special Protection Area Supplementary Planning Document 2018
<https://www.bracknell-forest.gov.uk/sites/default/files/documents/thames-basin-heaths-spa-supplementary-planning-document.pdf>

Contact for further information

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