

TO: EXECUTIVE
DATE: 21 MARCH 2023

USE OF SUITABLE ALTERNATIVE NATURAL GREENSPACE (SANG) LAND AT SHEPHERD MEADOWS SANDHURST BY SURREY HEATH BOROUGH COUNCIL

Executive Director: Place, Planning and Regeneration

1 PURPOSE OF REPORT

- 1.1 To seek approval to the further use of existing Bracknell Forest Council owned Suitable Alternative Natural Greenspace (SANG) at Shepherd Meadows, Sandhurst to allow avoidance impact measures for residential development sites in Surrey Heath that lie within 5km of the SANG. This will provide sufficient capacity for a maximum of 500 dwellings in the west of Surrey Heath Borough.

2 RECOMMENDATIONS

- 2.1 **That Executive agree to enter into an agreement with Surrey Heath Borough Council (SHBC) for land at Shepherd Meadows to serve as further SANG capacity for up to 500 homes in the Borough of Surrey Heath and,**
- 2.2 **That the council apply SANG contributions at rates in line with the Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPA SPD) and any other subsequent versions, to be index linked from the date of publication of the SPD.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The saved South East Plan Policy NRM6 Thames Basin Heaths Special Protection Area states that *'authorities should cooperate and work jointly to implement mitigation measures. These may include, inter alia, assistance to those authorities with insufficient SANG land within their own boundaries...'*
- 3.2 BFC has an existing agreement with SHBC to provide up to 500 dwellings SANG capacity to mitigate developments in Surrey Heath in the current plan period. This was approved by the Executive in 2015. Up to the end of December 2022, Shepherd Meadows SANG had mitigated 387 dwellings in Surrey Heath with a further 113 dwellings capacity still available. It is proposed to end this agreement during 2023 with SHBC paying the outstanding amount for the remaining SANG capacity.
- 3.3 In 2022 SHBC approached BFC to request further SANG capacity to mitigate residential developments that are being planned through its emerging Local Plan. Given there is SANG capacity still available for Shepherd Meadows SANG and in other SANGs in the southern half of Bracknell Forest, it is considered that BFC can offer up to 500 dwellings capacity through a new agreement, without affecting capacity needs in Bracknell Forest.
- 3.4 As set out in Appendix 3 of the SPA SPD (March 2018), Shepherd Meadows SANG has the potential to provide SPA mitigation for approximately 1,594 dwellings. The table below shows SANG capacity of Shepherd Meadows, capacity already taken up

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by developments in Bracknell Forest to the end of December 2022 (including capacity safeguarded for allocations in the emerging Bracknell Forest Local Plan which will be delivered in the next plan period) SANG capacity allocated to SHBC through the existing agreement and capacity remaining if a further 500 dwellings were allocated to developments in Surrey Heath.

Table 1 SANG Capacity at Shepherd Meadows

	Estimated Dwellings
Total SANG capacity	1,594
SANG capacity allocated by BFC residential developments to December 2022	294
SANG capacity agreed to be diverted to Surrey Heath in 2015	500
Further SANG capacity proposed to be diverted to Surrey Heath (this proposal)	500
Remaining SANG capacity	300

- 3.5 In addition to the remaining SANG capacity at Shepherd Meadows, there is SANG capacity remaining in other SANGs in the south of the borough as follows:

Table 2 SANG capacity available in the southern strategic SANGs

Southern Strategic SANGs	Estimated SANG capacity available in dwellings (December 2022)
Shepherd Meadows (after a further 500 dwellings are allocated to SHBC through this proposal - see Table 1)	300
Shepherd Meadows North	271
Horseshoe Lake	197
Ambarrow Court / Hill	261
Great Hollands Recreation Ground	114
Total available SANG capacity	1,143

- 3.6 It can be seen in the above tables that, even by allocating SANG capacity for up to 500 dwellings in Surrey Heath, there is still a large amount of SANG capacity available in the southern half of the borough equivalent to 1,143 dwellings. This is in addition to SANG capacity remaining in the SANGs in the north of the borough. Please note the figures are approximate and minimum as they include developments that have been allocated SANG capacity which may not be permitted or implemented.
- 3.7 The SPA SPD (March 2018) sets out current SANG contributions. The level of contributions listed for Prior Approval applications are relevant for this proposal as these include all the SANG costs. For market and affordable dwellings in BFC part of the SANG contribution comes from the Community Infrastructure Levy (CIL). The current levels of SANG contributions that would be applied are shown in the table below and depend on the size of dwellings. It is proposed to index link these financial contributions from the date of publication of the SPD.

Table 3 Current SANG contributions

Dwelling	SANG contribution (per dwelling)
1 bed	£4,568
2 bed	£5,412
3 bed	£6,408
4 bed	£7,175
5+ beds	£8,324

- 3.8 The proposed improvements for Shepherd Meadows SANG are summarised in an Open Space Management Plan published on the BFC website.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To agree that BFC enter into an agreement with SHBC to provide a lower level of SANG capacity at Shepherd Meadows to provide SPA avoidance measures for residential development in the west of the Borough of Surrey Heath. This option was discounted because it is considered that there is sufficient SANG capacity in BFC to meet SHBC's need for SANG capacity as well as those in Bracknell Forest.
- 4.2 Not to enter into an agreement with SHBC. This option was discounted as it would go against the retained South East Plan policy outlined in paragraph 3.1 above.

5 SUPPORTING INFORMATION

Legislation

- 5.1 The protection of the Thames Basin Heaths Special Protection Area (SPA) is embodied in the UK Habitats Regulations. Under this legislation the Local Planning Authority is the competent authority in ensuring that no likely significant effect on the integrity of the SPA arises from development proposals. The Joint Delivery Framework for the SPA is the jointly agreed mechanism by which the Thames Basin Heaths local authorities will ensure that no likely significant effect on the integrity of the SPA arises from development proposals. This proposal meets the requirements of the Joint Delivery Framework.
- 5.2 In the light of the Conservation of Habitats and Species Regulations (2017) (as amended), the Council, in agreement with Natural England, has concluded that any net increase in residential dwellings within 5km of the SPA is likely to have a significant effect on the integrity of the SPA, either alone or in combination with others falling within 5km of the SPA.

SPA Strategy

- 5.3 A three-pronged approach to avoiding likely significant effects on the SPA has been agreed as follows:

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- provision of Suitable Alternative Natural Greenspace (SANG) to attract people away from the SPA and hence reduce pressure on it;
- access management and monitoring measures on, and monitoring of, the SPA to reduce the effect of people who visit the SPA (the Strategic Access Management and Monitoring (SAMM) project); and
- habitat management

5.4 SHBC has limited SANG availability in the west of the Borough and there is still a need for additional SANG capacity to mitigate the impacts of development in Surrey Heath if housing allocations in the emerging Local Plan are to be delivered. The 5km catchment of Shepherd Meadows SANG could provide SPA mitigation for areas in the west of Surrey Heath as shown on the catchment area map at Appendix 1.

Risks and impact on house building in Bracknell Forest up to 2037

5.5 Shepherd Meadows is owned by Bracknell Forest Council and was designated a SANG following the adoption of the Core Strategy Development Plan Document in 2008. The land must be used as SANG in perpetuity. The SANG is a Site of Special Scientific Interest (SSSI) and therefore has no development potential.

5.6 The SANG has recently been extended northwards into an area which is currently managed by Sandhurst Town Council as public open space. The SANG capacity agreements with SHBC relate only to the area of SANG owned by Bracknell Forest Council.

5.7 The use of Shepherd Meadows SANG for developments in Bracknell Forest is somewhat restricted. The risk from this proposal to the ability to bring forward residential development in Bracknell Forest is therefore negligible. The Thames Basin Heaths Delivery Framework (2009) and the SPA SPD set catchment areas according to the size of a SANG. Larger developments (those which result in a net increase in dwellings of 10 or more) must fall within the 5km catchment area of Shepherd Meadows SANG if they are to use this SANG as SPA avoidance and mitigation. This catchment area is shown in Appendix 1. Such developments are therefore restricted to the far south of the Borough. Smaller developments (net increase of less than 10 dwellings) are not restricted by this catchment area. Therefore, smaller residential developments further north in the Borough (where there is higher development pressure) have the opportunity to use this SANG as part of their SPA mitigation measures. This is set out in detail below:

Large developments (net increase of more than 108 dwellings):

- Apart from Bracknell town centre sites, these sites must usually provide their own SANG. The proposal would not have any impact on such developments and would therefore not affect Council owned SANGs.
- Large Bracknell town centre sites proposed in the emerging Bracknell Forest Local Plan have already been attributed SANG capacity from strategic SANGs where relevant and these figures are included in Tables 1 and 2 above.

Medium developments (net increase between 10 & 108 dwellings):

- Only developments within the 5km catchment area of Shepherd Meadows could use this SANG for mitigation. For BFC, these are restricted to the far south of the Borough (Crowthorne and Sandhurst) as shown in the catchment area at Appendix 1 below. In the current plan period (to 2026) and the next (to 2037) any

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allocated development sites of this size in this area have already been attributed SANG capacity so will not take up further SANG capacity.

- There remains sufficient SANG capacity at Shepherd Meadows to mitigate an additional 300 dwellings in BFC if this proposal goes ahead.
- There are other SANGs in the south of the Borough (Great Hollands, Horseshoe Lake and Ambarrow Hill/Court). The location of these SANGs and their catchment areas are shown on the map in Appendix 2. The catchment areas of these SANGs are similar to the catchment for Shepherd Meadows and cover the areas of Sandhurst and Crowthorne. There is currently SANG capacity at these SANGs after the allocated sites in the current plan period (to 2026) and in the next plan period (to 2037) are accounted for (approximately 572 dwellings)
- There is further SANG capacity at Shepherd Meadows North – an extension of Shepherd Meadows agreed with Sandhurst Town Council, but which lies outside the agreements with SHBC (approximately 271 dwellings).
- The southern part of the Borough is relatively constrained in terms of development potential due to the presence of the SPA, Crown Land and areas at risk of flooding.

Small developments (net increase less than 10 dwellings):

- These are not restricted by SANG catchment areas – so the proposal will not restrict the future location of such developments.

Windfall sites:

- Housing applications may come forward in the current plan period (to 2026) and in the next (up to 2037) which have not been allocated SANG capacity. These are likely to be few in number due to the planning constraints in the south of the Borough – see Appendix 2. They are more likely to be small sites which are not affected by SANG catchment areas and therefore can be attributed to any SANG in the Borough.
- Any large windfall sites (net increase of more than 108 dwellings) would need to provide their own SANG. Windfall sites with a net increase of between 10 – 108 dwellings could be attributed to either the retained capacity at Shepherd Meadows SANG, Shepherd Meadows North, Great Hollands, Ambarrow Court/Hill SANG or Horseshoe Lake SANG (currently estimated spare capacity for 1,143 homes after the SHBC allowance).

- 5.8 Taking all the above into account, it is unlikely that SANG capacity at the southern SANG sites including Shepherd Meadows will be used up by Bracknell Forest developments into the next plan period to 2037. Based on 15 years of experience, it is anticipated that SANG capacity at these sites will remain available to developments in Bracknell Forest throughout this plan period and after, even with providing 500 further dwellings worth of capacity to Surrey Heath. It is therefore considered that adequate SANG remains to mitigate residential developments in Bracknell Forest for the long term future.

Legal Agreement

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- 5.9 A legal agreement between SHBC and BFC for the further use of SANG at Shepherd Meadows will need to be drawn up to deliver this proposal.
- 5.10 The current agreement between BFC and SHBC originated in 2015. It has taken longer than originally estimated to assign this SANG capacity to developments in Surrey Heath. As it is difficult to predict the time period over which SANG capacity will be assigned to the next 500 dwellings in Surrey Heath, it is important that SANG contributions paid by Surrey Heath developments reflect current costs - the contributions set out in the SPA SPD published at the time that the SANG capacity is assigned, index linked from the date of publication of the SPD. This will ensure that the SANG strategy is properly funded over the longer time period.

Funding and costs

- 5.11 The management of Shepherd Meadows as a SANG is entirely funded through developer contributions at no cost to BFC. BFC as the landowners and managers act as the fund administrators. SHBC will pay developer contributions or CIL payments collected towards this site to BFC at regular intervals. Provided that the level of SANGs contributions is set as recommended above, and these are index linked, there are no additional resource implications arising from this work.
- 5.12 It should be noted that the tariff for the use of Shepherd Meadows SANG does not include the figure agreed by the Thames Basin Heaths Joint Strategic Partnership (JSPB) for access wardening and monitoring of the SPA itself - the Strategic Access Management and Monitoring (SAMM) contribution. This is collected separately by the individual planning authorities and will not form part of the SANG payment to be made to BFC. SHBC will be responsible for collecting the SAMM contributions for its developments.

6 Advice received from statutory and other officers

Legal Advice

- 6.1 The Conservation of Habitats and Species Regulations 2017 (as amended) govern protection of the SPA. The Local Planning Authority is the competent authority in ensuring that no likely significant effect on the integrity of the SPA arises from development proposals. The Joint Delivery Framework for the Thames Basin Heaths SPA is the jointly agreed mechanism by which the Thames Basin Heaths local authorities will ensure that no likely significant effect on the integrity of the SPA arises from development proposals. This proposal meets the requirements of the Joint Delivery Framework.

Financial Advice

- 6.2 It is difficult to calculate with any accuracy the amount of income the proposal will generate as it will be dependent upon the size of the dwellings and the SPA SPD to which the dwelling relates. A conservative estimate based all on two bed dwellings and the current SPA SPD would be £3.5M opposed to around £2M under the previous agreement.

The 2023-24 budget includes an income target of £0.066m for Shepherds Meadows SANG, which is currently a percentage of the annual receipt for SANG capacity assigned.

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The one-off payment to mitigate the outstanding capacity, under the previous arrangement, will be held in a reserve and placed into the revenue budget in the years Surrey Heath confirm the outstanding capacity is allocated, this could take several years to release, but will form an income stream until the receipts from the new arrangement are received.

Unlike the earlier scheme the income generated from this proposal is linked to the current SPA SPD and the rates will therefore be subject to increases over the life of the agreement. As the SANG capacity will be used over several years much of the capacity will attract higher rates than those quoted within the paper.

The necessary revenue element will be drawn down from Facilitation annually to ensure a consistent revenue income stream.

Equalities Impact Assessment

- 6.3 The Equalities Impact Assessment is contained in Appendix 3 of this report.

Strategic Risk Management Issues

- 6.4 The risks most relevant to the Council are detailed at section 5.5 – 5.8 above.

Climate Change Implications

- 6.5 This proposal helps to ensure the long-term maintenance of Shepherd Meadows SANG which has climate change benefits in terms of natural cooling and absorption of carbon dioxide from the atmosphere, along with biodiversity improvements.

7 Consultation

Principal Groups Consulted

- 7.1 An informal discussion on this paper was held at the Bracknell Forest SPA Board Meeting in November 2022.

Background Papers

- Thames Basin Heaths Special Protection Area Supplementary Planning Document (SPA SPD) (March 2018)
- Thames Basin Heaths SPA Joint Delivery Framework (2009)
- Record of Decision I048542 27th January 2015

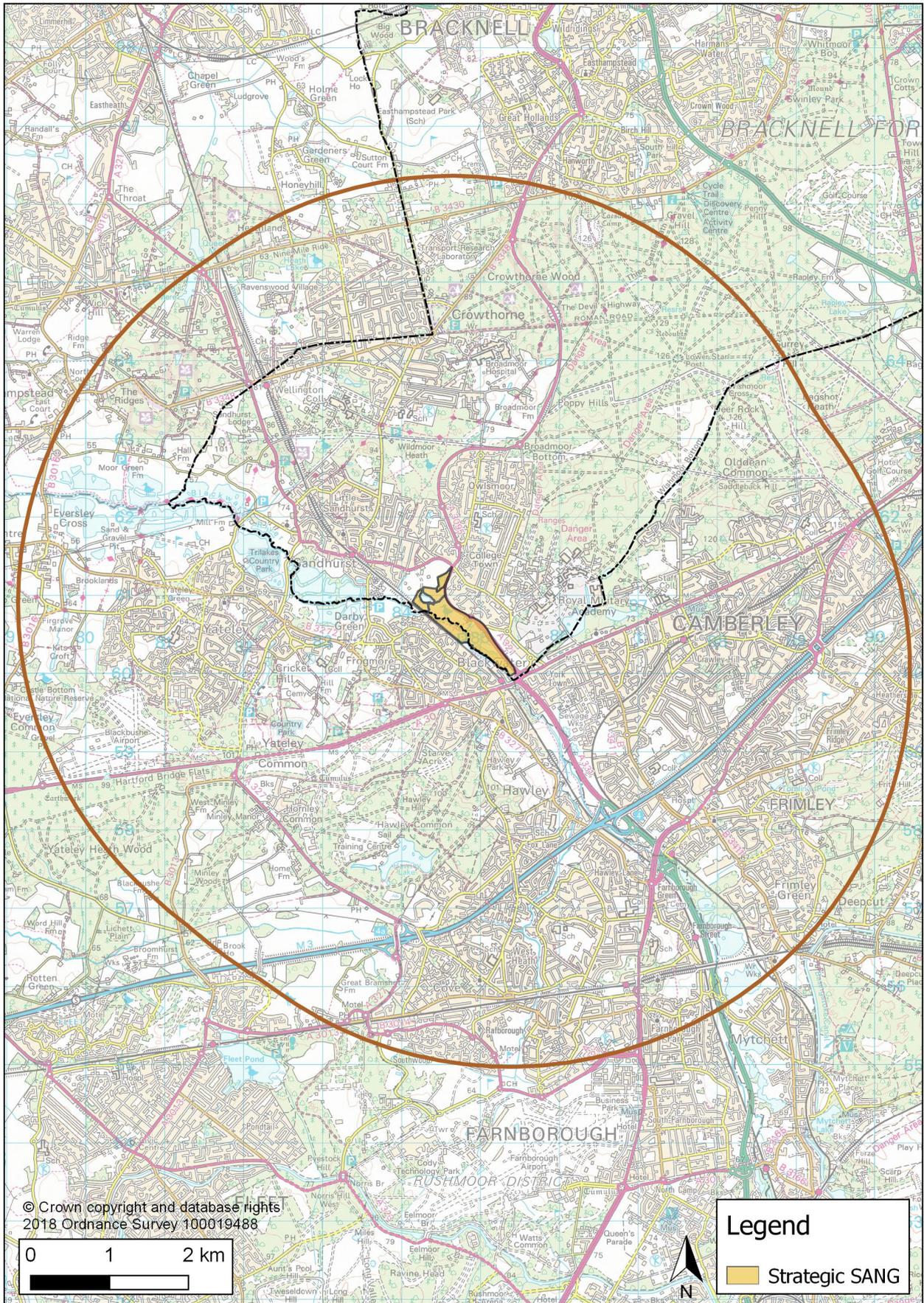
Contact for further information

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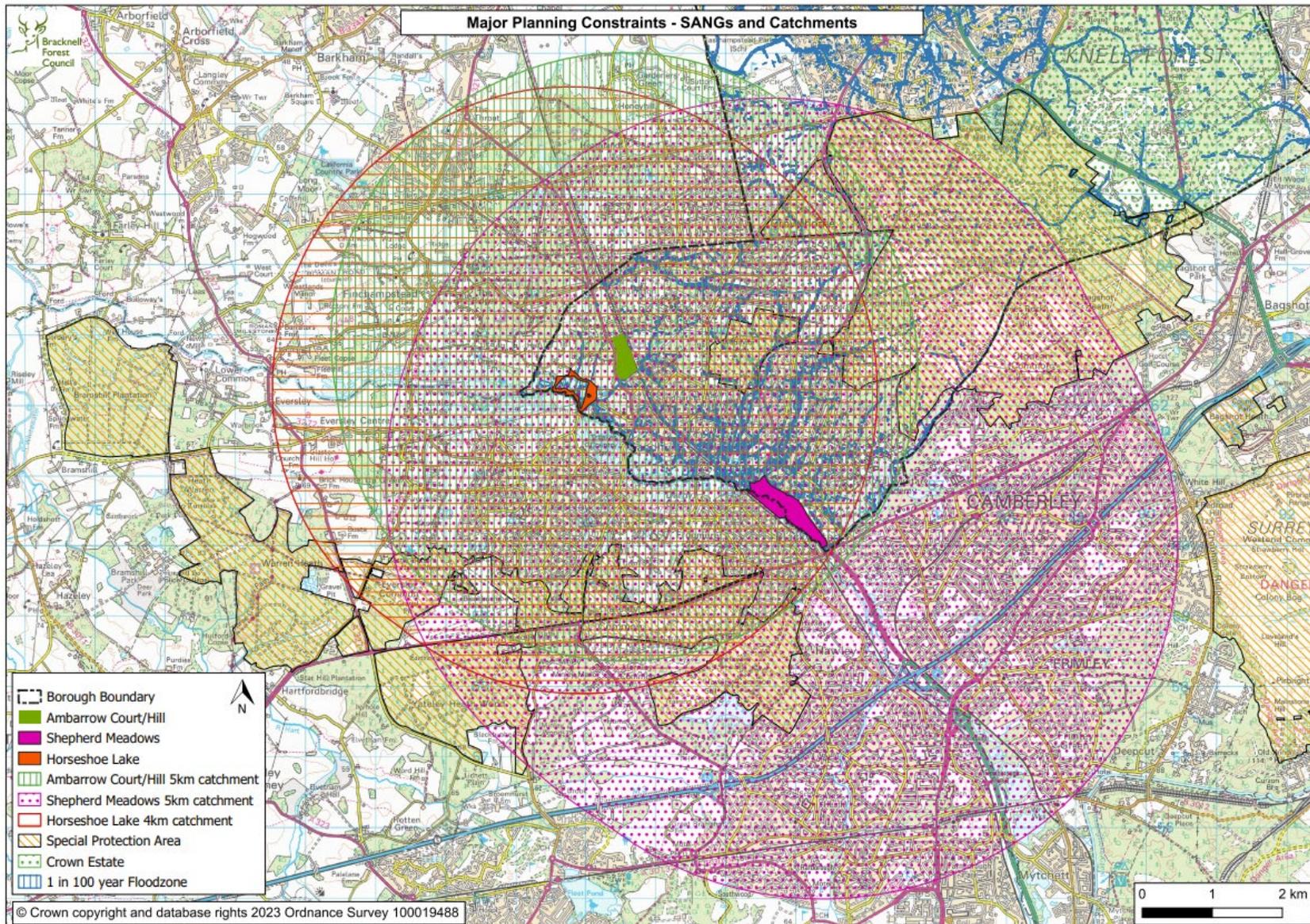
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Appendix 1 Shepherds Meadow SANG 5km Catchment



Appendix 2 Major Planning Constraints, SANGs and Catchment Areas



Initial Equalities Screening Record Form Appendix 3

Date of Screening: 06.02.2023	Directorate: Place, Planning and Regeneration		Section: Planning Policy
1. Activity to be assessed	Use of suitable alternative natural greenspace (SANG) land at Shepherds Meadow Sandhurst by Surrey Heath Borough Council		
2. What is the activity?	<input type="checkbox"/> Policy/strategy <input type="checkbox"/> Function/procedure <input checked="" type="checkbox"/> Project <input type="checkbox"/> Review <input type="checkbox"/> Service <input type="checkbox"/> Organisational change		
3. Is it a new or existing activity?	Existing. There is an existing agreement with Surrey Heath Borough Council to use part of the SANG capacity at Shepherd Meadows and this proposal is for further SANG capacity to be extended to SHBC.		
4. Officer responsible for the screening	Julie Gil – Principal Environmental Policy Officer		
5. Who are the members of the screening team?	Andrew Hunter: Executive Director: Place, Planning and Regeneration, Simon Cridland – Infrastructure & Implementation Team Manager, Julie Gil – Principal Environmental Policy Officer		
6. What is the purpose of the activity?	The main purpose of this activity is to allow Surrey Heath Borough Council to use further SANG capacity at one of Bracknell Forest's existing SANGs in order to provide Thames Basin Heaths Special Protection Area (SPA) mitigation for 500 new dwellings in the borough of Surrey Heath.		
7. Who is the activity designed to benefit/target?	It will allow housing developers in Surrey Heath to contribute towards a SANG thereby providing SPA mitigation. This will enable developers to obtain planning permission from Surrey Heath BC fulfilling SPA mitigation requirements. Surrey Heath Council will benefit by facilitating housing development and BFC will benefit from receipt of funding for Shepherd Meadows SANG.		
Protected Characteristics	Please tick yes or no	Is there an impact? As detailed below	What evidence do you have to support this? E.g., equality monitoring data, consultation results, customer satisfaction information etc Please add a narrative to justify your claims around impacts and describe the analysis and interpretation of evidence to support your conclusion as this will inform members decision making, include consultation results/satisfaction information/equality monitoring data
8. Disability Equality – this can include physical, mental health, learning or sensory disabilities and includes conditions such as dementia as well as hearing or sight impairment		N There are no issues that relate specifically to disability equality.	The proposal will not have an impact on disability equality as it will not affect the amount or type of housing coming forward in Bracknell Forest. Shepherd Meadows SANG is already used as SPA mitigation for housing developments in Bracknell Forest. Due to its

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				5km catchment however, the SANG is mostly used for housing developments of 9 dwellings or less throughout the borough. It is unlikely that this SANG capacity and capacity in the other SANGs in the south of the borough will be used up by Bracknell Forest developments in the next plan period (to 2037).
9. Racial equality		N	There are no issues that relate specifically to racial equality.	There are not considered to be any issues that can impact specifically on racial equality as a result of this proposal.
10. Gender re-assignment		N	There are no issues that relate specifically to gender re-assignment	There are not considered to be any issues that can impact specifically on gender equality as a result of this proposal.
11. Sexual orientation equality		N	There are no issues that relate specifically to sexual orientation equality	There are not considered to be any issues that can impact specifically on sexual orientation equality as a result of this proposal.
12. Gender re-assignment		N	There are no issues that relate specifically to gender re-assignment equality	There are not considered to be any issues that can impact specifically on gender re-assignment equality as a result of this proposal.
13. Age equality		N	There are no issues that relate specifically to age equality.	There are not considered to be any issues that can impact specifically on age equality as a result of this proposal.
14. Religion and belief equality		N	There are no issues that relate specifically to religion and belief equality	There are not considered to be any issues that can impact specifically on religion and belief equality as a result of this proposal.
15. Pregnancy and maternity equality		N	There are no issues that relate specifically to pregnancy and maternity equality.	There are not considered to be any issues that can impact specifically on pregnancy and maternity equality as a result of this proposal.
16. Marriage and civil partnership equality		N	There are no issues that relate specifically to marriage and civil partnership equality.	There are not considered to be any issues that can impact specifically on marriage and civil partnership equality as a result of this proposal.

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<p>17. Please give details of any other potential impacts on any other group (e.g. those on lower incomes/carers/ex-offenders, armed forces communities) and on promoting good community relations.</p>	<p>Developer contributions and other avoidance and mitigation measures are required to meet the Conservation of Species and Habitats Regulations 2017 (as amended). These increased costs to the developer have the potential to be passed on to the house buyer, thereby possibly affecting those on lower incomes.</p>		
<p>18. If an adverse/negative impact has been identified can it be justified on grounds of promoting equality of opportunity for one group or for any other reason?</p>	<p>Yes – it can be justified. SPA avoidance and mitigation measures are required to meet the Conservation of Species and Habitats Regulations 2017 (as amended) and are in line with agreed Thames Basin Heaths Special Protection Area policies at the regional level. Without such mitigation, local authorities would be unable to grant planning permission for a significant amount of housing in the local area. This would lead to a lack of availability of housing in general with other potential impacts on the community.</p>		
<p>19. If there is any difference in the impact of the activity when considered for each of the equality groups listed in 8 – 14 above; how significant is the difference in terms of its nature and the number of people likely to be affected?</p>	<p>n/a</p>		
<p>20. Could the impact constitute unlawful discrimination in relation to any of the Equality Duties?</p>		<p>N</p>	
<p>21. What further information or data is required to better understand the impact? Where and how can that information be obtained?</p>	<p>None</p>		
<p>22. On the basis of sections 7 – 17 above is a full impact assessment required?</p>		<p>N</p>	
<p>23. If a full impact assessment is not required; what actions will you take to reduce or remove any potential differential/adverse impact, to further promote equality of opportunity through this activity or to obtain further information or data? Please complete the action plan in full, adding more rows as needed.</p>			
<p>Action</p>	<p>Timescale</p>	<p>Person Responsible</p>	<p>Milestone/Success Criteria</p>

24. Which service, business or work plan will these actions be included in?	
25. Please list the current actions undertaken to advance equality or examples of good practice identified as part of the screening?	n/a
26. Executive Director signature.	 Signature: Date: 09.02.2023