



Great Place • Great Community • Great Future

**Statement of Consultation – Thames Basin Heaths Special Protection Area
Avoidance Strategy SPD**

March 2019

Introduction

- 1.1 The Town and Country Planning (Local Planning) (England) Regulations 2012 require a local planning authority to consult the public and stakeholders before adopting a Supplementary Planning Document (SPD). Regulation 12(a) requires a statement to be prepared setting out who has been consulted while preparing the SPD; a summary of the main issues raised; and how these issues have been addressed in the SPD.
- 1.2 This statement sets out information about the consultation which has informed the preparation of the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD). The Consultation ran for six weeks from the 30th November 2018 to 11th January 2019.
- 1.3 Included within this statement is a schedule of the comments received during the consultation, incorporating the main issues raised. The schedule also includes the Council's response to the comments and main issues, and how these have been addressed in the final version of the SPD. A summary of the changes made to the SPD is given on pages 2 and 3.
- 1.4 Letters and e-mails were sent out to residents and organisations on the Council's consultee database, neighbouring authorities, Parish Councils and statutory consultees. Printed copies of the document were available to view at Surrey Heath House, and Parish Council offices and libraries within the Borough. The document was also available to view online at <https://consult.surreyheath.gov.uk/consult.ti/SPASPD/consultationHome>. In addition, the consultation was advertised on the Council's website and social media channels.

In summary, the changes to the Thames Basin Heaths Special Protection Area Avoidance Measures SPD following consultation are as follows:

- Page 7, paragraph 1.11 – add the sentences “*The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that a Habitats Regulations Screening Assessment cannot take into account any proposed measures to mitigate any likely impact at the screening stage. The Council is therefore now required to carry out a full Appropriate Assessment of relevant plans and planning applications.*” after “*Natura 2000 sites through a Habitats Regulations Assessment*”, to account for the Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case in relation to its implications for appropriate assessment.
- Page 10, paragraph 2.3 – add sentence: “*This includes both pedestrian and vehicular accesses.*”, following the sentence, “*where there are multiple points of access on the curtilage of a dwelling, the 400m buffer will be measured to the point of access that is closest in distance to the SPA, as the crow flies.*”
- Page 14, paragraph 4.3 – add phrase, “*or similar body*” between “*Strategic SANGs are owned and maintained by a relevant local authority*” and “*and provide avoidance measures for developments that cannot provide their own on-site SANG.*”, so the full sentence reads, “*Strategic SANGs are owned and maintained by a relevant local authority or similar body and provide avoidance measures for developments that cannot provide their own on-site SANG.*”
- Page 14, footnote 1 – amend to include additional wording at the end of existing footnote: “*In practice SANGs are much larger than 2ha since they must provide a minimum 2.3 - 2.5km walk.*”
- Page 17, paragraph 4.20 - revise as follows: “*The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units. In addition, larger developments in the Western Urban Area (defined in added footnote as the settlement areas of Camberley, Frimley, Frimley Green and Mytchett), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs. This approach may also apply to sites outside this area that have particular, site-specific circumstances which support the need for off-site SANGs provision, subject to the availability of SANG capacity.*”
- Page 18, paragraph 4.23 – revise as follows: “*Bespoke SANGs provide avoidance measures for a specific development. New developments of more than 136 units will generally be expected to provide a bespoke SANG rather than relying on capacity at Surrey Heath’s available strategic SANGs.*”

- Page 18, paragraph 4.23 – delete the last sentence which states “Appendix 3 shows the location of existing bespoke SANGs in Surrey Heath.”
- Page 19, paragraph 4.26 – revise as follows: “As stated in paragraph 4.20, to help facilitate development at sites located in the Western Urban Area that are unable to realistically provide land for SANGs on-site, the Council will consider the possibility of allocating strategic SANG for sites over the threshold of 136 units in this location, subject to the availability of capacity.”
- Page 19, paragraph 4.27 – amend the first sentence of the paragraph as follows: “Use of this capacity will be considered by the Council on a case by case basis, as a balance should be maintained which ensures delivery of sustainably located sites above 136 units, whilst also providing capacity for smaller sites which rely on strategic SANGs.”
- Page 20, paragraphs 5.2 and 5.3 – revise “Appendix 3” to state “Appendix 2” in both paragraphs.
- Page 23, paragraph 6.8 – revise “Appendix 4”, to state “Appendix 3”.
- Page 25, Paragraph 7.3 – revise as follows: “The SAMM tariff set out in the above guidance document is the contribution which is applied by Surrey Heath Borough Council. In compliance with Natural England’s SAMM Tariff Guidance document, this has been converted to a 'per bedroom' tariff which equates to £263 per person +8%, as set out in the following table.”
- Page 31, Appendix 2 – add the following wording as a new bullet point under the subheading ‘Desirables’: “Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate.”

Schedule of Responses to Consultation

Responses to the Draft Statement of Community Involvement (SCI)		
Respondent	Comment	Council's Response
Alison Bunce	From what I can understand in the documentation, this proposal will directly and adversely affect the land near the canal on the opposite bank to Frimley Lodge Park. This is where I have seen signs advertising plots of land. This is going to have a detrimental effect on the wildlife on this land and also catastrophically impact the lives of residents of the village. That land is hugely important to everyone and a focal point of village life. In addition, Frimley Green does not have the infrastructure to support additional housing. This would irreparably change the character of the village. I urge you to reconsider this proposal. The land there should remain as it is.	<p>Noted. Not relevant to the scope of the SPD. The parcel of land described in the response is within the Thames Basin Heaths SPA. This SPD sets out that residential development cannot come forward in this area.</p> <p>The purpose of this SPD is to set out the Council's strategy for delivering mitigation for the impact of increased recreation on the Thames Basin Heaths SPA arising from new residential development.</p>
Berkeley Homes	<p>1.0 Introduction</p> <p>1.1 The Surrey Heath Draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2018) ("the consultation document") is open for consultation from the 30th November 2018 to the 11th January 2019. The consultation document provides an updated avoidance and mitigation strategy to show how the adverse effects of development on the integrity of the Thames Basin Heaths Special Protection Area (SPA) in Surrey Heath Borough Council should be avoided and mitigated.</p> <p>1.2 These representations are made in the context of Berkeley Homes (Southern) Limited ("Berkeley") interests in 22-30 Sturt Road, Frimley Green in Surrey Heath (allocated in the emerging Local Plan as 'Land West of Sturt Road') and for the provision of off-site SANG to accommodate the delivery of up</p>	

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	<p>to 170 homes on this site.</p> <p>1.3 Lichfields also made representations on behalf of Berkeley to the Surrey Heath Draft Local Plan Issues Options/Preferred Options consultation. The focus of these representations was that the Land West of Sturt Road allocation should be increased from the current proposed 100 units to up to 170 units, one of the reasons being that off-site SANG could be provided.</p> <p>1.4 The note is structured to first establish the context of Berkeley's interests in the District, alongside the content of the NPPF 2018 relevant to this consultation. Thereafter, specific points on the SPD are drawn out by subheading which references relevant paragraph or section numbers.</p> <p>2.0 The NPPF 2018</p> <p>2.1 The current Thames Basin Heaths SPA SPD, adopted in January 2012, is out of date now as the NPPF 2018 has been published. The SPD which forms the basis of this consultation must be in accordance with the NPPF 2018.</p> <p>2.2 The spatial strategy of the emerging draft Local Plan includes directing development to the most sustainable locations and maximising the use of brownfield sites. Berkeley's site Land West of Sturt Road accords with both these elements due to its location within 400m of the services and amenities of Frimley Green Local Centre and being majority previously developed land. There is a strong argument to maximise the development opportunity of this site due to its sustainable location.</p> <p>2.3 The SPD must therefore accord with paragraph 123 of the NPPF 2018 concerning 'Achieving</p>	<p>Noted. The updated SPD has been prepared in accordance with the revised NPPF 2018.</p>
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	<p>Appropriate Densities'. The NPPF is clear that: "Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances: a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate."</p> <p>2.4 Land West of Sturt Road is a sustainable site, the majority of which is previously developed land. In a district with significant constraints to housing delivery (the authority is not planning to meet its standardised methodology figure with unmet need being addressed within the housing market area) including the SPA and Green Belt, it is in clear accordance with the NPPF to make optimal use of the site.</p> <p>2.5 Furthermore, paragraph 137 of the NPPF 2018 states that before concluding exceptional circumstances exist for changing Green Belt boundaries (a major constraint in Surrey Heath) the Council must have made as much use as possible of brownfield sites, optimised densities and discussed unmet needs with neighbouring authorities.</p>	
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2.6 There is a clear policy justification for increasing the density of development at Land West of Strut Road and allowing for the contribution of SANG off-site. It is therefore important that the SPD provides sufficient flexibility to enable alternative SANG provisions (i.e. off-site) for schemes that optimise density in sustainable locations.

3.0 Draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD (2018) comments

3.1 The emerging draft Local Plan maintains the adopted policies in the Core Strategy and Development Management Plan CP14A – Biodiversity and Nature Conservation and CP14B – European Sites. Policy CP14B requires residential developments to “provide appropriate measures to avoid adverse effects upon the Thames Basin Heath SPA in accordance with the Borough Council’s adopted Avoidance Strategy” – this is the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD, being superseded by this consultation document. Paragraph 4.3 “4.3 As a guide, it will usually be possible for developments of fewer than 136 net dwellings to take up capacity at strategic SANGs, subject to availability. However, it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. Strategic SANGs are owned and maintained by a relevant local authority and provide avoidance measures for developments that cannot provide their own on-site SANG. Further guidance on types of SANGs and the site size threshold is set out in paragraphs 4.19 to 4.27 of this document.

Noted. The Council recognises that there may be particular sites where it is important to maximise densities to deliver sustainable development of more than 100 homes without on-site SANG, provided off-site SANG can still be secured. This approach would provide greater flexibility within the TBH SPA avoidance measures strategy, whilst still according with the Joint Delivery Framework and relevant policy requirements. Therefore, the SPD will be amended at paragraph 4.20 to state *‘The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units, unless particular, site-specific circumstances support the need for off-site SANGs provision. In addition, larger developments in the Western Urban Area (defined in added footnote), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.’* The reason for including a particular geographical specification is the limited availability of land for SANG within the western urban area of the Borough, which is

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	<p>Information about available strategic SANGs is provided on the Council’s website at – https://www.surreyheath.gov.uk/SANG”</p> <p>3.2 Berkeley is pleased to see that the consultation SPD no longer simply states that “developments of more than 100 dwellings will generally be expected to provide on-site SANG” and acknowledges that consideration of the feasibility of providing on-site SANG needs to be undertaken. However, it would be helpful to see wording to make it explicitly clear that, in accordance with the NPPF 2018, there may be particular sites where it is important to maximise densities to deliver sustainable development of more than 100 homes without on-site SANG, provided off-site SANG can still be secured.</p> <p>3.3 The text should be amended accordingly: “...However, it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. However, if it is possible to provide sufficient off-site SANG to accommodate more than 100 homes on sustainable sites in the district, particularly on previously developed land, this should be encouraged in accordance with paragraphs 123 and 137 of the NPPF 2018...” Paragraph 4.19 – 4.20 “4.19 Strategic SANGs are located throughout Surrey Heath Borough or within close proximity of the Borough, in order for their catchment areas to be effective. They are owned and maintained either by Surrey Heath Borough Council, or in instances such as where the SANG is located outside of the Borough, by an adjoining authority. 4.20 The strategic SANGs primarily provide avoidance</p>	<p>largely already built up. Other areas of the Borough will generally be less restricted in their ability to deliver bespoke SANG solutions.</p> <p>As above.</p>
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	<p>measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units. In addition, larger developments in Camberley Town Centre, that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.”</p> <p>3.4 Whilst the consultation document makes it clear that SANG provision is not Surrey Heath wide and extends into neighbouring authorities who are also affected by the SPA, it is not made explicit within the consultation document that it is possible for the SANG needs generated by a scheme in Surrey Heath to be accommodated in another local planning authority. Provided it falls within the SANG catchments set out at para 4.4 of the consultation document. The SANG provision serves the SPA as a whole without taking into account administrative boundaries and this should be made explicit within the document. Paragraph 4.23 “4.23 Bespoke SANGs are provided by developers of large sites, and provide avoidance measures for a specific development. Major or large new developments will be expected to provide bespoke on-site SANGs rather than relying on capacity at Surrey Heath’s available strategic SANGs. Developments of more than 136 units will generally be expected to provide a bespoke SANG. Appendix 3 shows the location of existing bespoke SANGs in Surrey Heath.”</p> <p>3.5 Whilst this paragraph is quite clear that major or large new developments will be expected to provide on-site SANGs, and sites of more than 136 will generally be expected to provide bespoke SANG, it</p>	<p>Noted. As advised above, paragraph 4.20 will be amended as follows: <i>“The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units, unless particular, site-specific circumstances support the need for off-site SANGs provision.”</i> As such, the SPD does not prevent SANG capacity being provided by a neighbouring authority for a specific scheme in Surrey Heath. For clarity, paragraph 4.23 will be amended as follows: <i>“Bespoke SANGs provide avoidance measures for a specific development. New developments of more than 136 units will generally be expected to provide a bespoke SANG rather than relying on capacity at Surrey Heath’s available strategic SANGs.”</i></p>
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	<p>is not entirely clear where the major/large cut-off comes into play. For example, it is not clear if this applies to anything over 136 units?</p> <p>3.6 Furthermore, there are some inconsistencies between this paragraph and paragraph 4.3 of the consultation document. Whilst this paragraph is clear that developments of more than 136 units will generally be expected to provide a bespoke SANG, it does not acknowledge, as paragraph 4.3 does, that it is strongly recommended that developments of more than 100 units consider the feasibility of providing bespoke on-site SANG. This should be included for consistency. In addition, as per the point raised at paragraph 3.4 of these representations above, the plausibility of cross-boundary strategic SANG capacity as an option should be considered in-lieu of providing bespoke on-site SANG.</p> <p>3.7 Finally, paragraph 4.23 of the SPD references 'Appendix 3' which shows the location of existing bespoke SANGs in Surrey Heath. This does not appear to have been included in the SPD and Appendix 3 is actually a 'summary of SANG costs'. Paragraph 4.26 "4.26 To help facilitate development at sites located in Camberley Town Centre which cannot provide bespoke SANG land on-site, the Council will consider the possibility of allocating strategic SANG for sites over the threshold of 136 units in this location, subject to the availability of capacity. In such cases, developer contributions will be sought through the same mechanisms as required for any others sites allocated capacity at strategic SANGs, as described in Section 6 of this document (Strategic SANG Contributions)."</p>	<p>Noted. The last sentence of paragraph 4.23 that states "<i>Appendix 3 shows the location of existing bespoke SANGs in Surrey Heath.</i>" will be deleted.</p>
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	<p>3.8 The consultation document makes specific reference to Camberley Town Centre as a location that cannot provide its own bespoke on-site SANG. As per the response to paragraph 4.3, it should also be acknowledged that there may be particular sites where it is important to maximise densities to deliver sustainable development of more than 100 homes without on-site SANG, provided off-site SANG can still be secured. As is the case at Land West of Sturt Road.</p> <p>4.0 Conclusions</p> <p>4.1 In summary, the Land West of Sturt Road allocation should be increased from the current proposed 100 units to up to 170 units, one of the reasons being that off-site SANG could be provided. The consultation document needs to provide sufficient flexibility in how SANG is provided for sites delivering more than 100 homes to allow for off-site provision to facilitate sustainable development, particularly on previously developed land. It is also important to make clear that SANG provision for development in Surrey Heath does not have to be provided in Surrey Heath. Provision in another local planning authority can be made provided the appropriate SANG catchments are still adhered to.</p>	<p>Noted. See response to paragraphs 3.1 and 3.4 of Berkeley Home's representation.</p> <p>In addition, for consistency, paragraph 4.26 will be amended as follows: <i>"As stated in paragraph 4.20, to help facilitate development at sites located in the Western Urban Area that are unable to realistically provide land for SANGs on-site, the Council will consider the possibility of allocating strategic SANG for sites over the threshold of 136 units in this location, subject to the availability of capacity."</i></p> <p>Also for consistency, the first sentence of paragraph 4.27 will be amended as follows: <i>"Use of this capacity will be considered by the Council on a case by case basis, as a balance should be maintained which ensures delivery of sustainably located sites above 136 units, whilst also providing capacity for smaller sites which rely on strategic SANGs."</i></p>
Bisley Parish Council	As the Thames Basin Heaths Special Protection Area (SPA) was set up in 2005, it is timely that it is being reviewed now, taking account of the guidance	Noted.

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	<p>issued since then. Having SHBC's approach to avoiding harm to the SPA clarified and out for consultation is helpful.</p> <p>Since Natural England's alert, from their research in 2005, regarding the 'detrimental impact of recreational pressure' on the three species of bird at risk, has SHBC evaluated the effectiveness of the measures taken since, in mitigating these effects?</p> <p>The Thames Basin Heaths Joint Strategic Partnership Board (JSPB) endorsed a strategic delivery Framework recommending three avoidance measures in 2009; one of which was the setting up a 400m buffer zone around the SPA 'within which no net new residential development will be permitted.' Over the years, has this proved effective and achieved the stated goal of protecting these rare birds?</p> <p>Natural England originally 'objected to all planning applications for a net increase in residential development within 5km of the SPA.' Is a 400metre buffer zone sufficient to mitigate the detrimental effects of human activity? Domestic cats roam and dogs are let off leads to run and let off steam, light pollution from housing, streets and cars add to the disturbance.</p>	<p>Natural England carried out visitor surveys in 2012 on the SPA at entrance points to the Thames Basin Heaths SPA in order to ascertain the average number of visitors using the SPA since implementation of the avoidance strategy was in place. Further surveys are currently being undertaken by Natural England to update the 2012 study. Natural England also monitors the condition of the SPA and the population of the three protected bird species. On the basis of available information, the measures that are in place are considered by Natural England and other relevant bodies to provide a satisfactory form of mitigation.</p> <p>The Thames Basin Heaths SPA Avoidance Strategy SPD must be in accordance with saved policy NRM6 of the South East Plan and the Joint Delivery Framework. This introduced the three measures for avoidance of harm to the SPA including the implementation of a 400m buffer zone, SANG and SAMM measures. The 400m buffer zone is considered the necessary distance to prevent the impacts associated with new residential development, including increased recreational pressure and cat predation. As noted above, Natural England has carried out research to consider the effectiveness of the strategy for avoidance of harm. In light of this, the mitigation measures in place including the 400m buffer zone are considered effective by Natural England and other relevant bodies.</p>
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	<p>The criterion of no new dwellings built within 400m of the SPA, is very limiting to Bisley Village, but the Parish Council feels that this is in the best interest of the village and for nature. However, Councillors do recognise that this could be a barrier to development when housing (residential development) is needed. The Parish Council strongly disagrees with a payment being made to avoid the criterion to offset a proposed development within 400m of the SPA or by supplying mitigating land which can be miles from the development. If the SPA is to be recognised and managed in an effective way is it right that a development can take place and for SANGS to be provided several miles away? How are these to be monitored and controlled.</p> <p>Will SANGS contributions be considered as a method by which planning consent can be bought? The real issue is the protection of the environment. If it is agreed that the strategy is adopted then any contributions must be used for the management and maintenance of SANGS and not, simply another tax on residential development.</p> <p>If the principles of SANGS are accepted, and they are for the protection of the environment and countryside, then a Strategy should be adopted. The big question remains however is the strategy correct to address the issues for all concerned.</p> <p>The draft refers to total people capacity for a SANG. When a SANG capacity has been fully reached what will then happen, will developments be refused?</p>	<p>No new net residential development is permissible within the 400m buffer zone. One of the three avoidance measures set out in the delivery framework is the delivery of SANGs as an avoidance measure for net new residential development between 400m and 5km of the SPA. The purpose of SANGs provision is specifically to protect the environment and to satisfy the Habitat Regulations 2017 (as amended). Where residential development occurs in this area, a proportion of CIL monies or in relevant cases, developer contributions are required for the ongoing maintenance and management of SANGs in perpetuity.</p> <p>The purpose of this SPD is to set out the Council's strategy for delivering mitigation for the impact of increased recreation on the Thames Basin Heaths SPA arising from new residential development. This is in accordance with national and international legislation, including the Birds Directive.</p> <p>Where SANG capacity is not available, planning permission for an increase in residential development will be refused as the Habitat Regulations 2017 (as</p>
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	<p>How are these numbers to be controlled? How are visitors to be assessed and the numbers controlled?</p> <p>The provision of car parking for non-residential development needs close control and monitoring as visitors to the SPA could be as detrimental to the SPA as residents associated with residential development. This should include control of hotel car parking, where visitors have immediate access to the SPA. This is of relevance when hotels have long term guests.</p> <p>Bisley Parish Council hopes that the above comments are helpful and looks forward to hearing further on the outcome of the consultation.</p>	<p>amended) cannot be discharged. The Council regularly monitors SANG capacity, as set out in the SPD.</p> <p>Residential development is considered to have the greatest impact on the SPA, arising from increased recreation and domestic pet ownership. It is not a requirement within policy and guidance relating to the SPA for non-residential developments' car parking to be monitored. However, in respect of C1 uses (Hotels), paragraph 3.5 of the SPD sets out that measures may be required to ensure new car parks for hotel cannot be made available to the general public wishing to access the SPA.</p>
Catesby Estates plc	<p>We write in respect of the current public consultation for the draft Thames Basin Heath Special Protection Area Avoidance Strategy SPD. This representation relates to land that Catesby Estates Ltd are promoting at Snows Ride, Windlesham which alongside providing residential development, has capacity to provide for an over-provision of SANG in an area of Surrey Heath where there is a recognised under provision.</p> <p><u>Site Background</u></p> <p>Catesby confirms that the land east of Snows Ride, Windlesham is available for residential development with onsite over provision of SANG. This should be considered by the Council as a possible site to deliver housing to meet their housing need in this area of Surrey Heath, as the current lack of SANG could prevent much needed housing coming forward in this location.</p>	<p>There is currently adequate provision of SANG capacity in the Windlesham area through existing strategic SANG provision. However, where capacity becomes more limited, the Council welcomes opportunities for the implementation of new strategic SANGs to provide mitigation for new residential development.</p>

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	<p>A Suitable Alternative Natural Green Space (SANG) is proposed on site which comprises a circular pedestrian route set around the new development, landscaping, attenuation and play spaces. It is possible to deliver a SANG on a site alongside residential development. The use of the site for SANG has previously been found acceptable (Planning permission: APP/D3640/A/13/2202523) thereby demonstrating its suitability.</p> <p>Under Provision of SANG There is a need for additional SANG sites in the area around Bagshot and Snows Ride. The Interim Capacity Study (April 2018) states at para 4.3.26 “it is important to note that there is not currently SANGs catchment covering Bagshot and the Snows Ride settlement area of Windlesham. Consequently, sites located in these areas containing more than 9 net units and not providing on-site SANG, are phased in the housing supply beyond 5 years, in the SLAA. The Council is seeking to address this, through investigating possible options to introduce new SANG that could provide coverage for the Bagshot area.” The subject site can over deliver sufficient SANG for the proposed housing associated thereby providing a wider public benefit.</p> <p>Conclusion The NPPF and the Government’s growth agenda seek to ensure that sufficient land is available in the most appropriate locations to increase housing supply, support growth and boost home ownership.</p>	<p>Noted. The appeal decision, reference number APP/D3640/A/13/2202523, stated at paragraph 6 that the new open space could in future form a Suitable Accessible Natural Green space (SANG).</p> <p>Since the Interim Capacity study was published, SANG capacity has been made available that provides coverage for the areas of Windlesham and Bagshot.</p> <p>As above.</p>
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	<p>Importantly this land is deliverable, to ensure that Surrey Heath meet their housing need. As mitigation measures are required to protect Thames Basin Heath Special Protection Area ahead of occupation of dwellings, the lack of available SANG prevents development coming forward in this area of Surrey Heath. This letter positively confirms that the site is sustainably located, available and capable of delivering a residential development scheme and SANG in an area where there is a recognised under provision.</p> <p>It is considered that this site should be included within the Council's Local Plan as an allocated site for a residential led development with SANG and we look forward to the opportunity to discuss this further with the Council.</p>	
Chobham Parish Council	<p>The Parish Council would like to make the following comments:</p> <p>1. It is noted that no specific reference is made to the new emerging Surrey Heath Borough Council (SHBC) Local Plan amongst the policies that are listed as relevant to the SPD. For policy context looking forward, it is felt that this would be an important policy for mention/inclusion.</p> <p>2. The additional clarification of how measurements are taken for the 400 metre buffer is welcomed. Measuring from the closest point of access on the curtilage appears to be practical. SHBC may wish to consider further clarifying whether this relates to vehicular or pedestrian accesses, or both.</p>	<p>Table 1 of the SPD sets out the policy context for the TBH SPA. As the SPD is being produced under the current adopted development plan for Surrey Heath, it is the policies in this document that must be referred to. However, to take account of future emerging policies in the draft local plan, the wording 'any successive local policies' is also used in relation to policy context.</p> <p>Noted. The wording at paragraph 2.3 will be revised as follows to provide clarification: <i>'Where there are multiple points of access on the curtilage of a dwelling, the 400m buffer will be measured to the point of access that is closest in distance to the SPA, as the crow flies. This includes both pedestrian and vehicular accesses.'</i></p>

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	<p>3. The Parish Council has previously objected to development proposals that seek to utilise Common land with existing public access rights as Suitable Alternative Natural Greenspace (SANG). Common land has its own special character, significance and nature conservation importance and should not be used as an offset for commercial gain elsewhere. The conversion of Common land to SANG changes its character, gives the public no new access as a result of the development and causes a natural and unspoiled open space to become urbanised and busier.</p> <p>4. The SPD appears to be almost exclusively focused on the risks associated with residential (and quasi-residential) development. While the Council has not seen the evidence, it seems curious that a single new residential dwelling would not be permitted within the 400 metre buffer zone, but (for example) a large business development with many hundreds of employees may be judged to have no adverse effect on the SPA. Has the possibility of employees and visitors using the SPA for recreation been fully considered, with the associated risks of littering and fires from cigarette butts etc.?</p> <p>5. It is stated that the standard for SANG provision is at least 8 hectares per 1,000 head of population, but that a higher level of provision may be required in some cases. It would be useful to include examples of the circumstances which may give rise to the requirement for provision above the 8ha/1000</p>	<p>There are no restrictions that the Council is aware of for siting SANG on common land. Therefore, it would be inconsistent with other policy and guidance to exclude common land from use as a SANG. In cases where there is an existing recreational use, discounts to capacity will be applied as appropriate, and in consultation with Natural England.</p> <p>Residential development is considered to have the greatest impact on the SPA, arising from increased recreation and domestic pet ownership. Saved South East Plan Policy NRM6 sets out avoidance measures should be provided for residential development and the mechanisms for this policy are set out in the TBH SPA Delivery Framework. Therefore, it is for local policies and guidance documents to set out in detail how avoidance measures will be required for this type of development.</p> <p>Noted. Paragraph 4.15 of the SPD provides clarification regarding the calculation for provision above the 8ha per 1000 SANG standard, explaining this will be undertaken on a case-by-case basis for individual SANGs. Paragraph 4.16 provides examples of the existing types of uses that may give rise to the</p>
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	<p>standard, and/or a table setting out the formula for additional provision.</p> <p>6. It appears that the threshold for developments to take up capacity at Council-provided SANGs rather than provide on-site SANG has risen from 100 to 136 units (and those between 100-136 are now only “recommended” to provide bespoke SANG). The Parish Council would appreciate an understanding of what has informed this increase.</p> <p>7. Table 3 on page 15 sets out occupancy rates by number of bedrooms, with the rates including rooms capable of realistic conversion to bedrooms. From the accompanying text, it is not clear whether this calculation includes potential new bedrooms created as a result of loft conversions. If potential loft conversions are not included, this would appear to be a significant omission.</p> <p>8. The term “significant effect” is used throughout the document, but a clear definition of what constitutes a “significant effect” is not given. While individual developments may not cause a likely significant effect on the integrity of the SPA, the cumulative effect may be significant when considered in combination with other proposals.</p> <p>9. The Parish Council supports Natural England’s preference for SANGs to be handed over to local</p>	<p>requirement for SANGs provision above 1,000 people per 8ha. These include existing public open space and the existing rights and patterns of use.</p> <p>Noted. Footnote 1 on page 14 of the SPD outlines how the figure of 136 was derived. This was based on up to date information for the rates of occupancy at new residential developments that have been allocated Strategic SANG capacity. However, taking account of the responses to the consultation held for this SPD, the Council is proposing further changes to add greater flexibility to this approach where particular, site-specific circumstances support the need for off-site SANGs provision.</p> <p>Paragraph 4.7 of the SPD refers to rooms that are already habitable. On this basis, It is not considered feasible to include loft space as a general rule.</p> <p>The use of the term ‘significant effect’ is in compliance with national and international legislation, including the Conservation of Habitats and Species Regulations 2017 (as amended).</p> <p>Noted.</p>
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	<p>authorities to ensure that management is carried out fairly and effectively and funding is secured in perpetuity. SANG land should be accessible for all and not de-facto restricted to communities of the development to which it relates.</p> <p>10. It is noted that the Strategic Access Management and Monitoring (SAMM) contribution tariff remains unchanged over the January 2012 version, suggesting that there has been no increase in project costs or works in the interim. Is this correct, or is there another explanation for the unchanged contribution figures?</p> <p>11. Within the guidelines for the creation of SANGs, should there be any special considerations for SANGs which are themselves proposed to be within the 400 metre buffer zone, or that have the potential to link into longer walks onto the SPA itself? It is possible that SANGs located close to the SPA or with easy links to its paths may have the effect of increasing visits to the SPA rather than mitigating against them.</p> <p>12. It is noted that there is no expectation for provision of parking for visitors when a SANG is intended for local use (within easy walking distance). Chobham Parish Council believes that in order for maximum community benefit to be gained from</p>	<p>Noted. Paragraph 7.3 of the SPD will be amended to accord with the Table 6 in the SPD which takes account of the 8% increase set out in Natural England's SAMM Tariff Guidance document. Paragraph 7.3 will be amended as follows: <i>'The SAMM tariff set out in the above guidance document is the contribution which is applied by Surrey Heath Borough Council. In compliance with Natural England's SAMM Tariff Guidance document, this has been converted to a 'per bedroom' tariff which equates to £263 per person +8%, as set out in the following table'.</i></p> <p>Noted. There is no restriction for siting SANG within the 400m buffer zone within the Joint Delivery Framework. However, in order to ensure there is no greater impact on the integrity of the THB SPA, any proposal for a SANG is subject to consultation with the Statutory Body, Natural England, and therefore issues such as proximity to the SPA are addressed through this process on a case-by-case basis.</p> <p>The Council recognises the potential for SANGs to provide benefits to the local community. With regard to bespoke SANGs, these generally provide mitigation for a specific development that cannot be allocated capacity at a strategic SANG. This type of SANG</p>
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	<p>creation of new SANG, it should be accessible to all, and therefore adequate parking should be provided for each new SANG. Any parking for a new SANG should be provided in addition to existing parking arrangements in order to not create a reduction of parking facilities for existing needs. A table giving figures or formulae for what is considered to be 'adequate' parking would also be helpful.</p>	<p>therefore provides avoidance measures for the specific development that it facilitates. It is desirable that management plans for this type of SANG include local access strategies encouraging sustainable modes of transport. For strategic SANGs, all SANGs of greater than 4ha must provide adequate parking provision, as set out in Appendix 2 of this SPD.</p>
<p>Hart District Council</p>	<p>The SPD sends a message that outside of Camberley Town Centre sites of over 136 homes should generally provide on-site SANG. There is more flexibility regarding sites within Camberley Town Centre: <i>“4.20 The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units. In addition, larger developments in Camberley Town Centre, that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.</i> <i>4.26 To help facilitate development at sites located in Camberley Town Centre which cannot provide bespoke SANG land on-site, the Council will consider the possibility of allocating strategic SANG for sites over the threshold of 136 units in this location, subject to the availability of capacity.”</i> The rationale for the approach taken towards Camberley Town Centre is that there could be large sites that “are unable realistically to provide land for SANGs”. We support this approach in the SPD but consider that the same flexibility should be applied</p>	<p>Noted. The Council recognises the benefits of this approach in providing flexibility within the TBH SPA avoidance measures strategy. Therefore, the SPD will be amended at paragraph 4.20 to state <i>‘The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units, unless particular, site-specific circumstances support the need for off-site SANGs provision. In addition, larger developments in the Western Urban Area (defined in added footnote), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.’</i> The reason for including a particular geographical specification is the limited availability of land for SANG within the western urban area of the Borough, which is largely already built up. Other areas of the Borough will generally be less restricted in their ability to deliver bespoke SANG solutions.</p>

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	across the district as a whole to sites where on-site SANG is unrealistic, or would not make best use of land. This could well apply to large sites outside Camberley town centre. We urge that a change or clarification is made in this regard.	
Historic England	<p>As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process and welcomes the opportunity to comment upon this key planning document. Historic England has no comments to make on the draft SPD as it relates to matters beyond our direct areas of expertise and remit.</p> <p>These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.</p>	Noted.
Jenny Warren	<p>I am responding to this consultation as a non-expert, purely someone who is concerned about any proposed reduction in the safeguards currently in place to protect the Thames Basin Heaths Special Protection Area.</p> <p>Firstly, Surrey Heath BC have decided that on the basis of their screening process there is no need for a Strategic Environmental Assessment. In my view any changes to the Thames Basin Heaths Special Protection Area Avoidance Strategy should only be considered after a full Environmental Assessment</p>	Noted. A screening process was undertaken which concluded that a Strategic Environmental Assessment was not required for the TBH SPA SPD. As part of the screening process, the statutory bodies Natural England, Historic England and the Environment Agency were consulted. The three statutory bodies each

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	<p>has been done, without this depth of assessment how can people be fully informed of the possible effects on the environment of the proposed changes to the strategy?</p> <p>Secondly, in the exec summary of the Avoidance Strategy Document, it states that Natural England "objected to all planning applications for a net increase in residential development within 5km of the SPA." this was one of the reasons for updating the Thames Basin Heaths Special Protection Area Avoidance Strategy, and the main reason of course was "In order to allow housing development while still complying with the Habitats Regulations, the affected local authorities established the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) to agree a strategy for the long-term protection of the SPA." As far as I can see the objection of Natural England (no development within 5km of the SPA) has not been addressed.</p> <p>The 400m buffer zone is addressed 2.3 (though not very clearly in my view) and 2 avoidance measures are proposed SANGS and SAMM. Whilst SANGS are no doubt beneficial I do not see them as avoidance measures - they are put in place to mitigate the damage/harm done by any development in close proximity to the SPA - exactly the point Natural England were making.</p>	<p>concluded that a SEA is not required. On the basis of the response from the statutory consultees, it is the Council's determination that the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD does not require an SEA under the SEA Directive and The Environmental Assessment of Plans and Programmes Regulations (2004). This is because there will be no significant environmental effects arising from its implementation and that it supplements adopted policy.</p> <p>The Joint Delivery Framework has been endorsed by the Thames Basin Heaths Joint Strategic Partnership Board and Natural England and is recommended to the local authorities affected by the Special Protection Area (SPA). The updated SPD is in accordance with the Joint Delivery Framework and updates the Thames Basin Heaths SPA Avoidance Strategy SPD 2012 which Natural England was consulted on and raised no objection to.</p> <p>Noted. The Thames Basin Heaths SPA Framework is now long established and proven to be workable. The saved South East Plan (2009) Policy NRM6, which deals with the Thames Basin Heaths SPA, remains in place, setting out the principle of its protection. SANGs form part of this framework and policy requirement.</p>
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	As far as I can see these proposed changes to the strategy open the flood gates for permitted development within close proximity to the SPA. For this reason I strongly object to the new avoidance strategy.	Noted. This SPD supports the protection of the Thames Basin Heaths SPA and it does not allow any increase in residential development within close proximity of the SPA. The 400m buffer zone is supported by this SPD and remains in place. The principle of the 400m buffer zone is to not allow any net new residential development within its area. This includes residential development approved under permitted development rights.
Natural England	We have considered the contents of the document submitted to us and confirm that we have the following comments to make: - Natural England would recommend that the draft Thames Basin Heaths Special Protection Area Avoidance SPD (2018) should have regard to the recent ECJ judgements.	Noted. The Council will amend the document at paragraph 1.11 to include reference to the Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case in relation to its implications for appropriate assessment.
Runneymede Borough Council	Officers have a limited number of comments to make on the draft document as follows: Executive summary- it is noted that the whole of Surrey Heath borough is located within 5km of the TBH SPA. It may be worth setting out that development outside of the 5km zone of influence may also have an impact on the Special Protection Area that would require avoidance/mitigation measures. Pg14- Footnote 1 makes reference to a minimum SANG size of 2ha, which itself is taken from the Delivery Framework. It would be of interest to hear Natural England's comments on this as NE officers have stated to Council officers that normally 8-10ha is realistically required to fit in the circular walk, so	Noted. As the entirety of the Borough is within 5km of the SPA and this SPD only applied to development within the Borough's Boundaries, it is not considered appropriate to provide guidance for sites beyond 5km of the SPA, which is not within the Borough's remit. Noted. This is an indicative figure and does not suggest that a SANG of 2ha is necessarily viable. However, in practice, the requirement for a SANG to accommodate a minimum 2.3-2.5km circular walk means that any SANG is much larger than 2ha. For clarification, footnote 1 on page 14 of the SPD will be amended to

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	<p>smaller sites would probably need some additional land incorporated to make them acceptable.</p> <p>4.4- SAMM funding can also be paid by development located in the 5-7km zone, although development in Surrey Heath is not itself affected by this zone.</p> <p>4.10 SANG in perpetuity – it is understood that ‘in perpetuity’ is generally accepted to be a minimum of 80 years.</p> <p>The Council continues to welcome the opportunity to comment on relevant policy documents and look forward to receiving information on the TBH SPA SPD as it progresses.</p>	<p>include the wording, <i>‘In practice SANGs are much larger than 2ha since they must provide a minimum 2.3 - 2.5km walk.’</i></p> <p>Noted. As the entirety of the Borough is within 5km of the SPA and this SPD only applied to development within the Borough’s Boundaries, it is not considered appropriate to provide guidance for sites beyond 5km of the SPA, which is not within the Borough’s remit.</p> <p>The definition of in perpetuity constituting 125 years is in accordance with legislation which defines the ‘in perpetuity’ period (Perpetuities and Accumulations Act 2009). This is referred to in paragraph 4.10 on page 16 of the SPD.</p>
Rushmoor Borough Council	<p>The SPD is well set out and helpfully explains the background and context to the complex issues around the Thames Basin Heaths Special Protection Area and the use of SANG and SAMM to provide appropriate mitigation against the adverse effects of development on the integrity of the SPA.</p> <p>Rushmoor Borough Council has only a few comments to make on the SPD, and principally wishes to reiterate comments made last July (2018) in our response to the Surrey Heath Borough Council Local Plan Regulation 18 Consultation.</p> <p>It is noted that the new SPD replaces the existing SPD (dated 2012) relating to Surrey Heath’s Thames Basin Heaths SPA Avoidance Strategy. The new</p>	Noted.

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	<p>SPD appears to retain the principle set out in the earlier document that developments of more than 100 dwellings will generally be expected to provide on-site SANG.</p> <p>The Thames Basin Heaths Delivery Framework (February 2009) notes that; <i>“...large residential development proposals which, due to their scale and potential impact and ability to offer their own alternative avoidance measures, should be considered by local authorities on a case-by-case basis. The numerical definition of ‘large development proposals’, and the ability of large schemes to provide their own avoidance measures, will vary depending on the particular locality of the proposals.”</i></p> <p>In contrast to Surrey Heath’s approach, Rushmoor expresses a preference for on-site SANG for “large” schemes, yet it does not preclude circumstances where bespoke SANG is not provided as part of a large site, but instead utilises existing strategic SANG (either within or outside the borough) where appropriate and capacity exists. This is set out in paragraph 12.10 of the Rushmoor Local Plan Draft Submission, which is now at an advanced stage, having been through Examination last May.</p> <p>The Rushmoor Avoidance and Mitigation Strategy (May 2018) sets out an approach that could still see larger sites delivered without on-site SANGs, but remain compliant with the Conservation of Habitats and Species Regulations, 2017, and Natural England does not have any concerns with this approach. This enables applications to be considered on a case-by-case basis, delivering a</p>	<p>Noted. The Council recognises the benefits of this approach in providing flexibility within the TBH SPA avoidance measures strategy.</p> <p>Therefore, the SPD will be amended at paragraph 4.20 to state <i>‘The strategic SANGs primarily provide avoidance measures for developments that are, in most cases, unable to provide on-site bespoke SANGs. This includes small to medium sized developments of less than 136 units, unless particular, site-specific circumstances support the need for off-site SANGs provision. In addition, larger developments in the Western Urban Area (defined in added footnote), that are unable to realistically provide land for SANGs may also be able to use capacity at strategic SANGs.’</i></p> <p>The reason for including a particular geographical specification is the limited availability of land for SANG within the western urban area of the Borough, which is largely already built up, as is the case for much of</p>
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	<p>flexible approach to ensure that new development is not precluded from coming forward due to constraints relating to the potential to deliver an on-site SANG.</p> <p>It is noted that Surrey Heath is prepared to make an exception to the principle of larger sites providing their own bespoke SANG in relation to large development proposals in Camberley Town Centre, and Rushmoor would encourage this flexibility to be applied across the Borough, in an effort to bring forward as much potential residential development as possible to meet future housing needs.</p> <p>Rushmoor fully recognises the challenges associated with delivering SANG, but consider that a more flexible approach should be considered by Surrey Heath. This would take into account the potential for the identification of additional SANG capacity in the future, which could enable the delivery of homes during the plan period. Rushmoor is concerned that the current approach could be underestimating the capacity of sites identified and therefore the ability to meet housing need within the Borough.</p> <p>A couple of other minor points:</p> <p>With respect to Table 4 in para. 4.22, which identifies the Strategic SANG sites in Surrey Heath, whilst it is acknowledged that available capacity can and will change over time, it would be helpful to have an assessment of residual capacity at a particular point in time, together with an appropriate caveat.</p>	<p>Rushmoor Borough. Other areas of the Borough will generally be less restricted in their ability to deliver bespoke SANG solutions.</p> <p>Noted. As above.</p> <p>Noted. As SANG capacity changes on a monthly basis, it is not considered necessary to include a snap shot in this document that provides the long term strategy for avoidance of harm to the SPA. Upon publication, this figure would be out of date. However, a guide to the remaining capacity is available on the Council's website. Para 4.3 of the SPD includes a link to this webpage.</p>
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	<p>In para. 6.3, reference is made to the monitoring of SANG capacity on a monthly basis but switching to fortnightly, should strategic SANG capacity become limited. It is considered that it would be useful if there was an explanation of the term “limited” to specify when the more rigorous monitoring may begin, and whether it revert should greater capacity be found.</p> <p>Thank you again for consulting Rushmoor, and we hope these comments are helpful.</p>	<p>Capacity figures for each SANG are also available upon request.</p> <p>Noted. Defining limited capacity in this context is not considered feasible due to each SANG’s size, catchment area, overall capacity and remaining capacity being different.</p>
<p>Savills, on behalf of Fair Oaks Garden Village Ltd (FGVL)</p>	<p>Background As Surrey Heath Borough Council (SHBC) is aware, Savills is promoting a proposal for a sustainable new community at Fair Oaks Airport; Fair Oaks Garden Village (Fair Oaks Garden Village). A Hybrid Planning Application for the proposal was submitted to both SHBC and Runnymede Borough Council (RBC) on 12th July 2018, since the site crosses into both Local Planning Authority areas (SHBC ref: 18/0642 and RBC ref: RU.18/1615). The determination of the Fair Oaks Garden Village planning application is likely to be no earlier than Summer 2019. Local Plan representations have also been submitted to both authorities, and the FGVL is appearing at the present RBC Local Plan Examination, outlining the benefits of recognising the opportunity for Suitable Alternative Natural Greenspace (SANGs) in the RBC area to also serve wider developments in the Authority area. The proposal for 1,000 homes and employment</p>	<p>Noted.</p>

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	<p>space to support more than 1,200 net additional jobs, includes 91.23ha of open space over a total site area of 155.42ha. Of this more than one third of the site, 52.78ha, is proposed as SANG since the site is within 5km of the Thames Basin Heaths SPA. Indeed, the whole of Surrey Heath borough is within 5km of the SPA. It is clear that the Thames Basin Heaths SPA remains the principle constraint across the authority area and restricts development in a number of locations. There is a considerable opportunity to realise presently privately accessible land to public good, arising from the FGV proposals.</p> <p>Opportunity for new strategic SANG Fairoaks Garden Village therefore presents an important opportunity to serve as new strategic SANG. On the basis that 24ha of the 52.78ha SANG land at Fairoaks is needed to avoid the development's impact on the Thames Basin Heaths (based on the standard of 2.4 people per dwelling at the relevant 8ha per 1,000 population), an over provision of up to 28.78ha which could support the future delivery of 1,499 homes to benefit both SHBC and RBC. In total, of the 52.78ha of SANG proposed at Fairoaks Garden Village, 17.15ha is within the SHBC administrative area and 35.63ha is within RBC's administrative area. The exact dynamics of the potential strategic SANGs areas will of course be determined through further detailed discussions with Natural England, which remain ongoing.</p> <p>Response In replacing the existing SPD of January 2012, it must be recognised that the Thames Basin Heaths SPA Framework is now long established and proven</p>	<p>Noted. Agree.</p>
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	<p>to be workable. The South East Plan (2009) Policy NRM6, which deals with the Thames Basin Heaths SPA, remains in play, setting out the principle of its protection.</p> <p>Therefore while these representations wholly support the principle of protection that the Draft Thames Basin Heaths SPA SPD 2018 is trying to achieve, there are some minor – but very significant – details which should be amended to remain consistent with the Framework and established precedent.</p> <p>Paragraph 3.6 Object: At Para 3.6 that statement that ‘other forms of development [...] will be required to contribute toward avoidance measures’ is ambiguous. This could mean that any development would need avoidance or mitigation measures, which historically has not been the case.</p> <p>Paragraph 4.2 Support: The ongoing reference at Para 4.2 to meet the 8ha per 1,000 new population standard provides helpful clarity and is consistent with the overarching guidance set out within the Thames Basin Heaths Special Protection Area Delivery Framework (2009).</p> <p>Paragraph 4.3 Object: Paragraph 4.2 states: “Strategic SANGs are owned and maintained by a relevant local authority and provide avoidance measures for developments that cannot provide their own on-site SANG.” It is possible for strategic SANGs to be privately managed and maintained by other non-statutory bodies such as the Wildlife Trust; charitable bodies</p>	<p>Noted. No change. As the competent authority, the Council cannot ignore the potential impact of other forms of quasi-residential development, which should be considered on a case by case basis. This is retained from paragraph 4.1 of the Thames Basin Heaths SPA Avoidance Measures SPD 2012.</p> <p>Noted.</p> <p>Noted. Paragraph 4.12 states that ‘<i>Natural England’s preference is for SANGs to be handed over to local authorities or similar bodies.</i>’ Paragraph 4.3 will be amended as follows to reflect this wording to provide clarity. “<i>Strategic SANGs are owned and maintained by a relevant local authority or similar body and provide avoidance measures for developments that cannot</i></p>
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	<p>such as the Land Trust; and/or private companies. Heather Farm is a local example of a SANG that is privately managed and maintained by the Horsell Common Preservation Society.</p> <p>The current wording as above, stipulating that all strategic SANG should be owned and maintained by a relevant local authority, could prevent a third party from managing strategic SANGs, limiting the flexibility of management of such sites. It is common place for organisations such as Wildlife Trusts or Community Trusts to manage and maintain SANGs, which can be fully controlled by planning condition / Section 106 and relevant SANG Management Plans approved by Natural England.</p> <p>We would suggest that the wording instead should read: “Strategic SANGs are owned and maintained by a relevant local authority or other approved third party and provide avoidance measures for developments that cannot provide their own on-site SANG.”</p> <p>Para 4.12 already appears to support the above recommendation. It notes Natural England’s preference for SANGs ‘to be handed over to local authorities or similar bodies’ is recognised [emphasis added]. It is recommended that this ambiguity is resolved by the suggested wording above.</p> <p>Paragraph 4.6 Object: Para 4.6 covers SANG capacity. The existing 2012 SPD refers to a multiplier of 2.4 people per dwelling to determine the population of a new development, based on census data. The 2012 SPD also refers to a tiered structure based on average number of occupants by different dwelling size, and</p>	<p><i>provide their own on-site SANG.”</i></p>
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	<p>a schedule of occupancy rates is provided. The 2018 SPD removes reference to 2.4 people, and only uses the tiered structure/schedule of occupancy rates. There is no justification to remove the 2.4 people per dwelling standard. Indeed it risks frustrating the planning process for Outline Planning Applications where detailed fixed dwelling sizes may not be available until Reserved Matters. As such, we recommend reverting on this matter to the existing 2012 SPD which references both the 2.4 people per dwelling multiplier and the tiered structure/schedule of occupancy rates. It is noted that the Thames Basin Heaths Special Protection Area Delivery Framework (2009) states that ‘the average occupancy rate should be assumed to be 2.4 persons per dwelling unless robust local evidence demonstrates otherwise’.</p> <p>Paragraph 4.16 Object: Para 4.16 states that: “Where a proposal for a SANG includes the use of existing public open space, the existing rights and patterns of public use must be taken into account and protected, and a degree of discounting people capacity must be applied to reflect this.” The principle of using existing public open space as SANG land is confused and ambiguous. This is the case across the Thames Basin Heaths authorities. The ‘degree of discounting’ referenced at Para 4.16 is not subsequently followed up by an explanation of how this discount would work in practice. Clarity on this approach is required.</p>	<p>Noted. No change. The 2012 SPD refers to an average occupancy rate of 2.4 persons being used in specific relation to only the Borough’s first SANG, Chobham Place Woods. However, robust local evidence in the form of available census data shows the average number of persons per household was 2.48 in the 2001 census and 2.52 in the 2011 census. The average occupancy rates for SANGs are included in Table 3 of the updated SPD. This table was also included in the existing adopted 2012 SPD, and set out the same average occupancy rates.</p> <p>Noted. It will not always be feasible to locate SANG in areas that do not have existing public use. The Joint Delivery Framework states at para 5.8, <i>“SANG should be provided on new or existing public open space, taking into account the availability of land and its potential for improvement. Where it is proposed to use existing public open space as SANG, the existing patterns and rights of public use must be taken into account and protected.”</i> Therefore, the SPD is in compliance with the Delivery Framework and can provide enough flexibility for the use of public areas as SANG, provided that a discount is applied. This must be considered on a case by case basis, as areas previously used by the public will have different levels of use in terms of the extent and intensity of the use.</p>
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	<p>In November 2018 Savills represented Fair Oaks Garden Village at RBC's Examination in Public on a similar matter. RBC are proposing to allocate Chertsey Meads as SANG. Chertsey Meads is already fully accessible public open space with parking, a circular walk, paths, sign posts, and unrestricted access. In total, Chertsey Meads already meets 13 out of 14 essential criteria for SANG and thus is already contributing to public access.</p> <p>It is known from past experience that Natural England seeks to discount existing use of land, in order to ascertain the net 'additional' SANG. This is important to ensure that land which is presently entirely private, is correctly recognised as contributing net additional avoidance/ mitigation for TBH SPA.</p> <p>As SHBC's Draft SPD 2018 already recognises at Para 2.5 whether existing areas of open space '...are significantly under-used and so have the capacity to absorb additional recreational use'. Para 4.16 risks undermining this point by not setting out a means of evaluating the proposed 'degree of discounting' at existing public open spaces.</p> <p>Paragraph 4.22; Table 4; Appendix 1 Object: Paragraph 4.22 and Table 4 comprises a list of strategic SANGs that SHBC allocates to. Appendix 1 is an accompanying map. As explained above, Fair Oaks Garden Village is available for strategic SANG of up to 28.78ha which</p>	<p>Noted.</p> <p>Noted. Discounting for existing recreational use in calculating carrying capacity is considered on a case by case basis and in consultation with Natural England.</p> <p>Noted. See comments above in relation to para 4.16 of the SPD.</p> <p>Noted. No change. Paragraph 4.22 and Table 4 of the SPD list SANGs that are operational and currently allocated SANG capacity. The Council does not consider it appropriate to include potential or suggested SANGs that are not operational in this list.</p>
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could support the future delivery of 1,499 homes. We recommend Fair Oaks is included as part of this table. There is of course the potential for a range of the land to be considered for strategic purposes, and in this context it would be appropriate to note the figure as a maxima, and subject to monitoring. An important influence on this is the position of Natural England on the SANG calculations for FGV, which is awaited. We are aware that they have expressed verbal support for SANGs in this location. It is also significant that the table provided on strategic SANG presents the Total People Capacity for that SANG, but not the Remaining Capacity. On further request, SHBC has provided the Remaining Capacity for each strategic SANG. As of the November 29, 2018, the remaining capacity for each strategic SANG was as follows:

- Chobham Meadows – capacity remaining for 546.1 people (218 dwellings at 2.5 average occupancy)
- Windlemere – capacity remaining for 1552.2 people (621 dwellings at 2.5 average occupancy).
- Shepherds Meadows – capacity remaining for 461.05 people (184 dwellings at 2.5 average occupancy).
- Hawley Meadows – capacity remaining for 31.00 people (12.4 dwellings at 2.5 average occupancy).
- Swan Lakes – capacity remaining for 57.25 people (23 dwellings at 2.5 average occupancy).
- Blackwater Park – capacity remaining for 24.2 people (10 dwelling at 2.5 average occupancy).
- Chobham Place Woods – no capacity remaining.

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	<p>As you can see, it is unlikely that there is enough remaining capacity at existing strategic SANG to meet housing requirements.</p> <p>Conclusion Whilst we accept and support the principle the Draft Thames Basin Heaths SPA SPD 2018, we consider that the above comments are important issues which need addressing. We trust they are helpful, and would welcome the opportunity to discuss them with you further.</p>	
Surrey Wildlife Trust	<p>Thank you for this opportunity to comment on your Draft Thames Basin Heaths SPA Avoidance Strategy SPD (update 2018). Please consider these comments as those of the Surrey Wildlife Trust; and also submitted on behalf the Surrey Nature Partnership as the government-mandated Local Nature Partnership for Surrey.</p> <p>We have very few comments to make on this concise and well-drafted document. There are a couple of necessary drafting corrections however, as well as one suggested addition.</p> <p>Paragraph 5.2 & 5.3: Appendix 2 presents the 'Guidelines for Creation of SANGs', not 3.</p> <p>Paragraph 6.8: refers to Appendix 4 – this should be Appendix 3.</p> <p>Appendix 2. We suggest that an additional 'desirable' bullet might read; "Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate."</p>	<p>Noted. Paragraph 5.2 and 5.3 will be amended to state Appendix 2, rather than Appendix 3.</p> <p>Noted. Paragraph 6.8 will be amended to state Appendix 3, rather than Appendix 4.</p> <p>Noted. Appendix 2 will be amended to include the following as a desirable requirement for the creation of SANG: <i>'Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate.'</i></p>

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<p>Thakeham Homes Ltd</p>	<p>Thakeham Homes Ltd are submitting representations to the Surrey Heath Draft Thames Basin Heaths SPA Avoidance Strategy SPD. Thakeham are a house builder based in Sussex, with a proven track record for delivering high quality schemes across the South East.</p> <p>Given that the whole of Surrey Heath Borough is within 5km of the Thames Basin Heath SPA, we support the Council's in its endeavours to provide further guidance in relation to the avoidance measures set out in the current adopted development plan. However, we have the following comments to make in relation to the draft SPD.</p> <p>It is our view that in order to ensure that the document is in line with other similar SPA documents affected by the Thames Basin Heath SPA, the Council should liaise with other affected authorities (e.g. Guildford BC) to ensure that it follows the same basic principles with regard to mitigation strategies. Whilst it is noted that there may be area specific issues that are addressed in individual local authority SPA documents, it is our view, that a holistic approach to the management of the SPA will allow for the successful implementation of the SPA avoidance strategy.</p> <p><u>National Planning Policy Framework</u> The revised National Planning Policy Framework (NPPF) came into force in July 2018. Most significantly, it encourages the boosting of housing supply and ensures that Local Planning Authorities have a continuous pipeline of housing</p>	<p>Noted. The SPD is in accordance with the agreed approach between the 11 Local Authorities in the Thames Basin Heaths area as set out in the Joint Delivery Framework. Adjoining authorities, including Guildford Borough Council have been consulted on the draft SPD and where provided, their feedback will be considered, as with all other comments submitted. The Council continues to engage with other local authorities in relation to the protection of the SPA, including regularly attending the Joint Strategic Partnership Board Thames Basin Heaths Officers Meeting.</p> <p>The Council is the competent authority and must have regard to the impact of new residential development on the Thames Basin Heaths SPA. This is in accordance with national and international policy. The Council has built in greater flexibility through its approach to SANG</p>
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	<p>delivery. It introduced the Housing Delivery Test (HDT), which is referred to in the 'Five Year Housing Land Supply' section below. The first HDT results were expected in November 2018, drawing on net completions recorded by the Government and calculations of housing need proposed as part of the changes to the NPPF and NPPG. However, the results which have been delayed and are now expected before the end of January will see a number of local authorities annual housing figures increase. The Standardised Methodology which was published in September 2017 provided an indication as to the numbers that Surrey Heath will need to deliver; 352 dwellings per annum between 2016-2026, which represents a significant increase from the current housing target in the adopted Core Strategy (190 dpa). As outlined above, the whole of the Surrey Heath Borough is within 5km of the Thames Basin Heath. Whilst this is a designation that is a material consideration when determining applications, we would encourage the Council to 'approach decisions on proposed developments in a positive and creative way' (Paragraph 38, NPPF), and build sufficient flexibility into planning policies to allow for the Government's objective of 'significantly boosting the supply of homes' (Paragraph 59) to be achieved.</p>	<p>requirements set out in this SPD.</p>
<p>Transport for London</p>	<p>Thank you for consulting Transport for London (TfL). I can confirm that TfL has no comments to make on the updated SPD.</p>	<p>Noted.</p>
<p>Woking Borough Council</p>	<p>Thank you for consulting Woking Borough Council on the Surrey Heath Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document 2018. I have a couple of</p>	

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	<p>informal comments on the document, which you may wish to consider.</p> <ul style="list-style-type: none"> The document states in Para 1.12 “Further, the SPD only sets out guidance on the approach to avoiding impacts on the SPA and does not set out proposals for individual SANGs. Therefore, there is no pathway which gives rise to significant effect either alone or in combination. It is therefore considered that an Appropriate Assessment is not required “. The document does not mention the recent Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case and the Advocate General Kokott Case. It would be helpful to clarify how Surrey Heath has addressed the implications of the ruling and whether it will be changing their take on Appropriate Assessment in light of the rulings? The document states in Para 6.8 that “this will be charged at £2,832 per net additional person”. It would help the quality of the SPD if you could provide further information on how each figure in Table 7 was calculated and I assume this is the same regardless of which SANG the application is allocated against. Also the paragraph mentions Appendix 4, however, this should be Appendix 3. <p>Please keep Woking Borough council informed on the progression of the Document.</p>	<p>Noted. The Council considers that its determination is correct despite the recent Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case and the Advocate General Kokott Case. Natural England, Historic England and the Environment Agency agreed with this conclusion. However, the Council will amend the document to include reference to the Court of Justice of the European Union decision in the People Over Wind and Sweetman v Coillte Teoranta case in relation to its implications for Appropriate Assessment.</p> <p>Noted. Paragraph 6.8 will be amended to state Appendix 3 rather than Appendix 4. Table 7 in Appendix 3 sets out the breakdown for the £2,832 per person cost. As noted in the document, this takes into account the initial enhancement costs for SANGs, which is based on the cost of existing SANGS in the Borough, maintenance costs, which is derived from the in perpetuity maintenance of SANGs in the Borough and a facilitation cost.</p>
Wokingham Borough Council	Awaiting formal response	

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	<p>The Executive Member for Business, Economic Development and Strategic Planning agrees that Wokingham Borough Council:</p> <ul style="list-style-type: none"> a) Raises a holding objection until such time as: <ul style="list-style-type: none"> i. Clarification is provided that SANG capacity identified within Surrey Heath is reserved to mitigate housing developments within that borough, and is not available to mitigate developments elsewhere. ii. Clarification is provided on what avoidance and mitigation measures will be put in place from additional car journey along roads within the 400m buffer zone of the SPA, to protect the air quality within the area. iii. The map of notional SANG catchment areas included in Appendix 1 are amended to not intersect Wokingham Borough. b) Support further cross boundary discussion and engagement to consider an appropriate avoidance and mitigation strategy relevant to air quality. 	<p>Noted. The SPD relates to the provision of SANG capacity for development within the Borough of Surrey Heath. The agreed TBH Delivery Framework as well as national and local policy does not prohibit the use of cross-boundary SANGs. Indeed, for land constrained local authorities, their reliance upon cross boundary SANGs will in some cases be essential to enable housing delivery.</p> <p>Noted. Not within the scope of this SPD. As part of the Habitats Regulation Assessment for the new Local Plan, the Council will consider the impact of proposed development within the Borough and roads within 200m of the Thames Basin Heath SPA.</p> <p>Noted. The map included in Appendix 1 illustrates the location of Strategic SANGs in Surrey Heath and their catchment areas. The Council does not deem it necessary to show only the area within Surrey Heath because there are strategic SANGs that the Council allocates to beyond its administrative boundary. These are included for transparency.</p> <p>Noted.</p>
<p>Yvette Jones</p>	<p>My concern at point 4.17 of the SPASPD is that the stated 8ha/1000 population need not apply if there is a lack of available SANGS. The detrimental impact</p>	<p>Noted. The document does not state that the 8ha per 1,000 population standard should not be applied if there is a lack of available SANGS. The document instead</p>

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	on the environment of additional buildings cannot truly be offset by any SANGS. To reduce the agreed rate further is totally unacceptable in any circumstances.	states at paragraph 4.17 that 'it may be necessary to identify SANG capacity at a rate that is above the 8ha per 1,000 population standard'.
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