

Key Decision: Yes

REPORT NO. PLN1727

**THAMES BASIN HEATHS SPECIAL PROTECTION AREA AVOIDANCE AND
MITIGATION STRATEGY (AMS) UPDATE**

Summary and Recommendations:

Approval is sought to amend the Rushmoor Thames Basin Heath Avoidance and Mitigation Strategy, to incorporate arrangements with Hart District Council (HDC) to allow development schemes within Rushmoor to utilise surplus Suitable Alternative Natural Green Space (SANGs) capacity within Hart District.

Recommendations:

1. That the AMS is amended based on the draft forming Appendix I;
2. That the arrangements for developers to secure SANGs capacity in Hart District are approved based on the draft set out at Appendix II;
3. That the Head of Planning, in consultation with the Portfolio Holder for Environment and Service Delivery, subject to being satisfied that the location, capacity and costs of the SANG provision offered are suitable to support the needs of development in Rushmoor, is authorised to approve and publish the final versions of the documents contained in Appendices 1 and 2, following discussion and agreement with Natural England.

1.0 Introduction

- 1.1 The purpose of this report is to facilitate the allocation of additional SANGs capacity to development projects within Rushmoor, and to agree the necessary corresponding changes to the Council's AMS.
- 1.2 This is a key decision as it has implications for continuation of the Council's ability to grant planning permission for, and ensure the delivery of, new housing across the whole of the Borough.

2.0 Background

- 2.1 Existing SANGs capacity to which the Council has access in order to mitigate net new residential development¹ in the Borough is almost exhausted. Rushmoor is a compact urban authority, and opportunities for identifying or securing new SANGs, which provide suitable catchments, are limited. It is critical that Rushmoor obtains access expediently to surplus SANG mitigation within Hart District, initially at Bramshot Farm, in order to avoid a situation whereby net new housing delivery in the

¹ Excluding the Wellesley development, which has a "bespoke" SANG solution.

Rushmoor ceases to come on stream. Identifying and securing adequate SANG capacity to mitigate the net new residential development identified for delivery in the [Draft Submission Rushmoor Local Plan](#), over the period to 2032, is also a prerequisite to ensuring the successful adoption of the Local Plan during 2018.

- 2.2 Analysis of the latest information available in terms of housing need within Rushmoor², alongside an understanding of the potential capacity to deliver net new residential development over the period of the emerging Local Plan to 2032, resulted in a formal request to Hart for capacity to mitigate 1,500 net new houses using surplus SANG capacity in Hart District. Subsequently, agreement has been reached to allocate surplus SANG capacity in Hart, to enable the delivery of 1,500 new homes in Rushmoor.
- 2.3 In order to formalise this arrangement, and to satisfy the requirements of the Duty to Cooperate in respect of our emerging Local Plans, a “Memorandum of Understanding” will be signed between the authorities to effect this joint working arrangement.

3.0 Details of the proposal

- 3.1 In order to finalise and implement the arrangements for sharing SANG capacity with HDC, the details need to be incorporated into a revised AMS. The arrangement reflects the requirements of the Town and Country Planning Act 1990 (as amended) and the Conservation of Habitats and Species Regulations 2010.
- 3.2 The signing of the MOU will facilitate the mitigation of developments of 10 or more new residential units within the catchment shown at Appendix III, and developments of fewer than 10 units throughout the rest of the Borough (which do not need to fall within a set SANG catchment).

4.0 Alternative options

- 4.1 Currently, there are no immediately available alternative options for additional SANG capacity. The alternative to the proposal is to cease granting planning permission for new housing until other capacity becomes available.

5.0 Consultation

- 5.1 It is proposed to submit the draft revised AMS and allocation arrangement to Natural England for comment in order to ensure it is satisfied that the requirements of the Habitats Regulations would be met. On receipt of agreement from Natural England, it is anticipated that the update to the AMS and supporting documents will be approved by the Head of Planning, in consultation with the Portfolio Holder for Environment and Service Delivery.

² As assessed through the Strategic Housing Market Assessment, 2016, available to view here: <http://www.rushmoor.gov.uk/newlocalplan>

6.0 Implications of decision

- 6.1 Failure to implement the proposal carries the risk of constraining the delivery of new housing, reducing income from the New Homes Bonus, and rendering the Council unable to deliver its Local Plan target for new housing. This will be the subject of discussion at the Local Plan Examination, expected in Spring 2018, and will need to be addressed to ensure that the Local Plan is found “sound” in this regard.

Legal Implications

- 6.2 The arrangement must be consistent with both planning law and European law.

Financial and Resource Implications

- 6.3 Other than the risk of non-delivery, there are no financial implications other than the need for effective training and staff resources to administer the arrangement.

Equalities Impact Implications

- 6.4 There are not considered to be any Equalities Impact Implications arising from the decision.

7.0 Conclusion

- 7.1 The proposal will facilitate continuity in the delivery of net new residential development in Rushmoor. It will secure an update to the existing AMS and continue to secure income from the New Homes Bonus.

Appendices:

- I Draft revisions to AMS
- II Draft arrangements for developers
- III Map of Bramshot Farm SANG and catchment within Rushmoor

Background documents:

Town and Country Planning Act 1990
Habitats Regulations 2010
Rushmoor Local Plan
Rushmoor AMS

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THAMES BASIN HEATHS SPECIAL PROTECTION AREA

AVOIDANCE AND MITIGATION STRATEGY 2017

(August 2017 – updated from July 2014)

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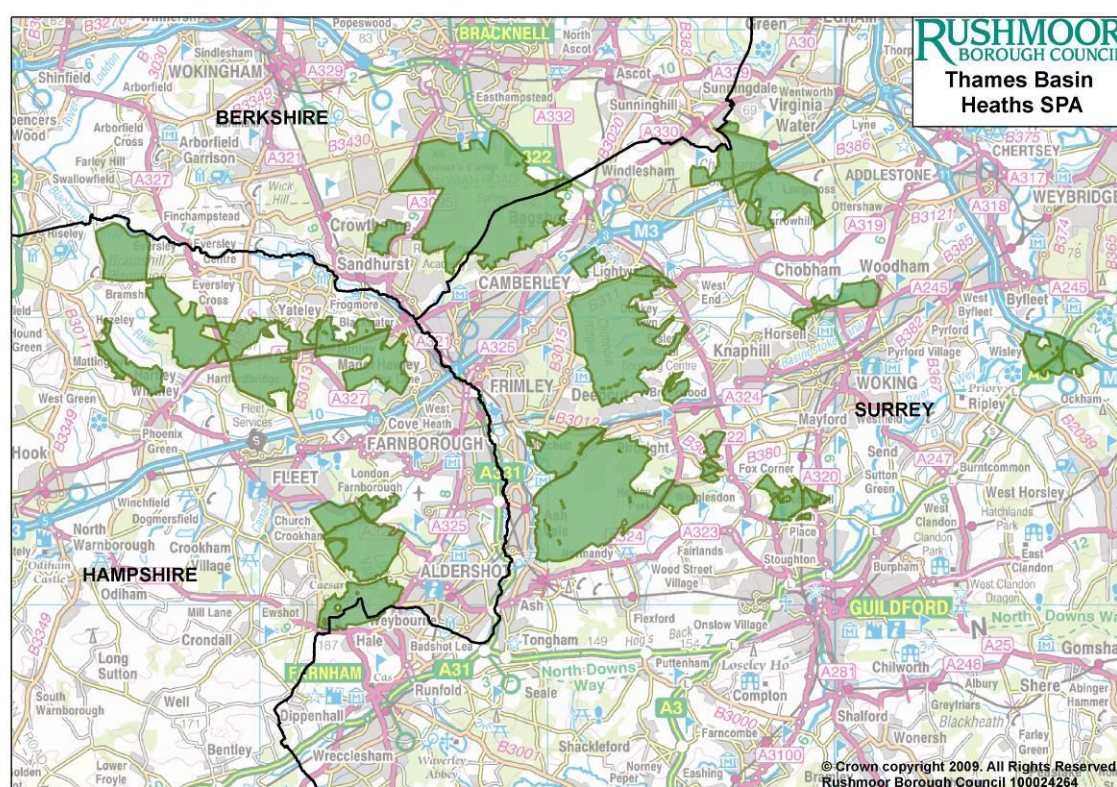
Appendices:

- 1 Saved South East Plan Policy NRM6
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1 Introduction

- 1.1 The Thames Basin Heaths Special Protection Area (TBHSPA) was designated in March 2005 and is protected from adverse impact under European and UK law. The TBHSPA is a network of heathland sites, which are designated for their ability to provide a habitat for the internationally important bird species of Woodlark, Nightjar and Dartford Warbler.
- 1.2 The TBH SPA spans 11 local authorities across Hampshire, Berkshire and Surrey and is fragmented by urban development and other land uses¹. It consists of 13 Sites of Special Scientific Interest (SSSI) scattered across these Counties as shown below. The boundary of the TBH SPA lies within 5km of 100% of the Borough.

Figure 1: Location of the Thames Basin Heaths Special Protection Area



- 1.3 Important SPA sites within Rushmoor are Eelmoor Marsh SSSI, part of Bourley and Long Valley SSSI and part of Castle Bottom to Yateley and Hawley Commons SSSI. An additional site, Ash to Brookwood SSSI lies outside, but close to, the Rushmoor boundary.
- 1.4 The TBH SPA consists of both dry and wet heathland, mire, oak, birch acid woodland, gorse scrub and acid grassland with areas of rotational conifer plantation. The sites support breeding populations of a number of birds of lowland heathland. This includes the fourth largest breeding population of Nightjar (*Caprimulgus europaeus*) and second largest population of Woodlark² (*Lullula arborea*), both of which nest on the ground, often at the woodland/heathland edge. As at 2006 it also supported the third largest concentration of

¹ The Thames Basin Heaths are found in the local authority areas of Waverley, Guildford, Hart, Rushmoor, Bracknell Forest, Surrey Heath, Woking and Elmbridge.

² Based on advice from RSPB from the last national surveys of breeding woodlarks and Dartford warblers, 2006.

Dartford Warbler (*Sylvia undata*), which often nests in gorse. Surveys of the TBH SPA Annex 1 Birds provides ongoing information on the SPA bird populations, and is set out in the table below.

Survey Year	2010	2011	2012	2013	2014	2015	2016
Nightjar	326	337	320	325	355	306	332
Woodlark	159	161	202	135	155	137	117
Dartford Warbler	38	47	87	118	292	4561	427

Purpose of this Strategy:

- 1.5 The purpose of this strategy is to set out the approach that the Council will follow to seek to avoid harm to the heathlands arising from additional residential development. As set out later in this Strategy, this involves two elements. Firstly the provision of Suitable Alternative Natural Greenspace (SANG) in order to divert additional recreational pressure away from the TBHSPA, and secondly the provision of a range of Strategic Access Management and Monitoring measures (SAMM) to avoid displacing visitors from one part of the SPA to another, and to minimize the impact of visitors on the SPA.

Contributions

- 1.6 This Strategy identifies SANG options with capacity available to developments in the Borough, one at Hawley Meadows/Blackwater Park, a second at Southwood Woodlands, a third at Rowhill Local Nature Reserve and additional capacity in the neighbouring District of Hart. The following table summarises the contribution required from new residential development seeking capacity from the first three sites in order to safeguard against likely significant effect on the SPA. Further detail, including arrangements and costings for SANG sites in Hart are set out in Section 6.

The following contribution will be required to the first three SANG

Dwelling Size	SANG developer contribution per dwelling	SAMM Contribution	Total
1bed/studio/bedsit	3,640	399	4,039
2 bedroom	4,810	526	5,336
3 bedroom	6,500	711	7,211
4 bedrooms	7,410	807	8,217
5+	9,620	1,052	10,672

- 1.7 As of June 2017, all but a small residual capacity within the first three SANGs identified above has been taken up by permitted and implemented schemes. Developments coming forward from October 2017 onwards may qualify to seek mitigation capacity from SANG sites in Hart, initially at Bramshot Farm, although additionally from land at Hawley Park Farm, through an arrangement between Rushmoor and Hart Councils.
- 1.8 The arrangements for, and cost of, securing SANG capacity at Bramshot Farm are set out at 6.17 and Appendix 5 of this document. Further updates relating to additional SANG sites

such as Hawley Park Farm will be appended to this AMS as details of costings emerge through the establishment of the SANG.

2 Why do we need an avoidance and mitigation strategy?

- 2.1 European Law includes two pieces of legislation that deal with the protection of rare species and habitats. These are generally referred to as the Birds Directive and the Habitats Directive. The Birds Directive requires the identification and classification of Special Protection Areas (SPAs) for species listed in Annex 1 of the Directive as well as for all regularly occurring migratory species. The Habitats Directive introduces a further requirement to designate a network of sites which are important for other wildlife, known as Special Areas for Conservation (SACs): and, importantly, it established a framework for the protection of both SACs and SPAs.
- 2.2 The legislation has been transposed into UK law as the Conservation of Habitats and Species Regulations 2010. The Regulations deal with both the impact of development and of Development Plans (such as the Rushmoor Local Plan) on designated sites, which include SPAs.
- 2.3 Local Planning Authorities are identified as a “competent authority” for the purposes of determining whether or not a proposed development scheme or development plan document is likely to have a significant effect upon the SPA. The effect of the Regulations is to require Local Planning Authorities to ensure no adverse effect on the integrity of designated sites arises from any proposed development scheme or development plan document.
- 2.4 The effect of this legislation together with the Natural Environment and Rural Communities Act 2006 is to impose on local authorities a legal duty of care to protect biodiversity. Where the designated sites could be affected by a plan or project then an Appropriate Assessment (AA) must be undertaken. This looks at what birds, plants or animals etc. need protection, what they could be harmed by, and assesses whether the proposed plan or project could give rise to such harm.
- 2.5 If the competent authority concludes harm or “likely significant effect” could occur, they are under a legal obligation not to approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place.
- 2.6 Natural England³ considers that any increase in population within 5km of the designated site may have an impact on the recreational use of the SPA. Natural England bases this on research identifying a cause and effect relationship between recreational use and Annex 1 heathland bird populations. This research indicates a number of mechanisms leading to impacts on breeding success, ranging from direct mortality (such as people trampling on nests), to nest abandonment or predation (largely by corvids) due to frequent flushing of birds (by people and dogs), or avoidance of disturbed areas. A whole range of wider effects is also associated with more general urban pressures, including uncontrolled heathland fires, fragmentation and pollution of the heaths, and cat predation⁴.

³ Natural England is a statutory consultee.

⁴ Underhill-Day, J (2005). A literature review of urban effects on lowland heaths and their wildlife. English Nature Research No. 623. English Nature, Peterborough.
(<http://naturalengland.etraderstores.com/NaturalEnglandShop/R623>).

- 2.7 The Council's duty to consider the impact of development on the SPA may also apply to non-residential development applications, which will need to be considered on their individual merits. This Avoidance Strategy is, however, directed specifically towards residential proposals and the measures, which can be taken to enable them to proceed without harm to the integrity of the SPA. It will not therefore assist in the case of applications for non-residential development.

3 Policy and Guidance:

The South East Plan

- 3.1 Although the South East Plan has now been formally cancelled, Policy NRM6 on the Thames Basin Heaths Special Protection Area as set out in Appendix 1 has been 'saved' and still constitutes part of the development plan.

The Thames Basin Heaths Special Protection Area Delivery Framework

- 3.4 In February 2009, the Joint Strategic Partnership Board (comprising members of all local authorities affected by the Thames Basin Heaths SPA including Rushmoor Borough Council), agreed a Delivery Framework to be recommended to local authorities affected by the SPA for use in preparing local avoidance and mitigation strategies. The Framework seeks to prescribe:

- a consistent approach to the protection of the SPA from the significant effects of residential development
- the type and extent of residential development that may have a significant effect alone or in combination on the SPA
- key criteria for the delivery of avoidance measures.

- 3.5 The Delivery Framework can be viewed at www.rushmoor.gov.uk/spa

Rushmoor Plan

- 3.6 The Council adopted the Rushmoor Core Strategy in October 2011, a key document in the Rushmoor Plan⁵. This includes an overarching policy relating to the protection of the Thames Basin Heaths Special Protection Area. This Policy is attached as Appendix 2.

The Rushmoor Thames Basin Heaths SPA Avoidance and Mitigation Strategy

- 3.7 This Strategy forms the basis of planning guidance in relation to new residential development and its impact on the SPA. The Council will use this document as a material consideration in the determination of planning applications.
- 3.8 This Avoidance Strategy incorporates SANG capacity within the ownership or control of, or available to the Council sufficient to address the impact of, about 6,900 people - about 2,800 new dwellings.

⁵ The Rushmoor Plan is the Council's Local Development Framework. This is a portfolio of local planning policy documents that together will guide development in the Borough. Further information can be found at www.rushmoor.gov.uk/rushmoorplan

4. Context

- 4.1 Natural England has advised a three-pronged approach to overcome the adverse effects on the SPA which arise mainly from the recreational use of the SPA by local people. The three 'prongs' identified are:
- The provision of Suitable Alternative Natural Greenspace (SANG) to attract people away from the SPA and hence reduce pressure on it;
 - Access management measures on, and monitoring of, the SPA to reduce the impact of people who visit the SPA; and
 - Habitat management of the SPA, which will improve the habitat for the ground nesting birds.
- 4.2 This document focuses on the first two approaches and outlines how these are being achieved and administered within Rushmoor Borough. Habitat management will be delivered separately and is not a mitigation/avoidance measure in respect of new housing development.

5 Principles for Avoidance and Mitigation

Uses

- 5.1 Reflecting the precautionary principle and the need to consider the in-combination effects of development, this Avoidance Strategy applies to all proposals for new net residential development in the following classes of development:
- Proposals for 1 or more net new dwelling units (including studios or individual bedsits within Houses in Multiple Occupation) falling within Use Class C3: residential development
 - Proposals for 1 or more net new units of staff residential accommodation associated with Use Classes C1 and C2.
- 5.2 Replacement dwellings will not generally lead to increased recreational pressure, and therefore, will have no likely significant effect on the SPA and will not be required to make a contribution to the provision of avoidance measures.
- 5.3 All other applications for planning permission in the vicinity of the SPA will need to be subject to a Habitats Regulations assessment to ascertain whether they are likely to have a significant effect (individually or in combination with other plans or projects); and where it is necessary for a full Appropriate Assessment to be undertaken.
- 5.4 This strategy applies to applications for full and outline planning permission (which in order to address the Habitats Regulations, must include the number of proposed dwellings and provision for mitigating their impact). Where potential effects on the SPA were not fully considered when an existing permission was granted, or where there is more up to date information available, applications for approval of reserve matters, discharge of conditions, renewals, or amendments to existing planning permissions will be subject to the approach set out within this strategy.

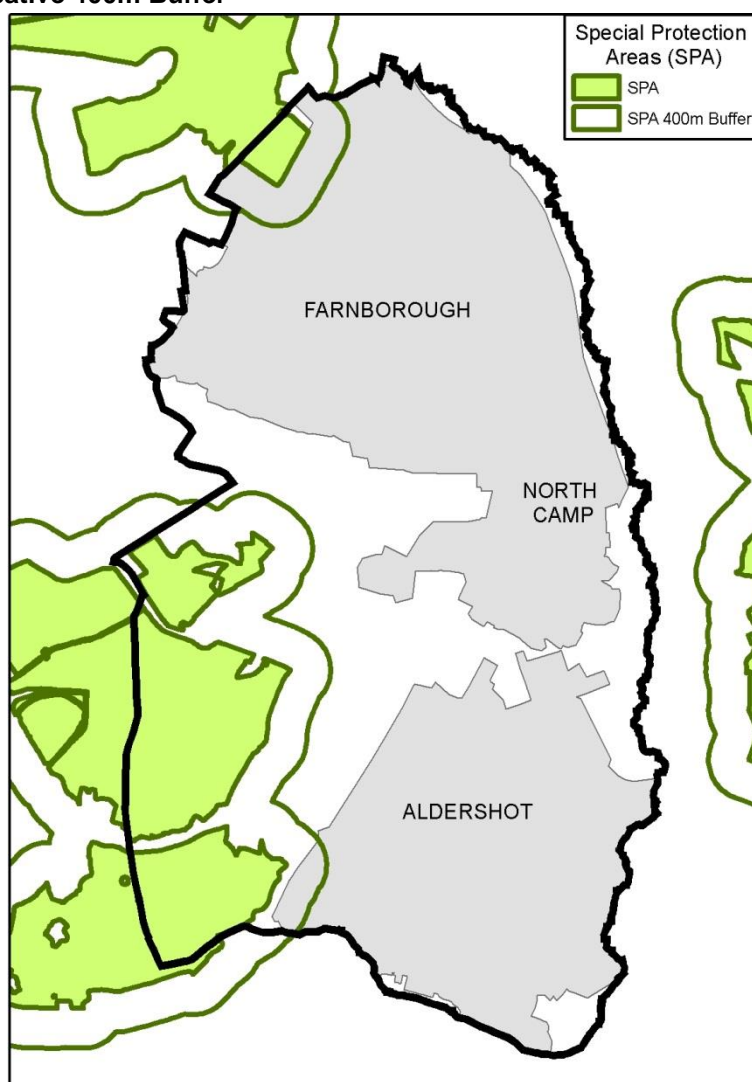
Zones

- 5.5 In accordance with the saved South East Plan policy, the Thames Basin Heaths Delivery Framework (TBHDF) and the Core Strategy policy, the Avoidance and Mitigation Strategy sets out two zones around the SPA:

Within 400m

- 5.6 Within 400m of the SPA (measured from the SPA perimeter to the point of access on the curtilage of the dwellings), the impact of net new residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect.

Figure 2: Indicative 400m Buffer



- 5.7 Whilst in exceptional circumstances, the 400m may be modified by local authorities to take account of physical obstructions to cat movement and human access, the Council is not aware of any such examples where this would apply in Rushmoor.
- 5.8 In line with saved South East Plan Policy NRM6, the TBHDF and Core Strategy Policy CP13, unless screening under the Habitats Regulations concludes no likelihood of significant effect on the integrity of the SPA, development in the use classes identified in paragraph 5.1 is

unlikely to be permitted within this zone, as no effective avoidance and mitigation measures are considered to be available which could avoid it. The Council will consult Natural England on proposals within this zone.

The Zone of Influence

- 5.9 The Delivery Framework defines the zone of influence as the area 400m from the perimeter of the SPA (measured to the nearest part of the curtilage of the dwelling) to 5km from the perimeter of the SPA (measured from the primary point of access to the curtilage of the dwelling).
- 5.10 The whole of Rushmoor Borough lies within 5 km of the SPA.

6. Avoidance and Mitigation Measures

- 6.1 Within this zone, the following measures will be implemented:

- Suitable Alternative Natural Greenspace (SANG)
- Strategic Access Management and Monitoring

Suitable Alternative Natural Greenspace (SANG)

- 6.2 The South East Plan, the TBHDF and the Rushmoor Core Strategy policy set out an appropriate standard for the provision of SANG as below:

- SANG should be provided on the basis of at least 8ha per 1,000 population. The average occupancy rate will be assumed to be 2.4 persons per dwelling (based on the occupancy rate across the 11 affected local authorities in 2006 and Hampshire County Council occupancy rates for Rushmoor⁶) unless robust local evidence demonstrates that this is unrealistic.

In addition:

- Allocated SANG capacity will be funded by developer contributions reflecting the need to maintain the SANG in such a way as to meet the agreed SANG criteria, in perpetuity
- Alternatively, SANG may be provided by developers for individual developments with the agreement of the Council and Natural England.
- SANG should be at least 2ha in size, and located within a wider network of spaces.
- The catchment of SANG will depend on the individual site characteristics and location and their location within a wider green infrastructure network. In line with the Delivery Framework the following should be used as a guide:
 - SANG of 2 – 12 ha will have a catchment of 2km
 - SANG of 12 – 20ha will have a catchment of 4km

⁶ In 2001 the Census identified that Rushmoor had an average household size of 2.51. Hampshire County Council have forecast that this had reduced to 2.44 in 2006 and will be 2.36 by 2016.

- SANG of 20ha+ will have a catchment of 5km.
- 6.3 Developments of less than 10 dwellings within 5KM of the SPA boundary do not need to be within a specified distance of SANG, providing a sufficient quantity and quality of SANG land to cater for the consequent increase in population is identified and available in the Borough (or agreed in an adjoining district) and functional in advance of completion. However, developments of sites of less than 10 dwellings must contribute to the provision of avoidance measures.
- 6.4 Planning law⁷ sets out that the requirement for new infrastructure such as SANG has to be fairly and reasonably related in scale and kind to the development. In the light of this, payment towards SANG will be calculated on a per person rather than a per dwelling basis. The average occupancy of dwellings is set out in the table below.

Dwelling Size	Occupancy
1-bed	1.4 persons
2-bed	1.85 persons
3-bed	2.5 persons
4-bed	2.85 persons
5-bed	3.7 persons

Existing SANG

- 6.5 The following sites have been implemented as SANG for new development in Rushmoor Borough with the agreement of Natural England:

Southwood Woodlands:

- 6.6 Southwood Woodland is an area of land owned by the Council lying to the south west of Farnborough. This site has been operating as a SANG since 2007. The site has a 5km catchment, which covers the majority of the Borough with the exception of a small area in the south-west corner – see Appendix 3.
- 6.7 Capacity of this site was originally calculated on a dwelling basis to provide mitigation for 1698 dwellings (equivalent to 4,075 people using an average occupancy of 2.4 persons per dwelling). Proposals involving construction of 1679 dwellings were allocated capacity within the first phase of this SANG. Capacity for 445 dwellings (1,068 people) which had been set aside for the residential element of a scheme at Westgate, Aldershot was released following commencement of an alternative scheme for retail and leisure uses which did not incorporate any residential element. This facilitated a second phase of SANG provision – referred to as ‘Southwood II’ with capacity for 464 units in total.

Financial contributions to Southwood Woodlands SANG:

- 6.8 The basis for the financial contribution collected to maintain the SANG at Southwood Woodlands is set out in the Southwood Woodland SANG Proposals. The improvements necessary to bring the land up to SANG standards and to maintain it in perpetuity equated to a rate of £2,600 per person. The project proposals for Southwood Woodlands can be viewed on the Council’s website at www.rushmoor.gov.uk/spa. At July 2017, the remaining capacity of this SANG was 16 further units.

⁷ The Community Infrastructure Levy Regulations 2010

Hawley Meadows and Blackwater Park:

- 6.9 Hawley Meadows/Blackwater Park lies in the far north of the Borough. Part of the SANG lies within Rushmoor Borough, the remainder lies within Hart and Surrey Heath Boroughs. The site is just over 30 ha in size and therefore has a 5km catchment. This covers the northern part of the Borough to just south of Lynchford Road.
- 6.10 The capacity of this site was identified as 3,417 people. This was initially shared evenly between Rushmoor, Hart and Surrey Heath, and as a result provided capacity for 1,139 people in Rushmoor (approximately 475 residential units). Following a decision of Hart District Council's Cabinet on 17th July 2014, capacity equivalent to 772 persons surplus to their requirements was re-allocated to Surrey Heath and Rushmoor Borough Councils and divided equally between the two. Consequently Rushmoor's available capacity for the Hawley SANG was increased from that date by 386 persons (approximately 161 units) to 636 units.

Financial Contributions to Hawley Meadows and Blackwater Park SANG:

- 6.11 The basis for the financial contribution collected to provide and maintain the SANG at Hawley Meadows/Blackwater Park is set out in the Hawley Meadows and Blackwater Park SANG Proposals. The improvements necessary to bring the land up to SANG standards and to maintain this in perpetuity equates to a rate of £2,600 per person.
- 6.12 The project proposals for Hawley Meadows/Blackwater Park can be viewed on the Council's website at www.rushmoor.gov.uk/spa. At July 2017, the remaining capacity of this SANG available to Rushmoor was 2 units.

Rowhill SANG

- 6.13 Rowhill Local Nature Reserve lies adjacent to the southern boundary of the Borough. The site lies within Waverley Borough but is owned by Rushmoor Borough Council. The site is just over 24 hectares in size and therefore has a 5km catchment.
- 6.14 The capacity of this site is identified as 913 people (approximately 380 residential units).

Financial Contributions to Rowhill SANG

- 6.15 The basis for the financial contribution collected to maintain the SANG at Rowhill is set out in the Rowhill Copse LNR Proposal, November 2011. The improvements necessary to bring the land up to SANG standard and to maintain this in perpetuity equates to a rate of £2,600 per person.
- 6.16 The project proposals for Rowhill SANG can be viewed on the Council's website at www.rushmoor.gov.uk/spa. At July 2017, the remaining capacity of this SANG was 11 units.

New SANG at Bramshot Farm

- 6.17 By way of a memorandum of understanding, agreement was reached in July 2017 through which SANG capacity of up to 1,500 residential units (3,600 people) would be made available within Hart District to mitigate the impact of development proposals delivering new housing in Rushmoor. Of these 1,500 units, a proportion will be provided at Bramshot Farm. Where supported by Rushmoor, a developer will be able to enter into a contractual arrangement with HDC which will provide written confirmation from Hart that they have secured sufficient mitigation capacity. On this basis, SANG mitigation will be available to support their planning application. The payment of SAMM contributions will be sought in the normal way, payable direct to Rushmoor, through a S.106 planning obligation.

- 6.18 In order to qualify for SANG capacity through this scheme, the developer will first be required to demonstrate to Rushmoor through the pre-application process that their proposal is policy compliant in all other respects. They can then seek SANG capacity from HDC and, having secured it, make a planning application to Rushmoor.

Financial Contributions to Bramshot Farm SANG

The following contribution will be required to the Bramshot Farm SANG (based on a standard cost of £3,333 per person)

Dwelling Size	SANG developer contribution per dwelling	SAMM Contribution	Total
1bed/studio/bedsit	£4,667.60	£399	£5,066.60
2 bedroom	£6,167.90	£526	£6,693.90
3 bedroom	£8,335.00	£711	£9,046.00
4 bedrooms	£9,501.90	£807	£10,308.90
5+	£12,335.80	£1,052	£13,387.80

Allocation of Capacity

- 6.19 Following a report to Cabinet on 17th June 2014, the Council reviewed the agreed criteria against which requests to allocate capacity at SANGs would be considered. These criteria have been amended further to reflect the introduction of the recent shared SANG resource with Hart, and also in respect of more recent legal advice. The amended criteria are explained at Appendix 4.

Large Sites:

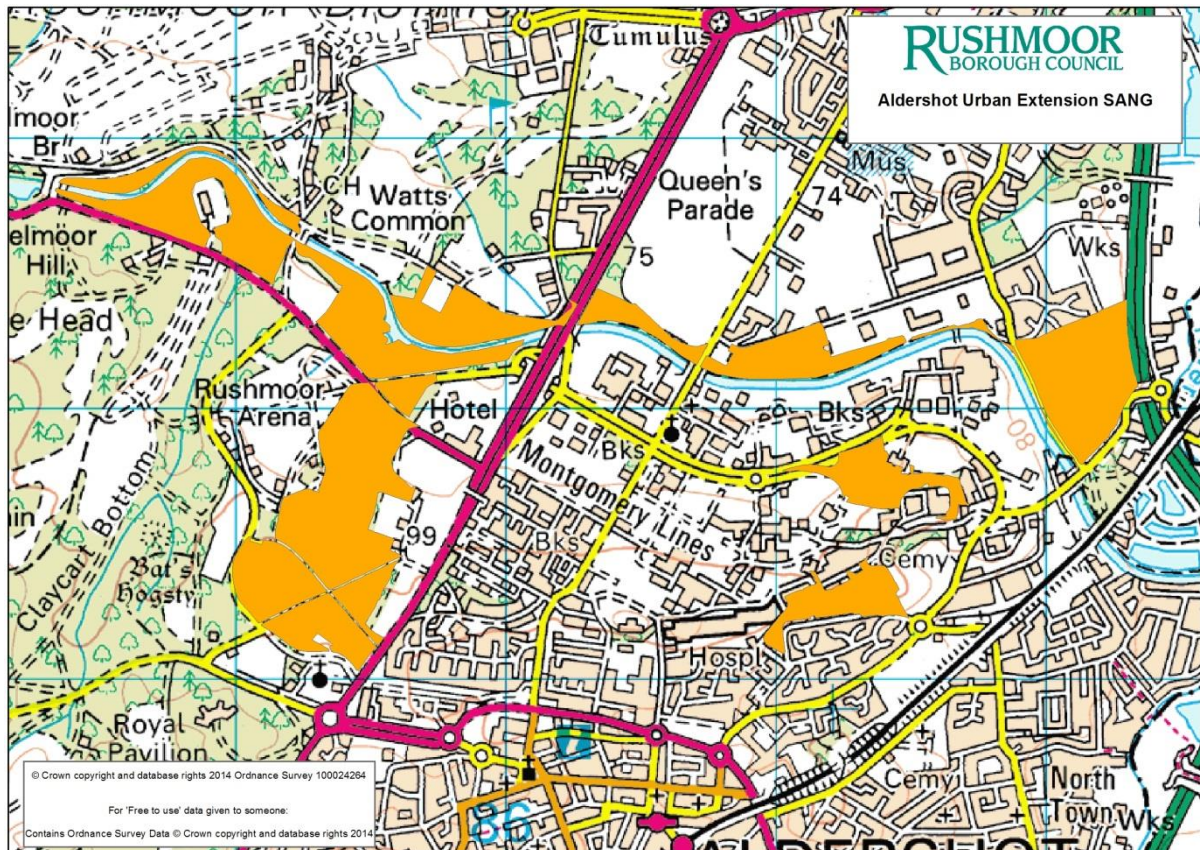
- 6.20 Significantly large residential development proposals, on account of their scale and potential impact on the SPA, and their ability to offer their own alternative avoidance measures, will be considered on a case by case basis. Large development, such as that of the Aldershot Urban Extension (AUE), can deliver bespoke mitigation providing a combination of benefits including SANG, biodiversity enhancement, green infrastructure, and new recreational facilities. In such cases the Council must be satisfied that management and financial arrangements are in place to secure the SANG in perpetuity. Contributions towards Strategic Access Management and Monitoring Measures will also be required in line with this Strategy. In Rushmoor, because of the small size and dense urban nature of the Borough, it is unlikely that any further large sites will come forward other than the AUE.

Aldershot Urban Extension:

- 6.21 Development at the Aldershot Urban Extension for up to 3,850 new homes is providing a bespoke solution towards SANG provision, which has been secured through a S.106 legal agreement attached to a planning permission granted in March 2014.

6.22 Figure 3 below shows the SANG at the Aldershot Urban Extension. Full details can be found in the document: “Strategy for the delivery of Suitable Alternative Natural Greenspace (SANG) Wellesley, Aldershot” submitted in support of the AUE planning application⁸.

Figure 3: SANG at AUE



Strategic Access Management and Monitoring Measures

- 6.23 The second element of the avoidance measures as set out in paragraph 4.1 is the provision of Strategic Access Management and Monitoring measures.
- 6.24 The Thames Basin Heaths SPA comprises multiple SSSI sites, owned and managed by many different organisations and some private individuals. In order to ensure that access management implemented in one area does not simply displace visitors onto another part of the SPA, to measure the effects of SANG provision and to monitor visitor and bird numbers, it is necessary to take a strategic approach to visitor access management.
- 6.25 The Access Management Partnership (made up of landowners and managers of the SPA), with support from Natural England and Hampshire County Council, is implementing a programme of strategic visitor access management measures for the purposes of mitigating the impacts of new development on the SPA, funded by developer contributions. These measures, in combination with a complimentary monitoring programme, have been agreed by the Joint Strategic Partnership Board and have been taken forward into the Strategic Access Management and Monitoring (SAMM) project. The SAMM project:

⁸ 12/00958/OUTPP

- Promotes SANG as new recreational opportunities for local people and particularly encourage their use during the breeding bird season;
- Provides an on the ground wardening service to supplement existing wardening;
- Provides an SPA-wide education programme;
- Creates new volunteering opportunities;
- Demonstrates best practice for strategic access management of visitors and visitor infrastructure where the supply of greenspace is heavily dependent on protected areas;
- Monitors visitor usage of the SPA;
- Monitors Annex 1 bird species on SPA sites.

- 6.26 The SAMM project manager (currently hosted by Natural England) is tasked with drawing up a detailed list of actions. The resulting work programme is overseen by the SAMM project board, which includes member representation from Rushmoor Borough and stakeholders with relevant expertise.
- 6.27 Avoidance/mitigation in the form of Access Management and Monitoring of the SPA will be delivered by landowners and managers, funded by developer contributions, and provided for in perpetuity.
- 6.28 The Joint Strategic Partnership Board has agreed that this figure should be an average of £630 per net additional dwelling. This is based on a Programme of Access Management and Monitoring measures set out in 'Thames Basin Heaths Strategic Access Management and Monitoring Project: Calculation of Contributions, July 2010, available on the Council's web site, and the need to deliver these in perpetuity. This sum has been calculated on a per person basis as follows:

Dwelling size	Tariff
1 bed/studio/bedsit	£399
2 bedroom	£526
3 bedroom	£711
4 + bedrooms	£807
5+	£1,052

Local Circumstances

- 6.29 The TBHDF identifies that a more or less prescriptive approach can be taken if it is justified by local circumstances. In particular, the TBHDF refers to instances where it can be demonstrated that small-scale social housing developments will cater for housing need existing within the zone of influence and will not directly or indirectly lead to an increase in population in the zone of influence (footnote to paragraph 3.1 of the TBHDF).

- 6.30 In practical terms, most new residential developments are not likely to be able to demonstrate that their residents come from within existing households within the Borough, and that this will be the case in perpetuity. However, there may be exceptional instances where the providers of social housing may be able to demonstrate that the lettings policy will ensure that new occupants already reside with another household in the Borough and are therefore both not new residents to the Borough, and also will not be vacating an existing property that would then be available for new residents. In such exceptional circumstances, and where these can be assured in perpetuity, the Council may, in agreement with Natural England, take a more flexible approach to the provision of SANG and Strategic Access Management and Monitoring measures.

7 Residential Development in Rushmoor

Housing Requirement

- 7.1 The Core Strategy identifies that the Council will plan for about 6,350 new homes to be built in the Borough between 2010 and 2027 of which about 3,850 will be at the Aldershot Urban Extension. A proportion of the new homes to come forward from sites outside the Aldershot Urban area already have planning permission. The availability of SANG is recognized in the Core Strategy as key to delivering the future housing requirement.
- 7.2 The Council is currently updating the Local Plan, and as at July 2017, the [Draft Submission Local Plan](#) sets a target of the delivery of at least 7,850 new dwellings in the Borough between 2014 and 2032. However, it is estimated that capacity exists for the delivery of about 8,700 dwellings over this period. Whilst recognising that the whole of Rushmoor Borough lies within five kilometres of the TBH SPA, this has not been used to constrain the housing target. Nevertheless, at the time of this update, additional SANG still needs to be identified and implemented over and above the sources set out in this iteration of the AMS in order to deliver the full housing capacity identified in the emerging Local Plan.

8. Monitoring and Review

- 8.1 Through the Annual Monitoring Report that the Council is required to produce as part of the Rushmoor Plan, the Council will report on the implementation of this Strategy, including the take up of SANG capacity, the implementation of SANG works, and consideration of the need for additional SANG.
- 8.2 The Council will also report to Natural England, and as appropriate to the Joint Strategic Partnership Board. Continued representation on the JSPB will ensure that the Council remains engaged in the process of identifying and delivering SPA mitigation, in particular in exploring further cross boundary options.
- 8.3 The Council will also provide regular updates about the availability of SANG for new developments in the Borough on its website at www.rushmoor.gov.uk/spa.

Appendix 1: Saved South East Plan Policy

Policy NRM6 Thames Basin Heaths Special Protection Area

New residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England.

Priority should be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures. Where mitigation measures are required, local planning authorities, as Competent Authorities, should work in partnership to set out clearly and deliver a consistent approach to mitigation, based on the following principles:

- i. A zone of influence set at 5km linear distance from the SPA boundary will be established where measures must be taken to ensure that the integrity of the SPA is protected.
- ii. Within this zone of influence, there will be a 400m “exclusion zone” where mitigation measures are unlikely to be capable of protecting the integrity of the SPA. In exceptional circumstances, this may vary with the provision of evidence that demonstrates the extent of the area within which it is considered that mitigation measures will be capable of protecting the integrity of the SPA. These small locally determined zones will be set out in local development frameworks (LDFs) and SPA avoidance strategies and agreed with Natural England.
- iii. Where development is proposed outside the exclusion zone but within the zone of influence, mitigation measures will be delivered prior to occupation and in perpetuity. Measures will be based on a combination of access management, and the provision of Suitable Accessible Natural Greenspace (SANG).

Where mitigation takes the form of provision of SANG the following standards and arrangements will apply:

- iv. A minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants
- v. Developments of fewer than 10 dwellings should not be required to be within a specified distance of SANG land provided it is ensured that a sufficient quantity of SANG land is in place to cater for the consequent increase in residents prior to occupation of the dwellings
- vi. Access management measures will be provided strategically to ensure that adverse impacts on the SPA are avoided and that SANG functions effectively
- vii. Authorities should co-operate and work jointly to implement mitigation measures. These may include, inter alia, assistance to those authorities with insufficient SANG land within their own boundaries, co-operation on access management and joint development plan documents.
- viii. Relevant parties will co-operate with Natural England and landowners and stakeholders in monitoring the effectiveness of avoidance and mitigation measures and monitoring visitor pressure on the SPA and review/amend the approach set out in this policy, as necessary.
- ix. Local authorities will collect developer contributions towards mitigation measures, including the provision of SANG land and joint contributions to the funding of access management and monitoring the effects of mitigation measures across the SPA.

- x. Large developments may be expected to provide bespoke mitigation that provides a combination of benefits including SANG, biodiversity enhancement, green infrastructure and potentially, new recreational facilities.

Where further evidence demonstrates that the integrity of the SPA can be protected using different linear thresholds or with alternative mitigation measures (including standards of SANG provision different to those set out in this policy) these must be agreed with Natural England.

The mechanism for this policy is set out in the TBH Delivery Framework by the TBH Joint Strategic Partnership and partners and stakeholders, the principles of which should be incorporated into local authorities' LDFs.

Appendix 2: Policy CP13 of the Core Strategy

Policy CP13 – Thames Basin Heaths Special Protection Area

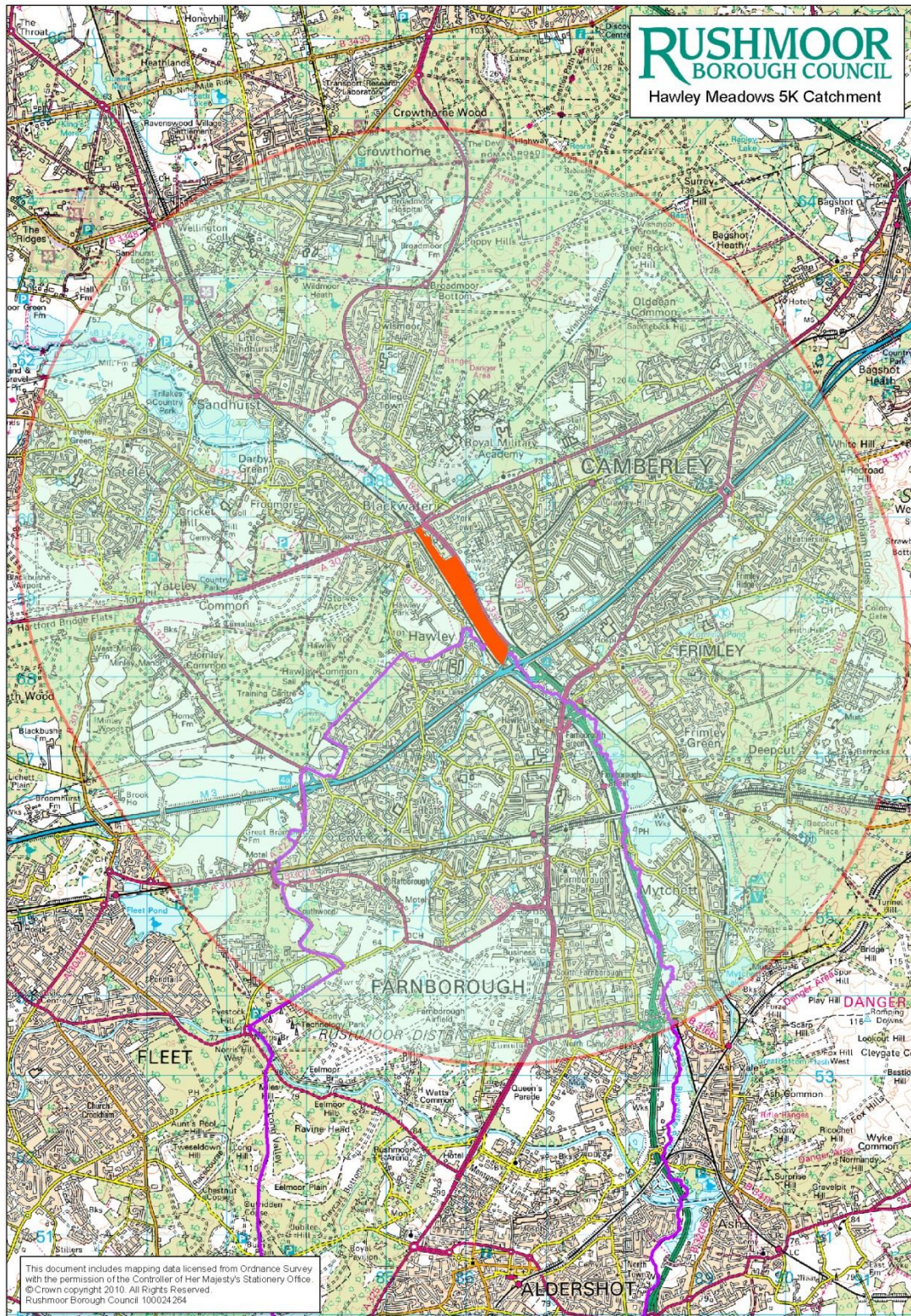
New development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths Special Protection Area (SPA), including all net new dwellings, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. The mechanism for delivering this policy is set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy and in the Thames Basin Heaths Delivery Framework prepared by the Thames Basin Heaths Joint Strategic Partnership.

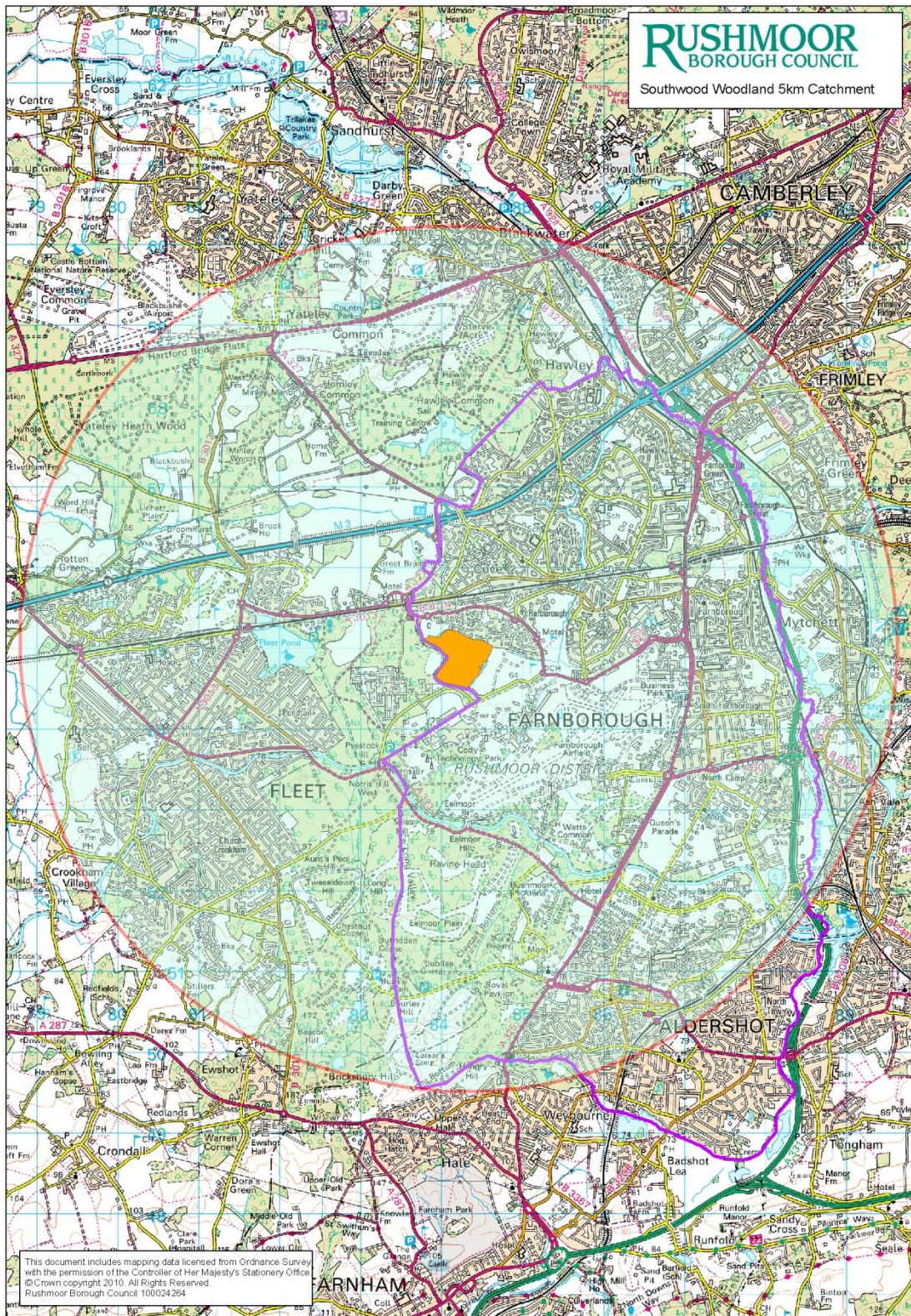
No residential development resulting in a net gain of units will be permitted within 400m of the SPA boundary, unless in agreement with Natural England an Appropriate Assessment demonstrates that there will be no adverse effect on the SPA.

Where mitigation measures are applicable, as set out in the Delivery Framework, the following standards will apply unless an evidence based alternative strategy has been agreed with Natural England:

- A minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided in perpetuity per 1,000 new occupants either through contributions towards the provision of SANG identified by the Borough Council, or through on site SANG agreed with Natural England;
- Contributions towards Strategic Access Management and Monitoring measures.

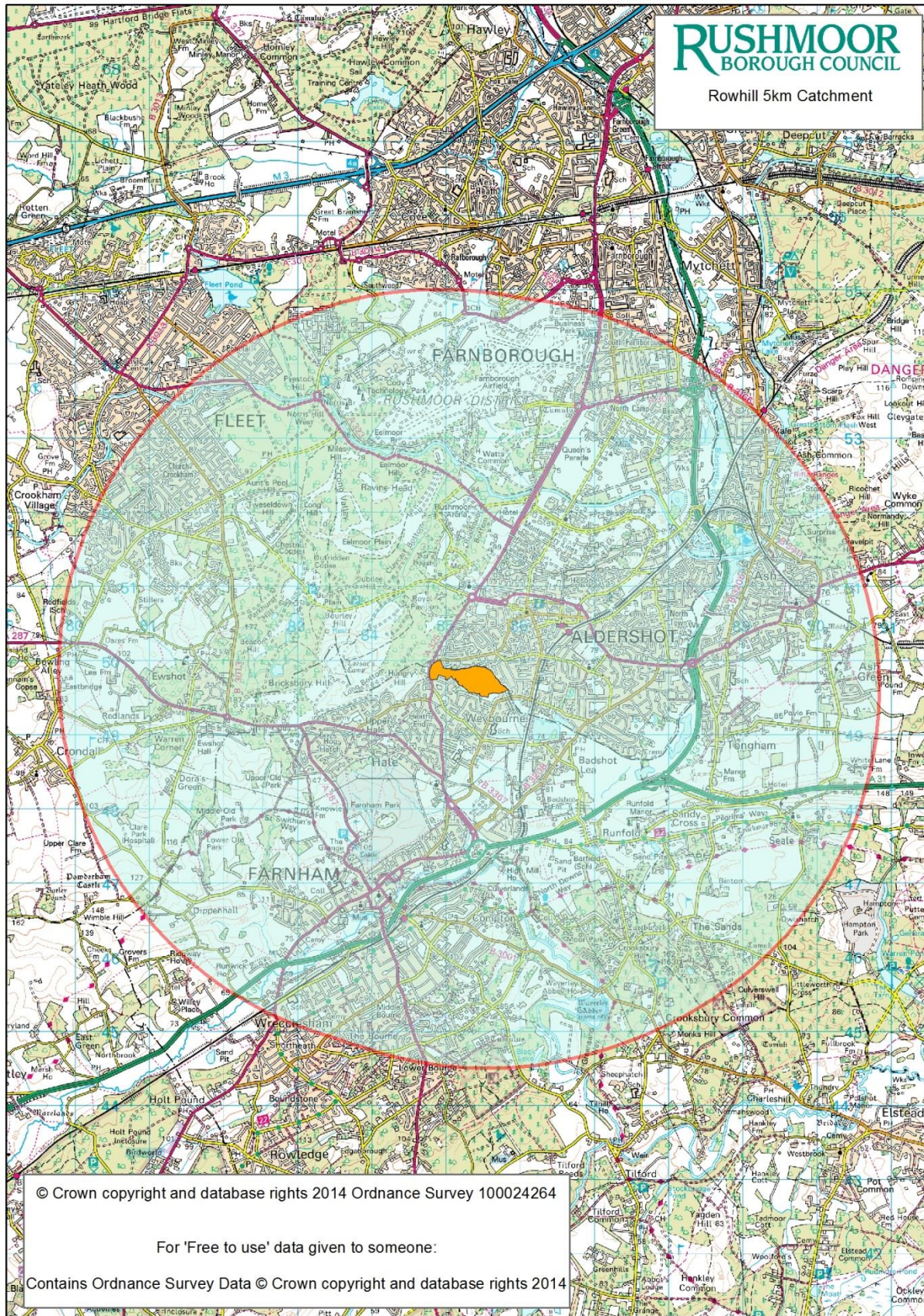
Appendix 3: Maps showing SANG catchments

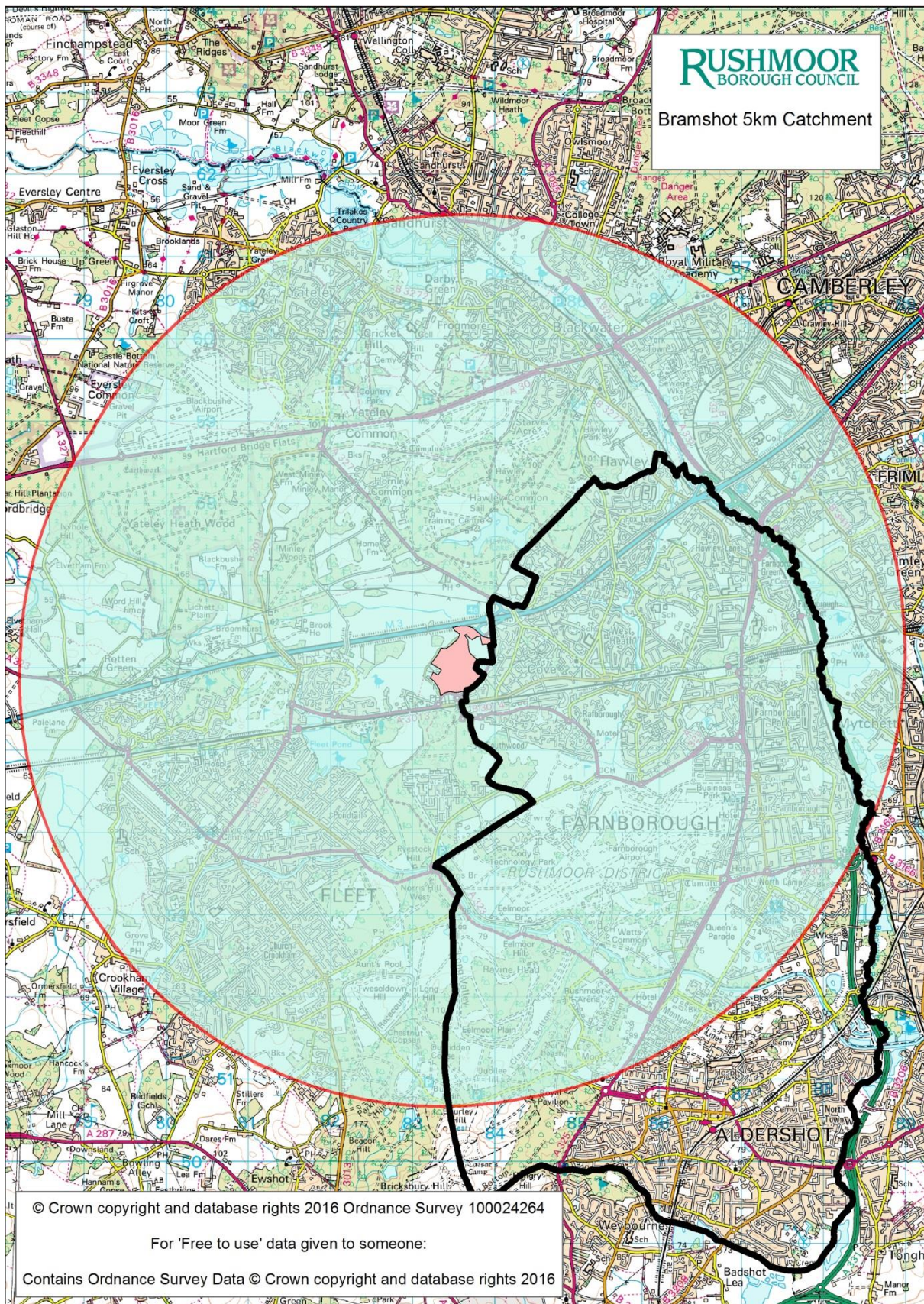




RUSHMOOR BOROUGH COUNCIL

Rowhill 5km Catchment





Appendix 4: Criteria for allocation of SANG

ALLOCATION OF MITIGATION OPPORTUNITIES

1.0 Introduction

- 1.1 The basis on which available mitigation capacity should be allocated to prospective development schemes was considered and agreed by Rushmoor's Cabinet on 17th June 2014. This has been amended in part to reflect more recent legal advice.

2.0 Background

- 2.1 The responsibility to address the impact of a proposed development on the Special Protection Area rests with the developer. The Council has an identified objective, supported by the policies of its development plan, of ensuring and promoting the delivery of housing, and has therefore sought to secure and distribute SANG mitigation capacity to support this. The Council is however under no legal obligation to make this capacity available to any particular developer or scheme.
- 2.2 It is therefore important for the Council to have appropriate criteria for the allocation of the SANG capacity which is at its disposal in order to ensure that it results in the delivery of housing at the earliest opportunity. SANG capacity is limited and therefore the Council has adopted the approach set out below to the allocation of SANG capacity within its ownership or control.
- 2.3 The allocation of SANG capacity will be at the discretion of the Head of Planning in response to a written request from developers. In exercising this discretion, consideration will be given to the deliverability of the proposed scheme. Proposals which are unlikely to be implemented due to complex land ownership or tenancy issues, or which are submitted as part of a valuation exercise, should not prevent the delivery of housing by locking up SANG capacity for extended periods. The commitment to funding should be secured by S.106 undertaking or contractual agreement and the allocation should reflect the life of the planning permission. If the planning permission expires without being implemented, the mitigation opportunity would be available for reallocation, and there could be no assumption that mitigation capacity would automatically be made available in the event of an application being received to renew an unimplemented planning permission.

3.0 Allocation of mitigation capacity

- 3.1 In considering any request for the allocation of mitigation capacity, the **first criterion** for consideration will be whether the scheme is policy compliant and represents good development. The Council offers pre-application advice to developers and will seek, at this stage, to establish whether the scheme proposed is satisfactory in relation to national and local planning policy. If it is not considered likely to receive a recommendation that permission is granted, the developer will be advised that the scheme will need to be amended or revised before an allocation of SANG capacity can be offered or supported.
- 3.2 The **second criterion** for consideration will be likelihood of early delivery. It would not be appropriate for SANG capacity to be tied up in speculative or outline schemes which are designed to maximize asset value with no likelihood of implementation. Consequently any planning permission for residential development which is supported by SANG allocation from the Council will be subject to a condition limiting the duration of the permission to one year. Similarly, the offer of capacity will reflect the same one year period.

- 3.3 With regard to the **third and fourth criteria**, it should be noted that a scheme proposing a lower proportion of affordable housing that required under development plan policy on viability grounds, will not pass the 'policy compliant' test and receive an allocation of Council controlled mitigation capacity unless the viability position has been first demonstrated. Provision of on-site affordable housing and contribution to town centre regeneration will assume particular significance if the Council is in a position where two competing schemes are the subject of requests for limited remaining mitigation capacity and there is only sufficient available to support one of them at the time. In these circumstances, the allocation will be made to the scheme which is considered to best address all the above criteria.

4.0 Procedure and Advice for Developers

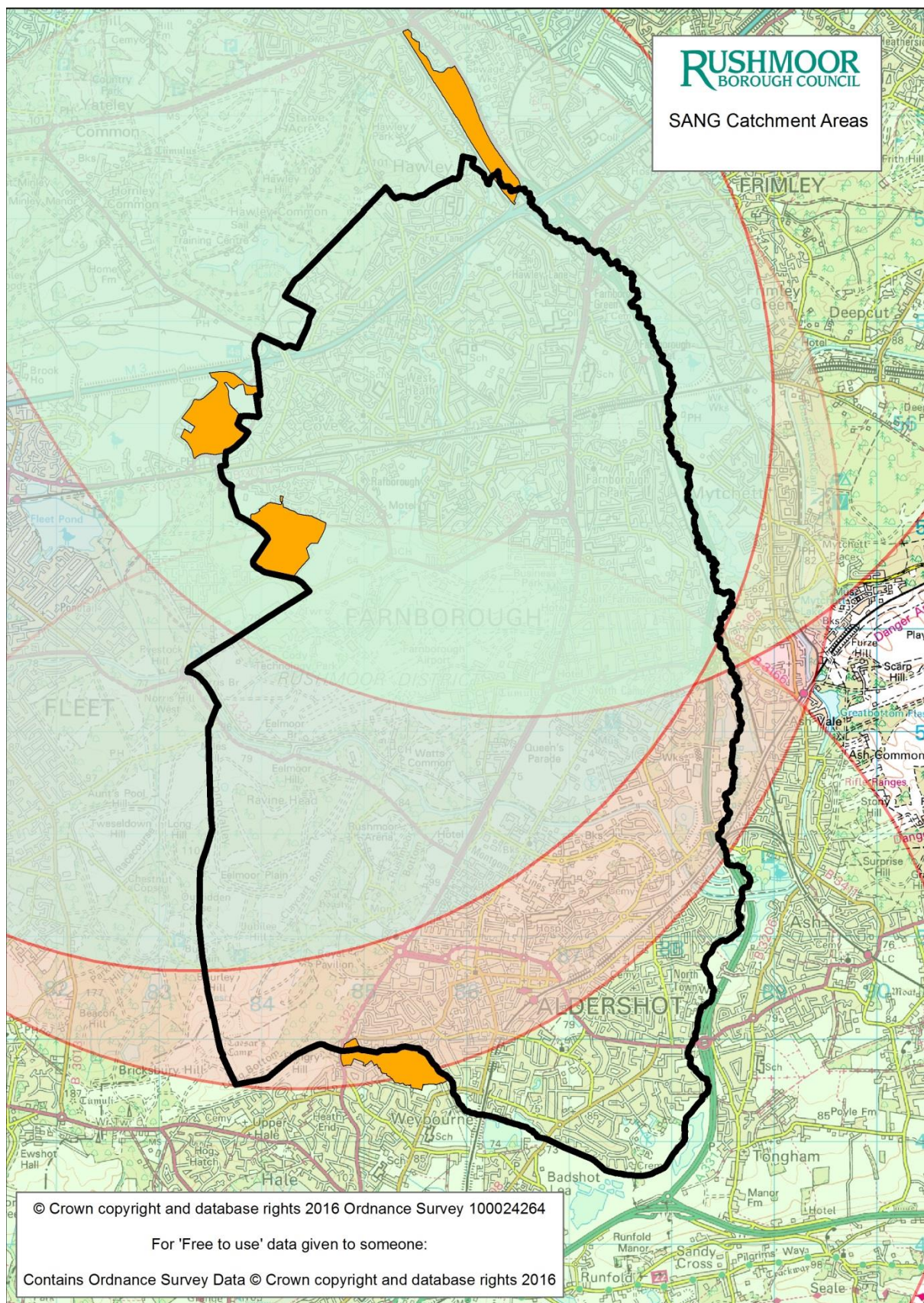
- 4.1 Any residential developer wishing to be provided with SANG mitigation capacity by the Council should first prepare a draft scheme and engage in pre-application discussion. Only when it has been established that the scheme represents good development and addresses the requirements of Council's development plan and national policy will the opportunity to take up available SANG capacity be offered.
- 4.2 Funding will be secured by S.106 obligation and the allocation will extend to the life of the planning permission. Should the applicant fail to submit an application within the specified period, or should planning permission be refused or lapse without being implemented, the capacity will be returned to the pool of available mitigation and may be allocated to another scheme. In the case of a developer seeking capacity from the Bramshot Farm or other SANG sites SANG within Hart District, whilst payment towards SAMM (Strategic Access Management and Monitoring) will be secured through a S.106 Planning Obligation, the securing of, and payment for, this allocation will be a contractual arrangement between the developer and HDC. Only on receipt of written confirmation of such an arrangement will the capacity be accepted in support of a planning application to Rushmoor. This procedure is set out in greater detail at Appendix 5.
- 4.3 A developer may seek the allocation of SANG capacity to support a scheme to change the use of a building or part thereof to residential as permitted development under GPDO Schedule 2, Part 3, Classes M-Q. Even if a scheme does fall within permitted development tolerances it cannot be implemented or begun unless the developer has first succeeded in obtaining consent under Regulation 75 of the Conservation of Habitats and Species Regulations 2010. If a developer is able to demonstrate through pre-application discussion and the Prior Approval process that a proposal of this type is indeed permitted development, an allocation of SANG capacity (if available) will be made. However, this will be subject to them, within a six-week period, making an application pursuant to S.75 of the Conservation of Habitats and Species Regulations 2010, supported by a completed S.106 obligation and/or notice of a contractual agreement securing the necessary mitigation. A condition of any allocation offer in respect of a 'permitted development' scheme will be that its duration is one year from the date of the S.75 approval. As with planning permission, failure to implement within this time-period will result in the mitigation capacity being withdrawn and made available to other deliverable schemes.
- 4.4 Subject to the above, schemes of 10 or more units will, where appropriate, receive allocation if the site lies within the 5km catchment of a SANG or SANGs which have sufficient available capacity at the time of the request.
- 4.5 The allocation of capacity to schemes of 9 or fewer units will not be restricted by catchment and will be made on a case by case basis subject to availability.

4.6 Requests for SANG capacity from developers who are deemed to be putting forward parts of sites or buildings which have been sub-divided in an attempt to benefit from the circumstance described at 4.5 will not be considered favourably.

4.7 In the event of a request being received from a potential developer for allocation of SANG capacity where there is, at the time, insufficient remaining capacity, the applicant will be informed that:

- (a) SANG capacity for the project is not available for allocation at present;
- (b) a reserve list will be maintained in order of receipt of requests and, in the event of sufficient capacity becoming available through the return of capacity from an unimplemented planning permission, they will be contacted and given the opportunity to apply for allocation;
- (c) any planning application which has not first demonstrated that it had secured the revised SANG capacity will be refused planning permission or prior approval on the grounds of failure to address the requirements of Policy CP13 of the Rushmoor Core Strategy and Saved Policy NRM6 of the South East Plan, in respect of SPA impact;
- (d) If a request is placed on the 'reserve list' referred to at (c) but the developer chooses to submit an application in any event without first securing an allocation, they will be considered to have withdrawn the request and will be removed from that list;
- (e) Mitigation capacity which was not available at the time of submission will not be conferred on a submitted planning application retrospectively;
- (f) Only one scheme for a particular site will be included on the reserved list at any one time.

Rushmoor SANGs Showing Catchment



Appendix 5

Allocation of SANGs capacity in Hart to Developments in Rushmoor

Procedure Note

1. The developer should first take the scheme through the pre-application process with Rushmoor Borough Council in accordance with the procedure set out on our website, including the payment of the appropriate fee.
2. Once the developer has the agreement (without prejudice) that the presented scheme is policy compliant and could be supported by a recommendation to grant planning permission, a letter from RBC to HDC will be provided, requesting the allocation of the requisite SANG capacity to support the submission of a planning application (or if appropriate a Regulation 75. Application) to RBC. The developer will be advised that an application must be submitted within 6 weeks of the date of written confirmation from HDC of the allocation, that they are responsible for any contractual arrangement and associated payment requirement between themselves and HDC in respect of the SANG allocation, and that the duration of any resulting planning permission or approval will be one year.
3. On receipt of an application accompanied by written confirmation from HDC that the applicant has secured SANG capacity, the application will be validated and determined. Natural England will be consulted. The duration of the planning permission, if granted, will be one year from the date of the issue of a decision. The developer will be required to enter into a S.106 Planning Obligation in order to pay the required SAMM (Strategic Access Management and Monitoring) contributions to Rushmoor.
4. In the event of planning permission being refused, an unsuccessful Regulation 75 application, an unsuccessful appeal against refusal, or the failure of the applicant to implement the permission within the one year period, any arrangement to recover payment made to HDC in respect of the allocation will be a contractual one between the developer and HDC.
5. No such allocation can be transferred by the applicant to another application, applicant or project.
6. Only allocations obtained through the process set out above will be accepted as addressing the potential recreational impact on the Thames Basin Heaths Special Protection Area of net new development proposals. Allocation of capacity will not be made to, or accepted from, developers who approach HDC directly without using the requisite pre-application process.

Appendix II

Allocation of SANGs capacity in Hart to developments in Rushmoor

Procedure Note

1. The developer should first take the scheme through the pre-application process with Rushmoor Borough Council in accordance with the procedure set out on our website, including the payment of the appropriate fee.
2. Once the developer has the agreement (without prejudice) that the presented scheme is policy compliant and could be supported by a recommendation to grant planning permission, a letter from RBC to HDC will be provided, requesting the allocation of the requisite SANG capacity to support the submission of a planning application to RBC. The developer will be advised that a valid planning application must be submitted within 6 weeks of the date of the written confirmation from HDC of the allocation, that they are responsible for any contractual arrangement and associated payment requirement between themselves and HDC in respect of the SANG allocation, and that the duration of any resulting planning permission will be one year.
3. On receipt of a planning application accompanied by written confirmation from HDC that the applicant has secured SANG capacity, the planning application will be validated and determined. Natural England will be consulted. The duration of the planning permission, if granted, will be one year from the date of the issue of a decision. The developer will be required to enter into a S.106 Planning Obligation in order to pay the required SAMM (Strategic Access Management and Monitoring) contributions to Rushmoor.
4. In the event of planning permission being refused, an unsuccessful appeal against refusal, or the failure of the applicant to implement the permission within the one year period, any arrangement to recover payment made to HDC in respect of the allocation will be a contractual one between the developer and HDC.
5. No such allocation can be transferred by the applicant to another application, applicant or project.
6. Only allocations obtained through the process set out above will be accepted as addressing the potential recreational impact on the Thames Basin Heaths Special Protection Area of net new development proposals. Allocation of capacity will not be made to, or accepted from, developers who approach HDC directly without using the requisite pre-application process.

