

23 JULY 2019

KEY DECISION: Yes

REPORT NO. EPSH1933

**THAMES BASIN HEATHS SPECIAL PROTECTION AREA AVOIDANCE AND  
MITIGATION STRATEGY (AMS) 2019 UPDATE**

**SUMMARY AND RECOMMENDATIONS:**

Approval is sought to publish an updated Thames Basin Heaths Avoidance and Mitigation Strategy for Rushmoor Borough, to incorporate information on arrangements for securing capacity within the Southwood Country Park SANG, provide additional information on the delivery of bespoke SANG and include factual updates to reflect legislative and policy changes.

**Recommendations:**

1. That the AMS 2019 (attached as Appendix 1) is approved;
2. That the Head of Economy, Planning and Strategic Housing, in consultation with the Portfolio Holder for Planning and Economy, is authorised to make factual amendments to the AMS prior to publication.

**1. INTRODUCTION**

- 1.1 The purpose of the Thames Basin Heaths Avoidance and Mitigation Strategy (AMS) 2019 (attached as Appendix 1) is to facilitate the allocation of SANGs capacity to development projects within Rushmoor.
- 1.2 The document sets out the developer contributions that will be required to secure SANG capacity at all of the SANGs in Council's control, and any surplus capacity that may be available in Hart District
- 1.3 The document has been updated to reflect the Council's Cabinet agreeing on Tuesday 12 December 2017, that the 57 hectare Southwood Golf Course would close enabling the land to be converted to become the Southwood Country Park SANG. This additional provision of SANG will facilitate the delivery of approximately 2,450 new homes, specifically to support the regeneration of both Aldershot and Farnborough town centres.
- 1.4 This is a key decision as it has implications for continuation of the Council's ability to grant planning permission for, and ensure the regeneration of Aldershot and Farnborough Town centres and the delivery of new housing across the whole of the Borough.

- 1.5 The Avoidance and Mitigation Strategy 2019 once published will supersede the current TBHAMS (May 2018).

## **2. BACKGROUND**

- 2.1 Rushmoor is a compact urban authority, and opportunities for identifying or securing new SANGs, which provide suitable catchments, are limited.
- 2.2 Since 2017, the Council has secured access to surplus SANG mitigation capacity within Hart District, initially at Bramshot Farm, to enable residential development to proceed when there was no SANG capacity available within Rushmoor Borough.
- 2.3 To ensure sufficient SANG capacity to mitigate the net new residential development identified for delivery in the [Rushmoor Local Plan](#) (February 2019), the Council's Cabinet agreed that the 57ha Southwood Golf Course would close enabling the land to be converted to become the Southwood Country Park SANG.
- 2.4 The Southwood Country Park SANG will facilitate the delivery of approximately 2,450 new homes and is core component of enabling the delivery of the Local Plan allocations that will contribute towards the regeneration of Aldershot and Farnborough town centres.

## **3. DETAILS OF THE PROPOSAL**

- 3.1 In order to finalise and implement the arrangements for allocating and securing capacity at the Southwood Country Park SANG, the details of this need to be included in an updated AMS. The arrangement reflects the requirements of the Town and Country Planning Act 1990 (as amended) and the Conservation of Habitats and Species Regulations 2017.
- 3.2 To ensure the delivery of the Council's aspirations to regenerate the town centres of Aldershot and Farnborough, the updated AMS makes it clear that a significant proportion of the SANG capacity generated from the Country Park will be reserved to ensure the delivery of the following sites allocated in the Rushmoor Local Plan:
  - SP1.4 – The Galleries, Aldershot
  - SP1.5 – Union Street, Aldershot
  - SP1.6 – Hippodrome House, Aldershot
  - SP1.8 – Aldershot Railway Station
  - SP2.3 – Farnborough Civic Quarter
  - and for any other sites considered to represent strategically important development.

- 3.3 The updated AMS sets out that this reserved capacity will only be released to support schemes other than those listed in paragraph 3.2 above, where it can be demonstrated that there is no likelihood of planning consent for the above sites being secured and implemented.

#### **Alternative Option**

- 3.4 The alternative to the proposal is to continue utilising the current AMS, however this will mean that no process is in place to allocate the SANG capacity being delivered at Southwood Country Park. It would endanger the collection of developer contributions towards the creation of the Country Park. It would also significantly impact the Council's ability to deliver the Local Plan and more specifically regenerate the town centres of Aldershot and Farnborough.

#### **Consultation**

- 3.5 Informal consultation with Natural England undertaken.

### **4. IMPLICATIONS**

#### **Risks**

- 4.1. If the Council did not update the AMS it would not be able to allocate or take contributions towards Southward Country Park. This would endanger the delivery of the Council's Local Plan and more particularly the delivery of Town Centre Regeneration. It would thereby also risk loss of funding such as Housing Infrastructure Funding impacting the Council and the viability of Town Centre Regeneration. There are not considered to be any risks associated with the implementation of the recommendations of this report.

#### **Legal Implications**

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

#### **Financial and Resource Implications**

- 4.3. The updating of the AMS ensures that the Council has a clear and justified basis for the collection of developer contributions and is therefore able to recover the appropriate funding spent on SANGs as developments come forward.

#### **Equalities Impact Implications**

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

## **5. CONCLUSIONS**

- 5.1 The proposal will facilitate continuity in the delivery of net new residential development in Rushmoor and more specifically the regeneration of Aldershot and Farnborough town centres. It will secure an update to the existing AMS and enable the Council to allocate capacity arising from the creation of the Southwood Country Park SANG.

### **BACKGROUND DOCUMENTS:**

**Appendix A** – Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy 2019.

The current Rushmoor AMS (May 2018) can be accessed from the following link:  
<https://www.rushmoor.gov.uk/spa>

The Rushmoor Local Plan (2019) can be accessed from the following link:  
<https://www.rushmoor.gov.uk/rushmoorlocalplan>

The Conservation of Habitats and Species Regulations 2017 can be accessed from the following link:  
<http://www.legislation.gov.uk/ukxi/2017/1012/contents/made>

Cabinet Report No. COMM 1721 (12 December 2017) – Southwood Golf Course – Consultation on the option to create a major new parkland and deliver Suitable Alternative Natural Greenspace (SANG). The report can be accessed from the following link:  
<https://democracy.rushmoor.gov.uk/ieListDocuments.aspx?CId=138&MId=414>

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**THAMES BASIN HEATHS SPECIAL PROTECTION AREA  
AVOIDANCE AND MITIGATION STRATEGY 2019**

July 2019

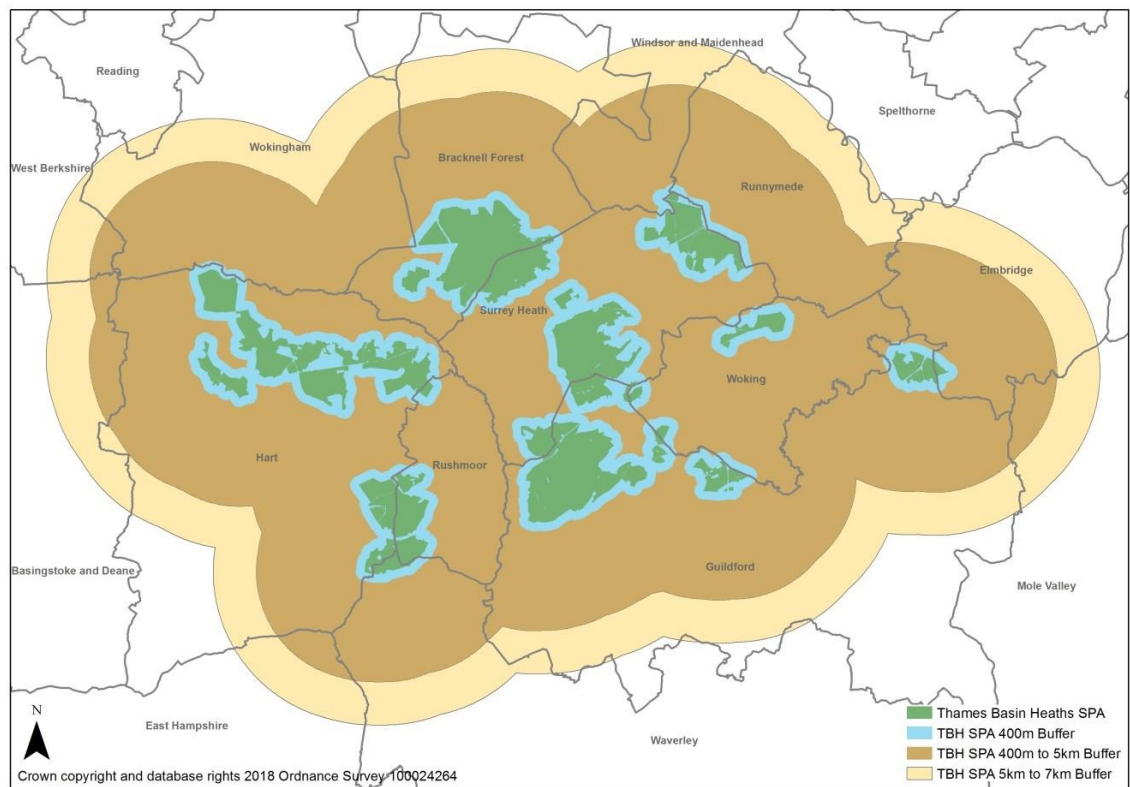
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# 1 Introduction

- 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 impacts 11 local authorities across Hampshire, Berkshire and Surrey and is fragmented by urban development and other land uses<sup>1</sup>. It consists of 13 Sites of Special Scientific Interest (SSSI) scattered across these Counties as shown below. The whole of the Borough lies within 5km of the TBHSPA.

**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

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

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, namely Nightjar (*Caprimulgus europaeus*), Woodlark (*Lullula arborea*) (both of which nest on the ground, often at the woodland/heathland edge), and, Dartford Warbler (*Sylvia undata*) (which often nests in gorse).

- 1.5 A Joint Strategic Partnership Board (JSPB) was established in 2007 to provide a vehicle for joint working, liaison and exchange of information between local authorities and other organisations affected by the Thames Basin Heaths SPA. In 2009, the JSPB adopted guidelines in the [Thames Basin Heaths Special Protection Area Delivery Framework \(February 2009\)](#). These guidelines form the basis of the approach adopted in this Avoidance and Mitigation Strategy.

**Purpose of this Strategy:**

- 1.6 The purpose of this strategy is to set out the approach that the Council will follow to seek to avoid harm arising from additional residential development. As set out later in this Strategy, this involves two elements in areas outside of the 400m buffer zone:
- the provision of Suitable Alternative Natural Greenspace (SANG) in order to divert additional recreational pressure away from the TBHSPA, and
  - 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.



## **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 2017. 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 England<sup>2</sup> the government’s advisor for the Natural Environment in England consider that any increase in population within 5km of the designated site may have an impact on the SPA. Natural England base this on research identifying a cause and effect relationship

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<sup>2</sup> Natural England is a statutory consultee and statutory advisor under the Habitats Directive.

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 are also associated with more general urban pressures, including uncontrolled heathland fires, fragmentation and pollution of the heaths, and cat predation<sup>3</sup>.

- 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.

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<sup>3</sup> 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>).

### 3 Planning Policy

- 3.1 The following planning policy documents are relevant to this Avoidance and Mitigation Strategy.

***National Planning Policy Framework (2019)***

- 3.2 Chapter 2: Achieving Sustainable Development of the NPPF sets out the presumption in favour of sustainable development. Paragraph 11 of the NPPF makes it clear that the principle of sustainable development does not apply to protected areas, which includes a range of Habitats sites including Special Protection Areas.

***The South East Plan (2009)***

- 3.3 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.

***Rushmoor Local Plan (2019)***

- 3.4 The Council adopted the Rushmoor Local Plan in February 2019. This sets a target for the delivery of at least 7,850 new dwellings in the Borough between 2014 and 2032 and allocates a number of sites to achieve this. However, it is estimated that capacity exists for the delivery of about 8,900 dwellings over this period.
- 3.5 In light of this scale of development and the fact that the entire Borough lies within the zone of influence, the Plan includes an overarching policy relating to the protection of the Thames Basin Heaths Special Protection Area.

#### **Policy NE1 - 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 (2014), supported by the Thames Basin Heaths Delivery Framework prepared by the Thames Basin Heaths Joint Strategic Partnership.

Residential development that would result in a net gain of units will not be permitted within 400 m of the SPA boundary unless, in exceptional circumstances and in agreement with Natural England, an appropriate assessment demonstrates that there will be no adverse effect on the SPA.

In all instances 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. A minimum of 8 ha 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; and
- b. Contributions towards Strategic Access Management and Monitoring measures.

## **4 Principles for Avoidance and Mitigation**

### ***Uses***

- 4.1 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 one or more net new dwelling units falling within use classes C3 and C4 (residential development); and
  - Proposals for one or more net new units of ancillary staff residential accommodation.
- 4.2 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.
- 4.3 All other applications for planning permission in the vicinity of the SPA will need to be subject to a full Appropriate Assessment.
- 4.4 It is important to note that permitted development (such as the conversion of retail or office space to residential units) is not exempt from the Habitats Regulations and therefore avoidance and mitigation measures will be required.
- 4.5 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***

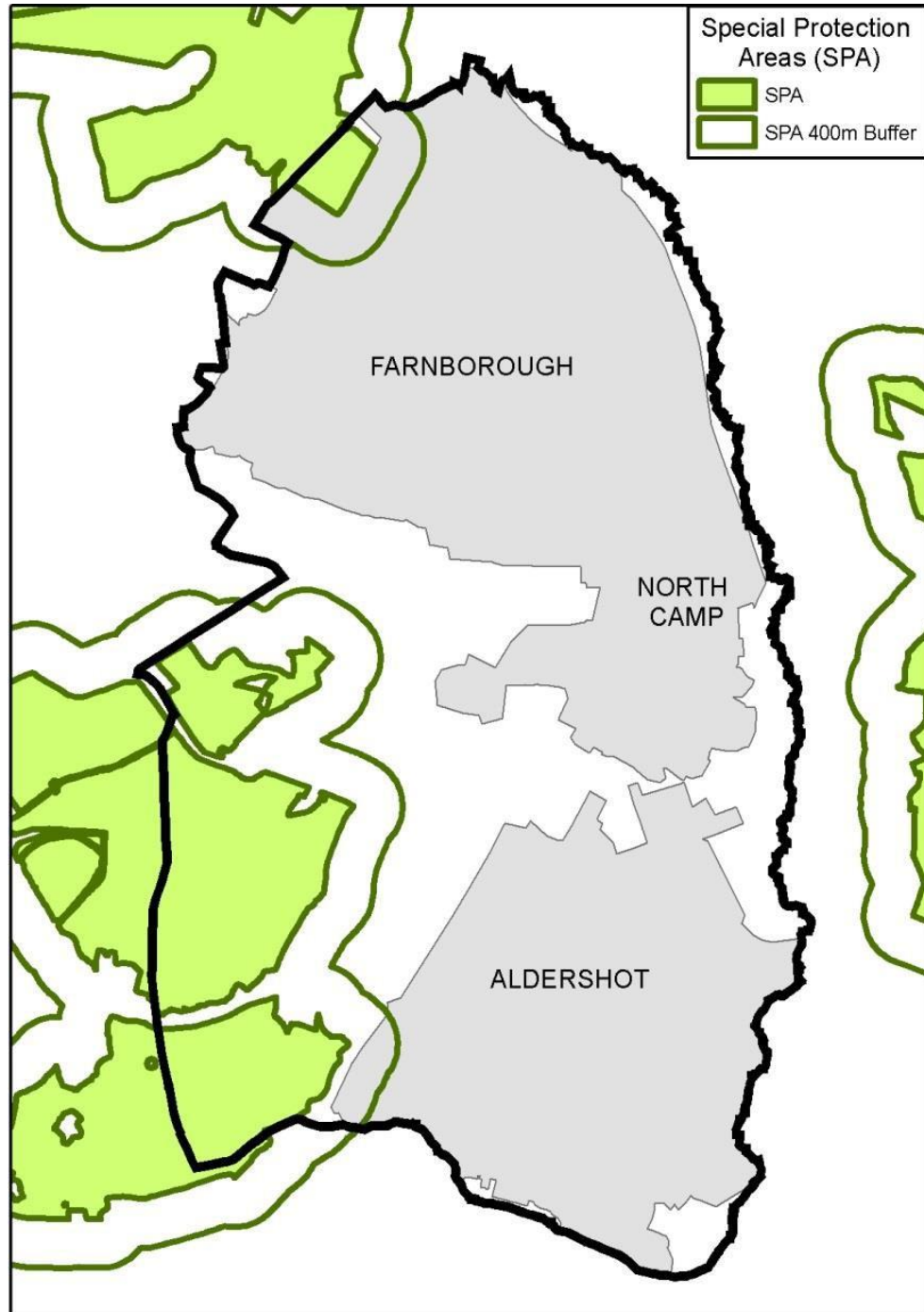
- 4.6 In accordance with the saved South East Plan policy, the Thames Basin Heaths Delivery Framework (TBHDF) and Rushmoor Local Plan Policy NE1, the Avoidance and Mitigation Strategy identify two zones around the SPA:

#### ***Within 400m***

- 4.7 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**



- 4.8 As set out in Local Plan Policy NE1, residential development that would result in a net gain of units will not be permitted within 400m of the SPA boundary unless, in exceptional circumstances and in agreement with Natural England, an appropriate assessment demonstrates that there will be no adverse effect on the SPA.

- 4.9 In line with saved South East Plan Policy NRM6, the TBHDF, Rushmoor Local Plan Policy NE1 and to reflect a European Court of Justice ruling<sup>4</sup>, unless full Appropriate Assessment demonstrates that there will be no adverse effect on 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 (400m to 5km)***

- 4.10 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).
- 4.11 It is important to note that the whole of Rushmoor Borough lies within 5 km of the SPA.

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<sup>4</sup> The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17'

## 5. Avoidance and Mitigation Measures

5.1 Within the 400m to 5km zone of influence, the following measures will be implemented:

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

### ***Suitable Alternative Natural Greenspace (SANG)***

5.2 The South East Plan, the TBHDF and Rushmoor Local Plan Policy NE1 set out an appropriate standard for the provision of SANG as below:

- SANG should be provided on the basis of a minimum of 8ha of SANG land (after discounting to account for current access and capacity) should be provided in perpetuity per 1,000 new occupants.

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.

The creation of SANG is subject to guidance, which includes a number of requirements (see Appendix 2)

- 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:
  - o SANG of 2 – 12 ha will have a catchment of 2km
  - o SANG of 12 – 20ha will have a catchment of 4km
  - o SANG of 20ha+ will have a catchment of 5km.

5.3 Developments of fewer 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 fewer than 10 dwellings must contribute to the provision of avoidance measures.

- 5.4 Planning law<sup>5</sup> 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 1 below.

**Table 1 – Average Occupancy of Dwellings**

<b>Dwelling Size</b>	<b>Occupancy</b>
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

***Established SANG sites within Rushmoor Borough***

- 5.5 The following sites have been implemented as SANG to mitigate new residential development in Rushmoor Borough with the agreement of Natural England. The sites are well established and have very little remaining capacity as demonstrated by Table 2 overleaf:

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<sup>5</sup> The Community Infrastructure Levy Regulations 2010 (As Amended)



**Table 2 – Remaining SANG capacity at established sites**

<b>SANG Site</b>	<b>Description</b>	<b>Remaining Capacity as of 24/06/19</b>
Hawley Meadows and 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 has a 5km catchment.	Zero
Rowhill	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 has a 5km catchment.	8 residential units
Southwood Woodlands	An area of land owned by the Council lying to the south west of Farnborough. This site commenced operating as a SANG in 2007. The site has a 5km catchment, which covers the majority of the Borough.	11 residential units

5.6 The contributions required from residential developments to secure an allocation of SANG capacity at these three established sites is set out in Table 3 below:

**Table 3 – Developer contributions required to secure established SANG capacity in Rushmoor**

<b>Dwelling Size</b>	<b>SANG contribution per dwelling (£)</b>	<b>SAMM contribution per dwelling (£)</b>	<b>Total per dwelling (£)</b>
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+ bedrooms	9,620	1,052	10,672

5.7 Please note that from April 2020, the above SANG tariffs will be updated annually in line with the Retail Price Index (RPI).

## **New SANG sites within Rushmoor Borough**

### **Southwood Country Park**

- 5.8 In December 2018, the Council's Cabinet agreed that the Southwood Golf Course would close enabling the land to be converted to SANG to facilitate the delivery of new homes and specifically, to support the regeneration of Aldershot and Farnborough town centres.
- 5.9 This 57ha site is in the Council's ownership and will enable the delivery of approximately 2,450 dwellings.
- 5.10 Table 4 sets out the contributions will be required in respect of the Southwood Country Park SANG allocation (based on a standard cost of £3167.00 per person):

**Table 4 – Developer contributions required to secure established SANG capacity at Southwood Country Park.**

<b>Dwelling Size</b>	<b>SANG contribution per dwelling (£)</b>	<b>SAMM contribution per dwelling (£)</b>	<b>Total per dwelling (£)</b>
1 bedroom/studio/bedsit	4,434	399	4,833
2 bedrooms	5,859	526	6,385
3 bedrooms	7,918	711	8,629
4 bedrooms	9,026	807	9,833
5+	11,718	1,052	12,770

- 5.11 Please note that from April 2022, the above SANG tariffs will be updated annually in line with the Retail Price Index (RPI).

### Securing Capacity at Southwood Country Park

- 5.12 It is important to note that the Council is under no legal obligation to make this capacity available to any particular developer or scheme. Therefore, to support the regeneration of Aldershot and Farnborough Town centres, specifically the following Local Plan allocations, a significant proportion of this capacity will be reserved to enable these sites to be developed:
- SP1.4 – The Galleries, Aldershot
  - SP1.5 – Union Street, Aldershot
  - SP1.6 – Hippodrome House, Aldershot

- SP1.8 – Aldershot Railway Station
- SP2.3 – Farnborough Civic Quarter

5.13 This reserved capacity will only be released to support other schemes where it can be demonstrated that there is no likelihood of planning consent for the above sites being secured and implemented.

### **Bespoke SANGs**

5.14 Any surplus capacity that is available at Southwood Country Park will be allocated in accordance with the criteria detailed in Appendix 4.

5.15 It is expected that large residential developments will provide bespoke mitigations that provides a combination of benefits including SANG, biodiversity enhancement and green infrastructure. Where developers propose a bespoke solution, this will be accessed on its own merits under the Habitats Regulations and will be agreed by the Council in consultation with Natural England.

5.16 The following Local Plan allocations are providing or have the opportunity to provide bespoke mitigation:

### ***Blandford House and Malta Barracks***

5.17 Policy SP10 of the Rushmoor Local Plan allocates Blandford House and Malta Barracks for a sustainable residential development of approximately 165 homes focused on the areas of previously developed land at Blandford House and Malta Barracks. The site also includes the provision of approximately 14ha of SANG to avoid and mitigate the impact of development on the Thames Basin Heaths SPA.

5.18 Some additional SANG capacity is likely to be available at this site (once approved and implemented), however the allocation of this surplus capacity is unlikely to be fully within the Council's control.

### ***Wellesley***

5.19 Development at the Aldershot Urban Extension (now known as Wellesley) for up to 3,850 new homes has provided a bespoke solution of SANG provision. This has been secured through a Section 106 legal agreement attached to a planning permission granted in March 2014<sup>6</sup>.

5.20 There is no surplus capacity available at this SANG.

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<sup>6</sup> Planning Application Reference 12/00958/OUTPP

### **Securing Strategic SANG capacity within Hart District**

- 5.21 By way of a memorandum of understanding, agreement was reached in November 2017 through which SANG capacity of up to 3,600 people (1,500 residential units) would be made available within Hart District to mitigate the impact of development proposals delivering new housing in Rushmoor, principally at Bramshot Farm and Hawley Park Farm.
- 5.22 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 Section 106 planning obligation.
- 5.23 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 Hart SANG***

- 5.24 Table 5 sets out the contributions that will be required in respect of SANG located in Hart District (based on a standard cost of £3334.00 per person).

**Table 5 – Developer contributions required to secure SANG in Hart District.**

<b>Dwelling Size</b>	<b>SANG developer contribution per dwelling payable to Hart DC (£)</b>	<b>SAMM Contribution per dwelling (£)</b>	<b>Total per dwelling (£)</b>
1bed/studio/beds	4667.60	399	5066.60
2 bedroom	6167.90	526	6693.90
3 bedroom	8335.00	711	9046.00
4 bedrooms	9501.90	807	10308.90
5+	12335.80	1,052	13387.90

### **Allocation of Capacity within Hart District**

- 5.25 In the case of a developer seeking capacity from SANG sites within Hart District, it is important to note that whilst payment towards SAMM (Strategic Access Management and Monitoring) will be secured through a Section 106 Planning Obligation, the securing of, and payment for, this allocation will be a contractual arrangement between the developer and Hart District Council (HDC). Only on receipt of written confirmation of such an arrangement will the capacity be accepted in support of a planning application to Rushmoor. Further detail on the process is set out in Appendix 5.

### **Strategic Access Management and Monitoring Measures**

- 5.26 The second element of the avoidance measures as set out in paragraph 5.1 is the provision of Strategic Access Management and Monitoring measures.
- 5.27 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.
- 5.28 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:
- 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.

5.29 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.

5.30 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.

5.31 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 per dwelling
1 bed/studio/bedsit	£399
2 bedroom	£526
3 bedroom	£711
4 + bedrooms	£807
5+	£1,052

### ***Local Circumstances***

5.32 The [Thames Basin Heaths Delivery Framework](#) (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).

5.33 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.

## **6. Monitoring and Review**

- 6.1 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.
- 6.2 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.

## **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: Guidelines for the Creation of SANGs

The wording in the list below is precise. The requirements referred to as “must” are essential in all SANGs. Those requirements listed as “should have” should all be represented within the suite of SANGs, but do not all have to be represented in every site. All SANGs should have at least one of the features on the “desirable” list.

### Must have

- For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it.
- It should include a circular walk of 2.3-2.5km around the SANGS. On sites with car parks this should start and finish there.
- Sites of 10ha or more must have adequate car parking. These should be clearly signposted and easily accessed.
- Car parks must be easily and safely accessible by car and should be clearly sign posted.
- The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
- The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s
- SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
- SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANGS must be free from unpleasant intrusions (e.g. sewage treatment works

smells etc).

### **Should haves**

- SANGS should be clearly sign-posted or advertised in some way.
- SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.
- SANGS should link into longer walks of 5km or more through footpath or other green networks

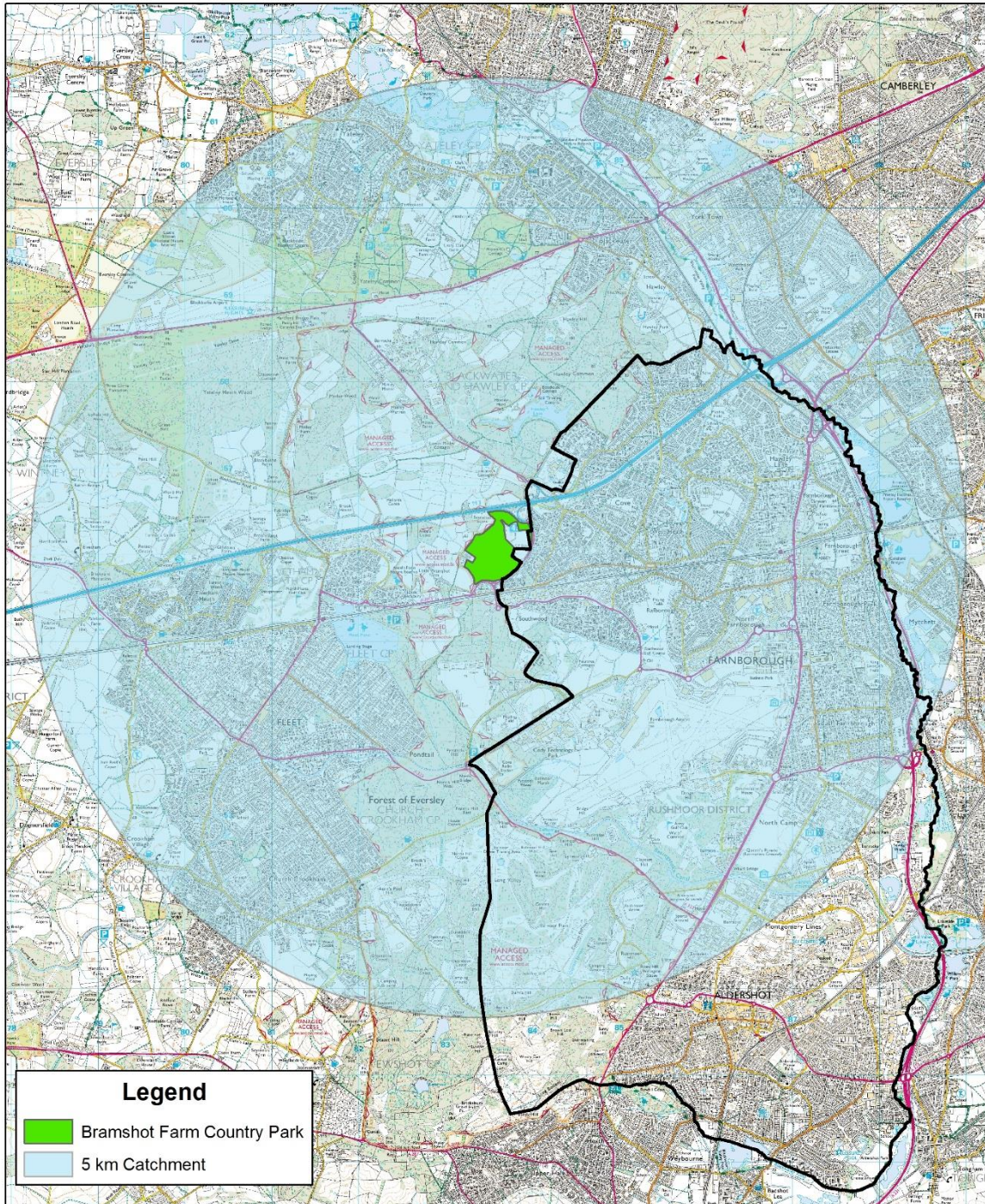
### **Desirables**

- It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.
- Where possible it is desirable to choose sites with a gently undulating topography for SANGS
- It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.
- It is desirable that SANGS provide a natural space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.
- Where possible it is desirable to have a focal point such as a view point within the SANGS.
- Larger SANGS or those grouped close together should aim to provide longer walks of 5km or more.
- Design and management of the SANG should contribute to relevant Biodiversity Opportunity Area Priority habitat restoration/creation objectives, where appropriate.

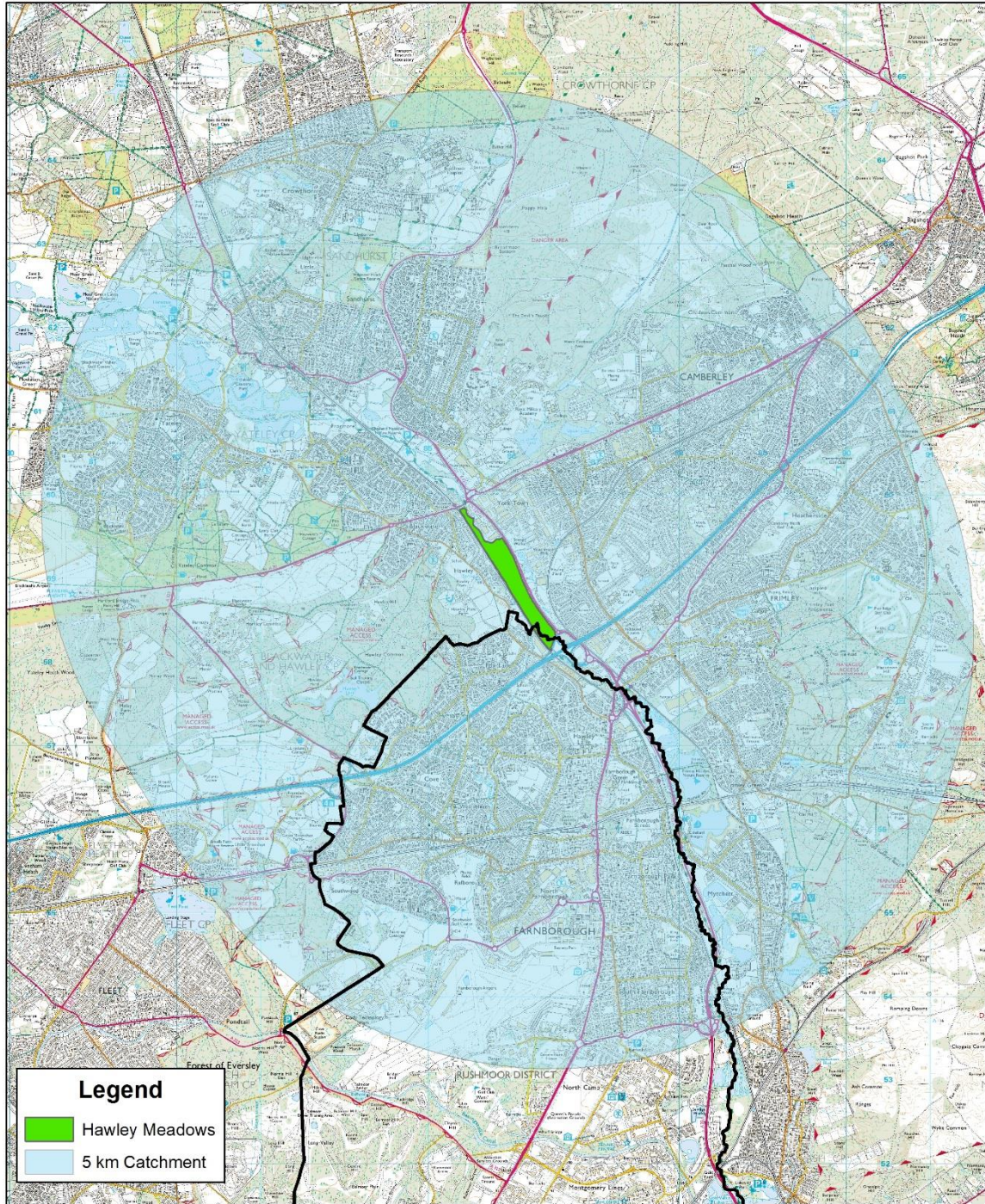
### Appendix 3: Maps showing SANG catchments



### Bramshot Farm Country Park and Catchment

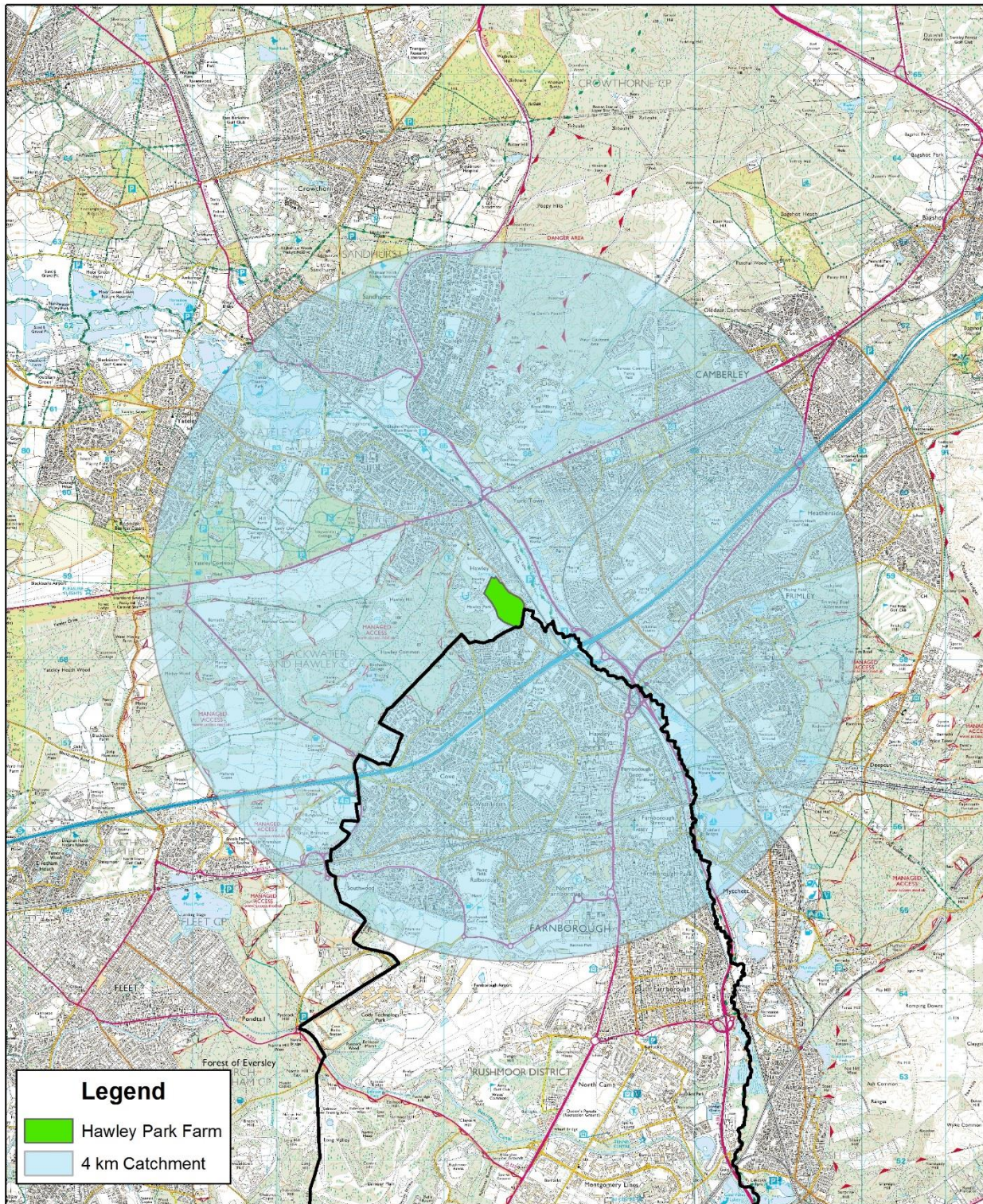


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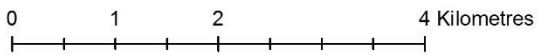
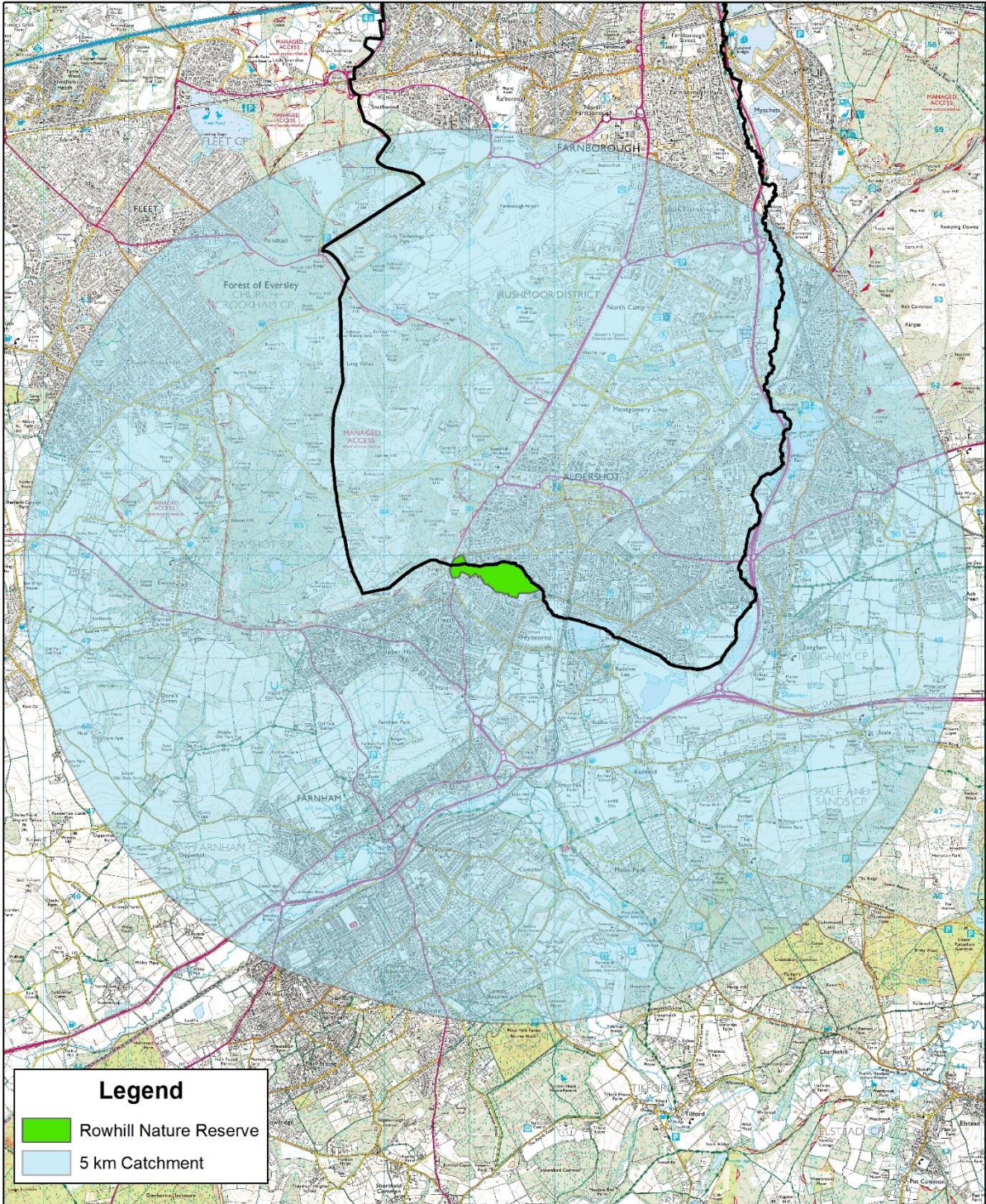
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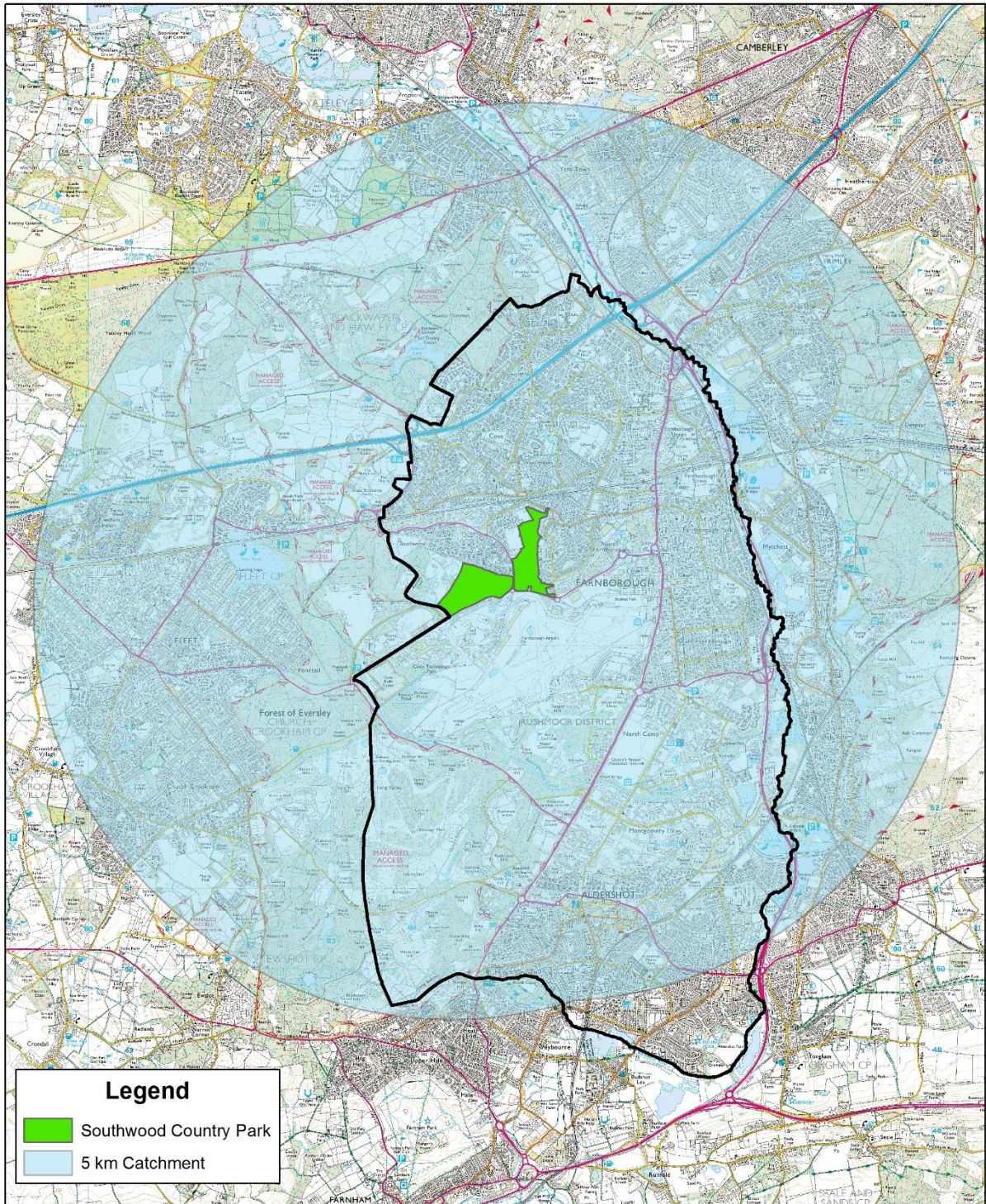


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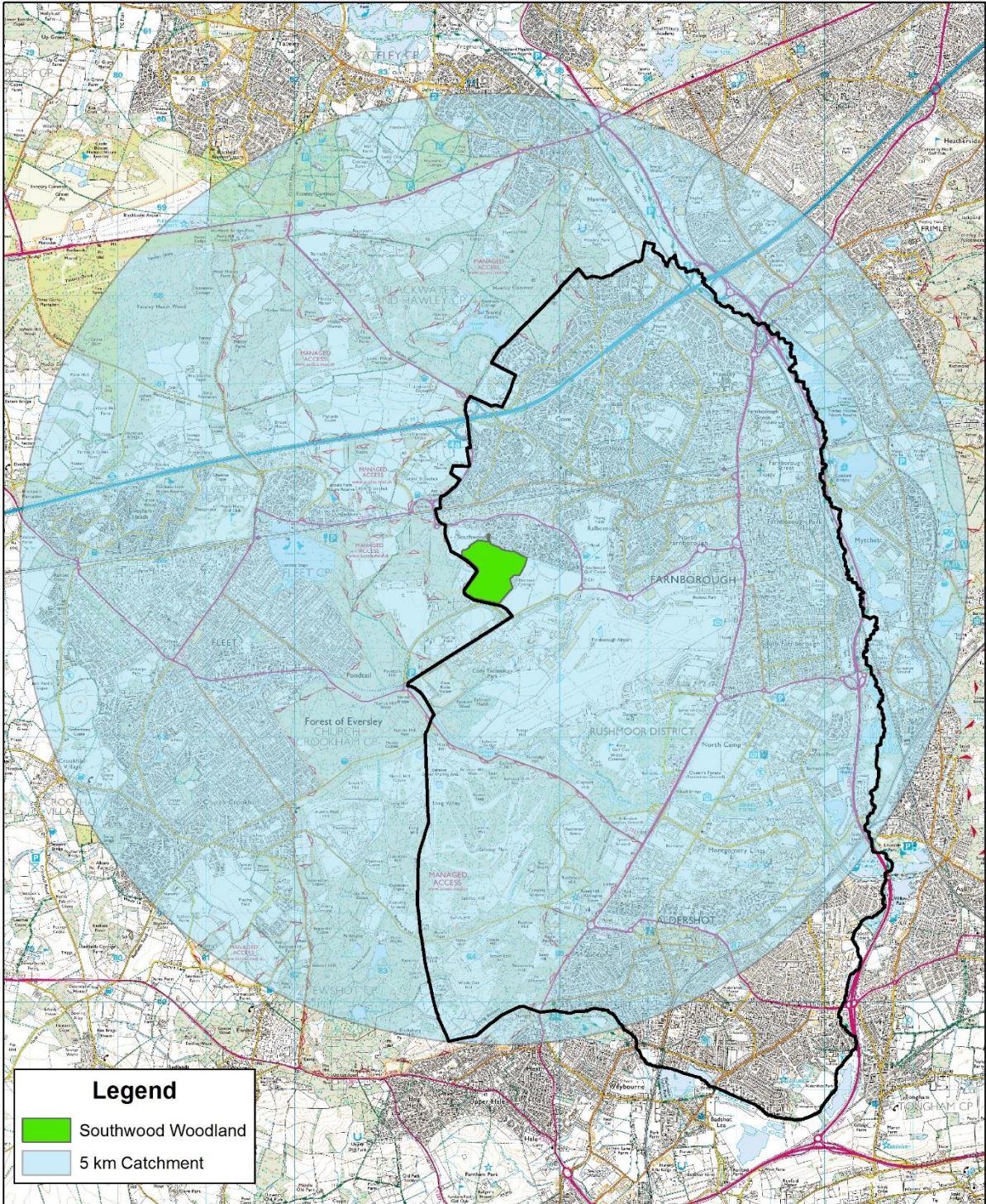
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## **Appendix 4: Criteria for the allocation of SANG capacity controlled by Rushmoor Borough Council**

### **1 Background**

- 1.1 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 Local 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 SANG capacity in its control available to any particular developer or scheme.
- 1.2 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.
- 1.3 The allocation of SANG capacity will be at the discretion of the Head of Economy, Planning and Strategic Housing 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.
- 1.4 The commitment to funding should be secured by a Section 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.

### **2 Allocation of mitigation capacity**

- 2.2 In considering any request for the allocation of mitigation capacity, the following criteria will be considered.

#### **Criteria 1 - Is the scheme a site allocation within the Rushmoor Local Plan that includes residential development?**

- 2.3 In considering any request for the allocation of mitigation capacity, the following criteria will be considered.
- 2.4 To support the regeneration of Aldershot and Farnborough Town Centres and the delivery of the Rushmoor Local Plan, sufficient SANG capacity will be

reserved to ensure the delivery of the following sites allocated in the Rushmoor Local Plan:

- SP1.4 – The Galleries, Aldershot
- SP1.5 – Union Street, Aldershot
- SP1.6 – Hippodrome House, Aldershot
- SP1.8 – Aldershot Railway Station
- SP2.3 – Farnborough Civic Quarter
- and for any other sites considered to represent strategically important development.

2.5 This reserved capacity will only be released to support other schemes where it can be demonstrated that there is no likelihood of planning consent for these sites being secured and implemented.

**Criteria 2 - Is the scheme policy compliant and does it represent good development**

2.6 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.

2.7 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 or be supported by an allocation of Council controlled mitigation capacity unless the viability position has been first demonstrated.

**Criteria 3 - How quickly will the scheme deliver?**

2.8 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.

2.9 However, at the discretion of the Head of Economy, Planning and Strategic Housing, consideration may be given to granting permissions with a duration of longer than one year in the case of regeneration schemes within designated town centres (particularly those identified in the Local Plan). This is to reflect the possibility that partnership and/or funding arrangements

may impact on the ability to implement a scheme within one year, but where the arrangements do provide certainty of delivery and completion.

- 2.10 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, the SANG allocation will be made to the scheme which is considered to best address all the above criteria.

### **3 Procedure and Advice for Developers**

- 3.1 Any residential developer wishing to be provided or assisted 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.
- 3.2 Funding will be secured by Section 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.
- 3.3 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 2017.
- 3.4 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 Section 75 of the Conservation of Habitats and Species Regulations 2017, supported by a completed Section 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 Section 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.

- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 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:
  - SANG capacity for the project is not available for allocation at present;
  - 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;
  - any planning application which has not first demonstrated that it had secured the revised SANG capacity will be refused planning permission on the grounds of failure to address the requirements of Local Plan Policy NE1 and Saved Policy NRM6 of the South East Plan, in respect of SPA impact;
  - If a request is placed on the 'reserve list' referred to at (b) 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;
  - Mitigation capacity which was not available at the time of submission will not be conferred on a submitted planning application retrospectively;
  - Only one scheme for a particular site will be included on the reserved list at any one time.

## **Appendix 5: Allocation of SANGs capacity in Hart District to Developments in Rushmoor Borough**

### **Procedure Note**

1. The developer should first take the scheme through the pre-application process with Rushmoor Borough Council (RBC) 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 Hart District Council (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, unless otherwise prescribed by the Head of Economy, Planning and Strategic Transport in accordance with paragraph 2.9 of Appendix 4.
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 unless otherwise indicated. The developer will be required to enter into a Section 106 Planning Obligation in order to pay the required SAMM (Strategic Access Management and Monitoring) contributions to RBC.
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 prescribed 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 new development proposals. Allocation of capacity will not be supported in respect of developers who do not first establish the credentials of their proposal using the requisite pre-application process.