

Guildford Borough Council

Thames Basin Heaths Special Protection Area Avoidance Strategy 2017 Supplementary Planning Document (SPD)

Consultation Statement

June 2017

Prepared in accordance with Regulation 12 of the
Town and Country Planning (Local Development) (England) Regulations 2012

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1. Introduction

- 1.1 We have prepared this consultation statement in accordance with Regulation 12(a) of the Town and Country Planning (Local Development) (England) Regulations 2012. All references to “regulation(s)” in this document are to the Town and Country Planning (Local Planning) (England) Regulations 2012 (SI No 767, 2012), unless otherwise stated.
- 1.2 Regulation 12(a) requires that before we adopt a Supplementary Planning Document (SPD), including a revision of a SPD, we must prepare a statement setting out:
- the persons whom the authority consulted when **preparing** the SPD;
 - a summary of the main issues raised by those persons; and
 - how those issues have been addressed in the SPD.

2. Preparing the SPD Update

- 2.1 In preparing the Planning Contributions Update SPD, we involved, and sought views on early drafts from the organisations and individuals listed below. The main issues they raised are included in **Table 1**.
- Development Management manager and principal planning officers
 - SANG officer in the Parks and Countryside team
 - Parks and Landscape manager
 - Planning Solicitors
 - Director of Community Services
 - Director of the Environment
 - Senior accountant, Financial Services
 - Natural England

Table 1: Responses from those consulted in preparing the draft SPD

Main issues raised	How they were addressed
The way the strategy applies to houses in multiple occupation and care homes needs to be clarified.	Additional clarification has been added to the section “Types of development covered”.
The guidance on provision of SANG for Houses in Multiple Occupation does not adequately reflect the impact on the SPA in terms of building occupancy, or seek enough funding to mitigate the impact.	The guidance has been updated to make it clear that the tariff sought will be closely aligned with the expected occupancy of the building, based on recent occupancy data provided in the SPD.
The occupancy figures used for different sizes of dwelling are out of date.	The tariffs have been recalculated using occupancy data from the 2011 census (the most recent available). The previous strategy used data from the 2001 census.

<p>The existing SANG tariff does not allocate costs proportionately based on dwelling occupancy and therefore is not linked to potential impact on the SPA. The SANG tariff also does not take account of rooms that are not described as bedrooms but could be used as such.</p>	<p>The method for working out the SANG tariff has been changed so that costs are based more closely on the likely number of residents, and occupancy rates reflect more recent occupancy data. This differs from the previous tariff which was based around a charge for a one bed home (£3110.73 in 2009, increased every year since by inflation), with an additional fee for each additional bedroom (each bedroom cost an extra £500 in 2009) and did not take account of expected occupancy rates.</p> <p>Text has been added to set out what type of rooms will be considered as potential bedrooms.</p>
<p>The SANG tariff does not adequately fund the delivery and maintenance of SANG based on the known costs of maintaining existing SANGs.</p>	<p>The new SANG tariff has been set at a level that delivers sufficient funds to deliver and maintain SANGs based on the SANG management plans.</p>
<p>The strategy should provide guidance on what constitutes “Appropriate Assessment” (AA) as referred to in the Habitats Regulations.</p>	<p>There is little published guidance regarding Appropriate Assessment. Text has been added referring to commonly used guidance (DCLG, 2006), requiring those undertaking AA to follow established practice, and setting out the basic structure of an assessment as per the guidance.</p>
<p>The strategy should make it clear that the spending of funds collected through the SANG tariff includes management costs, as well as infrastructure and maintenance.</p>	<p>The “Spending” section has been amended to make this clear.</p>
<p>The strategy needs to include guidance on the planning process for providing SANGs on agricultural land.</p>	<p>Text has been added which sets out that a planning application for change of use may be needed for SANGs on agricultural land.</p>
<p>The strategy needs to include guidance for developers and landowners promoting SANG on land outside the Council’s ownership, particularly where they would like the Council to own or manage the land, or the Council will need Step-in Rights. The guidance should set out the process for the Council taking on land.</p>	<p>Guidance covering these points has been added.</p>
<p>The strategy needs to set out that SANGs on private land will need to be monitored by the Council to ensure that SANGs are not over-allocated.</p>	<p>Text has been added to address this.</p>
<p>The Council implements best practice in terms of access standards (e.g. for wheelchairs) on SANGs. Guidance should be provided for private and bespoke SANG providers.</p>	<p>Guidance on accessibility for new SANGs has been added.</p>

2.2 In preparing the draft Planning Contributions SPD Update, we carried out screening to

consider whether a full Strategic Environmental Assessment (SEA), Habitats Directive Assessment (HRA), and / or Equalities Statement would be needed under the relevant legislation. We consulted the three “environmental bodies”, Natural England, Heritage England and the Environment Agency in confirming the SEA and HRA screening opinions.

- 2.3 On adoption, the SPD will supersede the existing Thames Basin Heath Special Protection Area Avoidance Strategy 2009-2016, which we will withdraw in accordance with the relevant Regulations.

3. Formal consultation on the draft SPD

- 3.1 We held a four-week consultation on the draft SPD between 19 September 2016 (midday) and 17 October (11.59pm), under Regulations 12 and 13. We advised those local residents, businesses, residents and amenity groups, and other members of the public and relevant organisations whose details we hold on our planning consultation system of the consultation. We sent over 16,000 emails and letters, depending on the contact information that had been provided. This includes the many organisations that the Regulations classify as “specific consultees”, including Natural England, the Environment Agency and Heritage England with particular regard to the draft Strategic Environmental Assessment and Habitats Regulations Appraisal screening.

- 3.2 We publicised the consultation on the Council’s website, and made the consultation and supporting documents available in the borough’s four libraries and in the main Council office at Millmead for the duration of the consultation period. These arrangements were in accordance with our [Community Involvement in Planning](#), June 2013.

- 3.3 Section 23(1) Planning and Compulsory Purchase Act 2004 provides that :

The local planning authority may adopt a local development document (other than a development plan document) either as originally prepared or as modified to take account of:

- (a) any representations made in relation to the document (see **Table 2** below), and
- (b) any other matter they think is relevant (see **Table 3** below).

Regulations 11(2) and 14 of the Town and County Planning (Local Planning) (England) Regulation 2012 state that an adoption statement must be provided to clarify any modifications made.

The Council’s solicitors advised that, providing the proposed amendments do not materially affect the policies within, we may amend the draft SPD without re-consultation. Officers consider that the amendments made as a result of the consultation do not materially affect the policies within and therefore do not trigger the need for a further consultation.

- 3.4 We considered the 56 comments that we received from the specific consultees, other bodies and members of the public, and made the amendments to the draft SPD arising from these. The 56 representations received are presented in **Table 2** below, alongside a response from officers and details of the action taken as a result.

Note: Where officer comments refer to “the strategy”, this refers to the Draft Thames Basin Heaths Special Protection Area Strategy Supplementary Planning Document.

Table 2: Representations received during consultation

Comments from specific consultees (including parish councils and other local authorities)	Officer response	Action taken
Natural England		
<p>Draft Thames Basin Heaths SPA SPD</p> <p>Objection – significant amendments required</p> <p>Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature. Natural England have reviewed the current draft of the Thames Basin Heaths Special Protection Area (SPA) Avoidance Strategy Supplementary Planning Document (SPD), and we advise that, at this time, the SPD will need evaluating and amending prior to formalising the document, as there are currently significant issues with it. Natural England are therefore objecting to this draft Thames Basin Heaths SPA Avoidance Strategy SPD. Please see Annex 1 for our detailed comments.</p> <p>We would be happy to comment further should the need arise, or come to meet you to discuss further if you have any queries.</p>	Noted	See below for actions taken in regards to specific objections raised
<p>Natural England acknowledge that the retained policy NRM6 (from the withdrawn South East Plan) is mentioned within the current Thames Basin Heaths SPA SPD. This policy was retained so that it could be transposed into your Local Plan and thus SPD, as this concisely summaries the fundamentals of the Thames Basin Heaths SPA Avoidance and Mitigation strategy.</p>	Noted	No action
<p>We advise that the summary paragraph for this SPD is revisited, it does not read very clearly, and could be more concise in covering the</p>	Agreed	The preface paragraph has been removed as it is considered

<p>relevant points raised throughout the document. In addition to this, when outlining the nature of the Strategic Access Management and Monitoring (SAMM) project, the fact that this project also works to promote the use of alternative sites should be mentioned.</p>		<p>unnecessary. The summary has been amended for clarity.</p> <p>Throughout the document, the role of the SAMM project now includes <i>“the promotion of alternative sites for recreation”</i>.</p>
<p>It is mentioned both in the SPD summary and paragraph 3.12, that the council will aim to ensure that there is adequate SANG provision to satisfy the borough. Fully ensuring that there is enough SANG land to facilitate your Authority over the next plan period is a must, and this should be reflected within the updated Avoidance Strategy. This will need to be demonstrated at your Local Plan Examination In Public, and any future Local Plan consultations.</p>	<p>Agreed</p>	<p>The word “aim” has been removed so the text now reads <i>“the council will ensure...”</i></p> <p>The Local Plan will be accompanied to examination by an Infrastructure Delivery Plan that will set out a suite of SANGs that can deliver the development proposals in the Local Plan, to show that the Local Plan is deliverable.</p>
<p>We note that the position of SANGs in Guildford will be updated annually through “the Monitoring Report”. However, there is no specific reference to what this report will entail, or what aspects of the Thames Basin Heaths SPA Avoidance Strategy are being reviewed. We suggest that this is included somewhere in the document, to give it some grounding when referenced throughout.</p>	<p>Agreed</p>	<p>Additional text has been added at paragraph 3.40 which reads: <i>“This will include updates on the current capacity in existing SANGs, the delivery of new SANGs, and financial information relating to SANGs and SAMM.”</i></p> <p>The summary has been amended as follows (text in bold has been added): <i>“The SANG position (current capacity and delivery of new SANGs) is updated annually through the Monitoring Report.”</i></p>

In paragraph 2.4 it states that suitable avoidance and mitigation for residential development within 400m of the SPA would not be achievable. It mentions that this is partly due to the fact that pet controls are not enforceable, though it does not specifically state why this is an important consideration (i.e. cat predation). For the sake of clarity, we would advise that such detail is included into the explanation of the 400m exclusion zone. This paragraph should also mention that you cannot mitigate for people at this distance, since it is considered that 400m is the optimum walking distance for people to gain access to the SPA.

Agreed

Paragraph 2.4 has been amended to read: *“The “exclusion zone” is set at zero to 400 metres linear distance from the SPA boundary. There is a presumption against development that results in a net increase in residential units within this zone as the impact of net new residential development so close to the SPA is likely to be such that it is not possible to conclude no likely significant effect. This is due primarily to:*

- *the potential for pet cats to reach the SPA (see **Error! Reference source not found.**) - the use of conditions prohibiting the keeping of pets would be unreasonable, unenforceable and therefore be inappropriate, and*
- *the inability to prevent increased recreational pressure - 400 metres is the optimum walking distance for people to visit the SPA.*

As a result it is extremely unlikely that any net new residential development within the exclusion zone would be acceptable.”

The importance of cat predation is set out in paragraph 1.2.

<p>Paragraph 2.5 claims that all developments, of any type, that fall within the 400m exclusion zone will need to be accompanied by an Appropriate Assessment (AA). We advise that only developers who wish to pursue net increases of residential units in this zone will be expressly required to undertake a full AA (and it is extremely unlikely that any would pass this assessment). However, we do not consider that other developments in this zone would need to undertake an AA as a necessity; this paragraph should therefore be amended. Please see how this is covered in the 2009 Thames Basin Heaths SPA Delivery Framework.</p>	<p>Agreed</p>	<p>The sentence has been amended to refer to net new residential dwellings as follows: <i>“All proposals for net new residential of development within this zone will be required to undertake an Appropriate Assessment...”</i></p>
<p>It would be advantageous to include gypsy plots and mobile homes into paragraph 2.9, as these are often contentious cases in relation to the Thames Basin Heaths SPA Avoidance Strategy.</p>	<p>Agreed</p>	<p>Traveller accommodation and mobile homes have been added to the paragraph.</p>
<p>Student accommodation is discussed in paragraph 2.11 as being a development type to which the Thames Basin Heaths SPA Strategy may not need to be applied. This is not the case; the strategy will always apply to student accommodation, given the residential nature of its use. However, since there are more nuanced aspects to this type of accommodation, such developments and their required avoidance and mitigation, would be assessed on a case by case basis.</p>	<p>Agreed</p>	<p>Paragraph 2.11 has been amended to read:</p> <p><i>“Proposals for net new development of the following types may need to provide avoidance and mitigation measures, to be assessed on a case-by-case basis in consultation with NE:</i></p> <ul style="list-style-type: none"> • <i>student accommodation, and</i> • <i>accommodation of types not covered in this section.”</i>
<p>In the list of development sites discussed in detail in chapter 2 (paragraphs 2.12-2.20), we would expect to see the inclusion of care homes. This is because care homes come in many different forms, some of which would require mitigation while others would be accepted within the 400m zone.</p>	<p>Agreed</p>	<p>Assisted Living units have been covered as a new paragraph at 2.17. Care homes and nursing homes are covered in 2.13 (class C2). However, text has been added to make this clearer as</p>

below (additions in bold):

*“Residential staff accommodation in Class C2 development (residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres) will be considered in the same way as staff accommodation in Class C1. Non-staff accommodation will be considered on a case-by-case basis under advice from NE. **For residential accommodation within care homes and nursing homes, the level of care required by the residents, the likelihood of residents to visit the SPA and the likelihood of pet ownership in these establishments will be taken into account. As a result, these developments may or may not be acceptable within the 400 metre exclusion zone and may or may not be required to contribute to avoidance and mitigation measures.**”*

The following is written in paragraph 3.1: “...every proposal for net additional dwellings within this zone must make provision to avoid and/or mitigate the potential effect of the SPA”. The Thames Basin Heaths SPA Strategy’s three pronged approach includes both avoidance (SANGs) and mitigation (SAMM). It is therefore not accurate to state that a residential development would be required to make provision to avoid or mitigate, and this should be removed from the

Agreed

The document has been amended throughout to ensure “avoidance” and “mitigation” are used correctly.

Paragraph 3.1 has been amended to read as follows

paragraph. There does appear to be some confusion throughout the SPD draft between mitigation and avoidance, and we would suggest double checking that the correct phrasing has been used throughout, so that this difference is clear.

Paragraph 3.1 also mentions that all net increases in dwellings within the 400m-5km zone of influence will be likely to have a significant effect on the SPA, and avoidance and mitigation will be required. This paragraph should also discuss the implications of large scale developments within 5-7km zone, outlining that developments over 50 units may also be subject to these measures. This is supported by the 2009 Thames Basin Heaths SPA Delivery Framework (paragraph 4.4).

This paragraph goes on to say "...if developments provide or contribute towards the measures set out in this strategy, they can avoid the effects of the development proposal and an AA will not be required."

There are two issues that require amending here; firstly, while it is possible to either create or contribute to SANGs avoidance, the SAMM mitigation arm of the strategy is entirely based on contributions, making the or here erroneous, we would advise rewording this sentence (see paragraph iii of policy NRM6).

Secondly, the presence of the strategy, and developers adoption of it means that essentially their development can be screened out as not likely to cause a significant effect. Resultantly the latter Habitats Regulations AA will not be triggered; it would be worth stating this (see paragraph 3.1 of the 2009 Thames Basin Heaths SPA Delivery Framework for reference).

Paragraph 3.1 also states that "...the option remains for developers to undertake a habitat regulations screening assessment and where necessary a full AA...", this paragraph would benefit from clarifying that the developments being referenced, specifically, are those including residential accommodation as part of their proposals.

(amendments in bold): *"Any net increase in residential dwellings within the zone of influence, and any developments of over 50 residential units (net) in the five to seven kilometre zone (see Error! Reference source not found. onwards) are likely to have a significant effect on the SPA, either alone or in combination with other developments. Consequently, every **development of these types** must make provision to avoid **and** mitigate the potential effect on the SPA. If developments **of these types** provide, **or make a contribution towards the provision of**, the measures set out in this strategy, they can avoid the effects of the proposal, the development can be screened out during the Habitats Regulations screening assessment meaning an Appropriate Assessment will not be required. The option remains for developers to undertake a habitats regulations screening assessment and where necessary a full Appropriate Assessment to demonstrate that a proposal will not adversely affect the integrity of the SPA. "*

<p>Paragraph 3.3 addresses AAs; it states that in the absence of relevant information to inform an AA it is likely that planning permission would be refused. In order to avoid confusion, it may be pertinent to add here that if a developer cannot provide sufficient evidence to support their claims that residential development, which does not follow the strategy, will have no likely significant effect, then planning permission would also be refused.</p>	<p>Agreed</p>	<p>The following sentence has been added to the end of 3.3: <i>“Where a developer of a residential development proposes not to follow the strategy, but cannot provide sufficient evidence that residential development will have no likely significant effect in the SPA, planning permission will be refused.”</i></p>
<p>Within the SANG catchments portion of the draft SPD, paragraph 3.8 outlines the following as factors affecting a SANGs catchment: “...the overall size of the site, current recreational use, individual site characteristics, location, access points and accessibly, and relationship with wider green infrastructure network”. This is not accurate; the only aspects of a SANG that will dictate the catchment size are its hectarage and whether or not a suitable car park is present on site. This is discussed within the 2009 Thames Basin Heaths SPA Delivery Framework, and we would advise amending the SPD to better illustrate this.</p>	<p>Agreed</p>	<p>(Paragraph has changed to 3.9.) The first sentence has been changed to read: <i>“The catchment of any SANG (the area within which it can provide avoidance for new residential developments) depends on the overall size of the site and whether or not a suitable parking area is present.”</i></p>
<p>Paragraph 3.13, which refers to developer contributions towards strategic SANGs is a little confusing. It would be pertinent to consider rewording this paragraph to more clearly state that in perpetuity funding of SANGs will allow for the management and maintenance of the relevant greenspace required to offset increased local pressure on the SPA. Additionally, we would advise omitting the sentence that reads “The SPA sites will continue to be managed as at present, benefiting from funding arising from the access management and monitoring measures...”. This is not relevant here, and should be discussed later under the SAMM heading.</p>	<p>Agreed</p>	<p>(Paragraph changed to 3.14.) Paragraph 3.14 has been amended to read: <i>“Where the Council delivers SANGs, they will be funded by developer contributions for a period of 125 years. This means that other budgets for the maintenance and management of green spaces and the countryside, including the SPA, are not “starved” of finances.</i></p>

		<p><i>After this period, it is expected that, as with other forms of developer funded infrastructure, the costs will be absorbed by other Council budgets. The in perpetuity provision of SANGs means that increased local pressure on the SPA will be offset in perpetuity.”</i></p> <p>The sentence “<i>The SPA sites will continue to be managed as at present, benefiting from funding arising from the access management and monitoring measures...</i>” has been removed from this section. It hasn’t been added to the SAMM section as the additional information is not needed in that section.</p>
<p>Paragraph 3.19 talks about relevant discounting that may be required at SANGs (depending on current public use). However, the minimum 8ha/1000 people principle has not been outlined previously within the document. This minimum principle for SANGs hectarage should be stated, and crossed referenced where relevant (e.g. in paragraph 3.19), see paragraph iv of policy NRM6.</p>	<p>Agreed</p>	<p>(Paragraph changed to 3.22.) The standard of at least eight hectares of SANG per thousand people is set out at 3.8. The following sentence has been added to cross reference: “<i>The amount of SANG provided should meet the standard set out at 3.8, after discounting has been applied.</i>”</p>
<p>The following is mentioned in paragraph 3.22 “ Natural England’s preference is for SANGs to be on land owned and managed by Local Authorities, by charities with dedicated land management function or by similar bodies”. Natural England would not discriminate against a SANG proposal due to its pre-commencement land ownership. This</p>	<p>Agreed</p>	<p>(Paragraph changed to 3.25 and 3.26.) The paragraph has been amended to make it clear that the land should be handed over to the listed organisations, not be in</p>

paragraph should be amended to state that our preference is for an established SANG to be handed over to the bodies that have been listed. This is in order to ensure that secure in perpetuity management can be provided (i.e. by a body that is not likely to fold or become insolvent). This is relevant for both SANG change of use applications, or for SANGs relating to a specific development. All of this should be secured within a S106, or similar legal agreement.

Paragraph 3.22 also states that if the above cannot be secured and a third party management company is elected, then 'step-in' rights may be required. However, in this scenario step-in rights will always be required, and if the step-in are not afforded to your Authority, then the elected body must be approved by Natural England. All of this should be secured within a S106, or similar legal agreement.

ownership of the listed organisations prior to becoming SANG.

Regarding the comment on step-in rights, paragraph 3.25 does not refer only to management companies when saying step-in rights may be needed. However, a sentence has been added that states that step-in rights will always be needed when a third party management company is selected.

3.25 has been amended to read as follows:

“NE’s preference is for SANGs to be handed over to local authorities, charities with a dedicated land management function or similar bodies. Where SANG land is not owned by the Council, the Council will seek an interest in the land to ensure that the SANG endures and the funding is used as set out in the SANG agreements. For land that is not owned by the Council, NE may require the Council to agree ‘step-in rights’ either for itself or an approved and named organisation to ensure that mitigation is secure. If a third party management company is proposed to own

and/or manage the SANG, step-in rights will always be required. In every situation where step-in rights are required, they will be secured through an s106 or similar legal agreement and the arrangement must be agreed with NE.”

Paragraph 3.57 relates to securing in perpetuity maintenance of bespoke SANGs, referencing other paragraphs in the SPD outlining this. However, there is no mention of the relevance of SANG Management Plans in this discussion. We would advise including the necessity of an in depth SANG Management Plan that not only outlines the practical habitat management but also explains how the requirements of the SANG Guidelines are being met. The relevance of SANG Management Plans must also be included in the sections of the SPD discussing strategic SANGs.

Agreed

Omit the reference to private SANGs in paragraph 3.57, Natural England advise that there is no such thing as a ‘Private SANG’, but rather ‘Privately Owned SANGs’. We consider that the word private sends the wrong message, suggesting that only specific people will be able to use it. This is not the case since SANGs should be fully open access to everyone.

(Paragraph changed to 3.62.) The following sentence has been added to paragraph 3.62:

“For this purpose, an in depth SANG Management Plan (that outlines the practical habitat management and explains how the requirements of the SANG Guidelines will be met) must be provided. Adequate funding must be agreed with the Council on the basis of the SANG management plan, including the requirement that no works in the SANG Management Plan will be considered discretionary and appropriate contingency costs are covered. In the unlikely event that future costs eventually prove to be less than anticipated, any surplus funds will remain ring-fenced to the site and be used to provide the avoidance measures for longer than the initial funding period of 125 years.”

A new paragraph (3.15) has been added under “Delivery of new SANGs” that includes the following:

“All proposals for SANGs must include an in depth SANG Management Plan that outlines the practical habitat management and explains how the requirements of the SANG Guidelines will be met. This should include details of the managing body or organisation, capital costs, and costs for the in perpetuity management of the SANG in order to demonstrate that the SANG will deliver effective avoidance both at the outset and in perpetuity.”

This paragraph appears at the start of the delivery section and applies to all types of SANGs.

All references to “*private SANGs*” have been changed to “*privately owned SANGs*”.

Paragraph 3.72 should also include the 5-7km zone, when talking about collecting SAMM contributions from new residential developments, I would recommend you refer to paragraph vi of policy NRM6 to help inform this.

Agreed

(Paragraph changed to 3.76)
Additional text has been added to refer to contributions from the 5-7km zone as follows “*...and developments of over 50 net new dwellings in the five to seven kilometre zone.*”

<p>Paragraph 3.73 mentions that the SAMM project is managed and coordinated strategically by Natural England. This is not correct, Natural England acts to host the SAMM project, while Hampshire County Council manages the collected funds.</p>	<p>Agreed</p>	<p>(Paragraph changed to 3.77) The text has been amended to read “<i>Access management of the SPA is coordinated strategically through the JSP board working with the Council and other SPA affected authorities, landowners and land managers. NE acts as host to the SAMM project.</i>”</p>
<p>We note from paragraph 4.10 that Guildford Borough Council are currently unsure on their future housing requirements, and that the Thames Basin Heaths SPA Avoidance Strategy will be updated accordingly when this becomes available. It must be ensured that there is enough SANG capacity at any given time to allow for the known housing projections of that time. This should be stated within the Avoidance Strategy, otherwise your Authorities Local Plan may not be found sound.</p>	<p>As an SPD, the strategy provides guidance for planning policy. It is agreed that it must be ensured that there is enough SANG to allow for known housing projections. The new Local Plan will be accompanied by the Infrastructure Delivery Plan (IDP) that will set out the suite of SANGs that can be used to enable the development proposals within the plan whilst avoiding impacts on the SPA. This will enable the plan to be found sound at examination.</p> <p>The Local Plan is currently at pre-submission stage and carries very little weight. The strategy will be updated if necessary once the plan and the IDP progress further and the level of future development becomes more certain.</p>	<p>(Paragraph changed to 4.13.) No action.</p>
<p>Natural England have now had a chance to review both the Thames Basin Heaths Special Protection Area (SPA) Avoidance Strategy Supplementary Planning Document (SPD), and the Planning Contributions SPD, and to identify whether or not they need an Strategic Environmental Assessment (SEA)/Habitats Regulations</p>	<p>Noted</p>	<p>Text has been added to the SEA and HRA sections of the document to set out that the screening opinions are supported by Natural England.</p>

Assessment (HRA).

Given the nature of these documents Natural England do not consider that neither a full SEA nor HRA would be required for the above mentioned SPDs.

I hope that this information is helpful, we would be happy to review any additional documentation that is provided in light of the above advice.

[Officers sought clarification on the second paragraph above. The response received is given below]

For clarification, Natural England **do not** consider that a SEA or HRA will be required for the two SPDs to which this consultation relates (the Thames Basin Heaths SPA Avoidance Strategy and the Planning Contributions SPD).

Environment Agency

<p>SEA and HRA Screening Opinion for draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (SPD)</p> <p>Thank you for contacting us regarding a screening opinion for strategic environmental assessment (SEA) and habitats regulations assessment (HRA) for the draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD. We have reviewed the submitted documents and have the following comments to make.</p> <p>Environment Agency position</p> <p>We agree with the Guildford Borough Council draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD determination document dated 26 August 2016 and conclude that SEA and HRA are not required for the Thames Basin Heaths SPD.</p>	<p>Noted</p>	<p>Added text to the SEA section of the document to set out that the screening opinion is supported the Environment Agency.</p>
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<p>Draft Thames Basin Heaths Special Protection Area (SPA) Avoidance Strategy Supplementary Planning Document (SPD)</p>	<p>Noted</p>	<p>No action.</p>
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Thank you for contacting us regarding the draft Thames Basin Heaths SPA Avoidance Strategy SPD.

Environment Agency position

We have reviewed the submitted document and have no comments to make.

However, we wish to take this opportunity to request to be consulted in accordance with the Development Management Procedure Order on planning applications that fall within our remit.

Historic England

Thames Basin Heaths draft Supplementary Planning Document

Noted

No action.

Thank you for your email of 16 September 2016 inviting comments on the above document. As the Government's adviser on the historic environment Historic England is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of the local planning process and welcomes the opportunity to comment upon this key planning document.

Historic England has no comments to make on the draft SPD as it relates to matters beyond our direct areas of expertise and interest. Historic England would strongly advise that the Council's own conservation staff are closely involved throughout the preparation of the Local Plan, as they are often best placed to advise on local historic environment issues and priorities, sources of data and, consideration of the options relating to the historic environment.

These comments are based on the information provided by you at this time and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may subsequently arise from this or later versions of the plan and which may, in our view, have adverse effects on the historic environment.

Guildford Borough Council – Thames Basin Heaths SPA Avoidance Strategy SPD: Strategic Environmental Appraisal Screening Opinion

Noted

Added text to the SEA section of the document to set out that the screening opinion is supported by Historic England.

Thank you for your email dated 21 September 2016 consulting us on your intention of carrying out a SEA for the above plan. In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance.

Surrey Heath Borough Council

Thank you for the opportunity to comment on Guildford Borough Council's draft Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

Surrey Heath Borough Council wish to submit comments relating specifically to p.16 paragraph 2.20 of the document – *Significantly large residential development*.

In this section of the document, difficulties in creating a SANG less than 10ha in size are indicated due to the requirement to include a minimum 2.3km circular walk. It should be noted that this departs from the guidance contained within the Thames Basin Heath Special Protection Area Delivery Framework (2009), which suggests SANGs from 2-12ha in size are acceptable subject to a 2km catchment area.

Subsequently, this section of the draft SPD addresses the provision of bespoke SANGs. It is suggested that 500 or greater no. of dwellings may be considered appropriate for a bespoke SANG. From an external organisation's standpoint, this could be seen to imply that Guildford Borough Council may provide SANGs capacity for developments up to 499 net dwellings. It is acknowledged that the draft SPD does then seek to clarify that this is not a hard and fast rule, advising that smaller developments should also consider provision of bespoke SANG. However, specifying a figure as high as 500 dwellings or greater may have significant implications for future SANG provision both in Guildford

It is not the intention to depart from the provisions of the Delivery Framework or to imply that all development under 500 homes, of any size, would be able to use the Council's strategic SANGs.

(Paragraphs changed to 2.21 and 2.22.) The text has been amended to make it clear that the reference to 10 hectares is guidance only and does not constitute policy (additions and changes in bold):

“While the delivery framework allows for SANGs to be provided on sites of two hectares or greater, the requirement for SANGs to include a minimum 2.3 kilometre circular walk means that *in practice* it can be difficult to create a SANG on a site smaller than around 10 hectares (although this depends on the characteristics of the site). 10 hectares of SANG provides avoidance for around 500 homes, depending on the size of the homes. Therefore, and as a starting point only, the

Borough and more broadly across other authorities affected by the TBH SPA. The incentive for moderate to large developments (100-499 units) to seek bespoke SANG solutions may be impeded, with them instead relying solely on capacity at Council owned SANGs.

*provision of bespoke SANG **may** be considered appropriate for developments of 500 homes, depending on the size of the homes. Therefore, and as a starting point only, the provision of bespoke SANG **should** be considered appropriate for **all** developments of 500 homes or greater.”*

*“This should not be considered a hard and fast rule, and smaller developments should consider the feasibility of providing bespoke SANG. **Developers with sites of 100 homes or greater who wish to use a strategic SANG are encouraged to engage with the Council at an early stage to establish whether this will be acceptable. A key consideration will be whether allocating strategic SANG capacity to the site would result in a shortage of SANG in the area.**”*

The feasibility of an authority to continually mitigate for schemes up to 499 units should be fully tested and considered in depth, as the application of such a high threshold could rapidly and continually exhaust SANGs capacity. Another possible consequence could be the hindering of SANGs provision for smaller (0-99 unit) developments that rely upon obtaining capacity at Council owned SANGs. Finally, difficulties may arise for the authority in securing adequate SANGs

As above, it is not the intention to continually provide SANGs for all developments up to 500 units. However, officers have identified that there are situations where it may be advantageous to the SPA strategy to do so, so do not wish to rule it out. This decision is a result

No action

provision to meet demand.	of recent work on the Local Plan.	
Bracknell Forest Council		
<p>Thank you for your email dated 16 September 2016, regarding the above consultation, please see our comments below relating to the Guildford BC Draft Thames Basin Heaths Special Protection Area Strategy SPD (September 2016) and the Local Plan Policy P5: Thames Basin Heaths SPA.</p> <p>Page 7 and paragraph 2.8 - Residential development of at least 50 net new dwellings that falls between five and seven kilometres from the SPA may be required to provide avoidance and mitigation measures, assessed on a case-by-case basis. The TBH SPA Delivery Framework sets the threshold at over 50 houses.</p>	Agreed	This has been amended to read “over 50 net new dwellings” throughout the document.
<p>Paragraph 2.20 – it is noted that as a starting point, the provision of bespoke SANG may be considered appropriate for developments of 500 homes or greater. This has been calculated on the assumption of a minimum area of SANG (10ha) to accommodate a circular walk (at least 2.3km). Whilst this method is understood, it only seems to be related to bespoke SANGs provided on site. This strategy will put great pressure on the Council to provide SANG for large development sites. There is also the potential for applicants to provide bespoke SANGs off site. This should be included in the SPD.</p>	<p>It is not the intention to imply that all development under 500 homes, of any size, would be able to use the Council’s strategic SANGs. However, officers have identified that there are situations where it may be advantageous to the SPA strategy to do so, so do not wish to rule it out. This decision is a result of recent work on the Local Plan.</p>	<p>The following text has been added at 2.22 to clarify that large developments under 500 homes will not automatically be able to use strategic SANGs (additions in bold):</p> <p><i>“This should not be considered a hard and fast rule, and smaller developments should consider the feasibility of providing bespoke SANG. Developers with sites of 100 homes or greater who wish to use a strategic SANG are encouraged to engage with the Council at an early stage to establish whether this will be acceptable. A key consideration will be whether allocating strategic</i></p>

		SANG capacity to the site would result in a shortage of SANG in the area.”
Paragraph 3.1.2 – this states that ‘Sufficient SANG must be delivered (identified and functional) in advance of dwelling completion’. Retained South East Plan Policy NRM6 states that ‘mitigation measures will be delivered prior to occupation’. ‘Prior to occupation’ should be the trigger for the delivery of SANGs.	Agreed.	(Paragraph has changed to 3.13.) Paragraph 3.13 has been rewritten to refer to delivery prior to occupation.
Paragraph 3.1.3 – states that ‘the Council will deliver SANGs’. Surely bespoke SANGs will be delivered by the applicant	Agreed	(Paragraph changed to 3.14.) This has been changed to “ <i>where the Council delivers SANGs...</i> ”
Paragraph 3.2.4 – states that ‘Strategic SANGs provide avoidance for developments that cannot provide their own SANG. These are generally smaller developments for which the provision of bespoke SANG is not viable’. This seems to conflict with paragraph 2.20 which suggest that bespoke SANGs will be required for developments of approximately 500 dwellings and above. How does the Council define ‘smaller developments’? See previous comment above.	Agreed	2.20 has been renumbered to 2.22 and amended to make it clear that developments under 500 homes may need to provide bespoke SANG depending on the local circumstances. We have not defined smaller developments as it is not advantageous to set a threshold beneath which developments should not consider bespoke SANG. However, 2.22 now states that developers of sites of 100 homes or more should engage with the Council to establish whether strategic SANG will be provided for their developments.
Paragraphs 3.26 – 3.29 – it may be useful to refer to the SANG catchment maps in Appendix 1. This would also help to better explain paragraph 3.31.	Agreed	Reference to Appendix 1 added to 3.30 (now renumbered to 3.36).

Appendix 5 – SANG Management Plans – would it be better to have these as separate documents so they can more readily be updated?	The management plans have been kept in the SPD as they help to explain the calculations behind the SANG tariff. Amendments can be made through an addendum if needed.	No action.
3.71 – ‘The Council is considering mechanisms for the funding of SANG other than CIL because there are a number of developments that are exempt from CIL...’ This is also the case in Bracknell Forest where the majority of SPA contributions are not deemed to be infrastructure and are therefore taken through s106. The SANG enhancement costs (which are deemed to be infrastructure) are taken through CIL and paid for by CIL liable developments. Guildford could consider a similar approach.	Noted	Officers have considered the approach currently being used in Bracknell as one of a number of potential mechanisms.
<p>Local Plan Policy P5: Thames Basin Heath Special Protection Area</p> <p>‘Residential development of at least 50 net new dwellings that falls between five and seven kilometres from the SPA may be required to provide mitigation measures’. The TBH SPA Delivery Framework sets the threshold at over 50 houses. This also applies to paragraph 4.3.55.</p> <p>Other matters</p> <p>We have no specific comments to make at this stage on the approach to other matters within the document (flooding, countryside, design matters etc.).</p> <p>We welcome the opportunity for on-going discussion on these issues as your Local Plan progresses, and ask to be kept informed of any future consultations.</p>	Agreed	This change has been made to policy P5 of the pre-submission Local Plan Strategy and Sites and within the SPA strategy.
Spelthorne Borough Council		
Thank you for consulting Spelthorne on the Guildford Borough Council	Noted	No action.

<p>draft Supplementary Planning Documents.</p> <p>Whilst we recognise that wider links exist between the Boroughs, it is considered that there are no cross-boundary issues to raise in the Thames Basin Heaths SPA SPD or the Planning Contributions SPD update. Officers have no detailed comments to make at this time however we do look forward to future cross-boundary working under the Duty to Cooperate</p>		
<p>Wokingham Borough Council</p>		
<p>Thank you for consulting Wokingham Borough Council regarding Guildford Borough Council's Draft SPD on the Thames Basin Heath Special Protection Area Avoidance Strategy.</p> <p>Wokingham Borough Council have no comments to make on this draft SPD, however we hope you will continue to consult Wokingham Borough Council as part of the Duty to Cooperate.</p>	<p>Noted</p>	<p>No action.</p>
<p>Mole Valley District Council</p>		
<p>Thank you for consulting MVDC on the above documents. We have no comments to make in this instance.</p> <p>Please note that this is an officer level response which does not prejudice any future comments the Mole Valley District Council may make.</p>	<p>Noted</p>	<p>No action.</p>
<p>Ockham Parish Council</p>		
<p>Guildford Borough Council Draft Thames Basin Heaths Special Protection Area Strategy Supplementary Planning Document, September 2016</p> <p>These SPD documents relate to how the SPA in the Thames Basin Heaths will be mitigated to permit housing development inside the</p>	<p>Information about the approach and the UK's record on environmental protection is noted. See key issue no. 2 below regarding the comment that the approach is not working.</p>	<p>No action.</p>

400meters to 5km zone of the SPA. This SPA, and its exclusion and protection zones are in place to safeguard heathland habitats and the biodiverse species that are threatened with extinction because of the steady urbanization of traditional heathland.

The 0-5km protection zone is in place to protect the ground nesting birds, which are protected on this site. These ground nesting birds forage for food beyond the SPA nesting sites and can be found beyond the heath boundaries. Cat, rats and dogs prey on these ground nesting birds, so urbanization has a particularly profound impact on the viability of these birds.

What are the threats to the TBHSPA currently:

Urbanisation, predation, overgrazing, invasive species of plant and animals and the agricultural shift from spring planting of crops like wheat to autumnal planting are seen as the biggest threats to the heaths habitats and species.

<http://mammal.org.uk/sites/default/files/Domestic%20Cat%20Predation%20on%20Wildlife.pdf>

With a population of 63 million people, the UK is home to 10 million cats and 10 million dogs. As rural homes have a higher proportion of pet ownership, it is critical to the viability of the TBHSPA that pockets of rural landscape surrounding the TBHSPA are not urbanized, as an urbanized landscape also attracts rat predators. Walkers and dog walkers are the most frequent users of the TBHSPA. Commercial dog walkers are also increasingly using the TBHSPA and the vast majority of dog walkers who walk the TBHSPA do not have dogs on leads.

What is the UKs track record at managing biodiversity:

State of Nature Report 2016

The RSPB have just launched their State of Nature 2016. The UKs biodiversity is not in a healthy state:

..Nature provides economic and health benefits of about £30bn a year,

according to a 2011 government analysis...

the UK **“among the most nature-depleted countries in the world”**, with most of the country having gone past the threshold at which “ecosystems may no longer reliably meet society’s needs”...

...with public funding for biodiversity having fallen by 32% from 2008 to 2015...

.. The UK has lost significantly more nature over the long term than the global average, the report said, with the UK the 29th lowest out of 218 countries...

.. even compared to other western European countries: France and Germany are quite a way above us in the rankings,” ..

UK Government Biodiversity Assessment, August 2016

The government’s own assessment, published in August, (2016) found that:

“ ..much of England’s best-loved wildlife remains in serious decline, with 75% of over 200 “priority” species across the country falling in number.’..

Joint National Conservation Committee Assessment 2015

The JNCC, charged with protecting the N2000 sites, and overseeing any mitigation planning show KPIs for Biodiversity in relation to habitat connectivity and health of protected habitats and species are bad and have flatlined at bad in 2015. The red marker is bad. The yellow marker after a red marker means still bad, but no worse. A green marker after no data means that some positive action has been undertaken:

C2. Habitat connectivity		Under development	
C3. Status of European habitats and species	C3a. Status of UK habitats of European importance	⊖	⊗ 2007–2013
	C3b. Status of UK species of European importance	⊖	✓ 2007–2013
C4. Status of UK priority species	C4a. Relative abundance	⊗ 1970–2012	⊖ 2007–2012
	C4b. Distribution	⊗ 1970–2012	⊖ 2007–2012

EU N2000 Assessment of Heaths with N2000 protection 2012

The EU assessment of the heaths under SPA and SAC protection in the Atlantic region looks bad for the UK, Previous assessment was unfavorable bad, declining with possible recovery, it is now flatlining at unfavorable bad.

Legend: FV Favourable XX Unknown U1 Unfavourable-Inadequate U2 Unfavourable-Bad

Current selection: 2007-2012, Heath & scrub, 4020 Temperate Atlantic wet heaths with Erica ciliaris and Erica tetralix, Atlantic. [Show all Heath & scrub](#)

Treated data from Member States reports																		
MS	Range (km ²)			Area			Struct & func.	Future prosp.	Overall asses.				Areas from gridded maps(km ²)					
	Surface	% MS	Trend	Ref.	Surface	% MS			Trend	Ref.	Curr. CS	Qualifier	Prev. CS	Nat. of ch.	Range	% MS	Distrib.	% MS
ES	59894	46.6	0	≈59894	2014	86.7	0	≈2014	XX	XX	XX		XX		53800	43.8	43300	57.7
FR	65500	50.9	0	≈65500	306	13.2	0	>306	U2	U1	U2	=	U2	nc	65200	53.1	30400	40.5
PT	2600	2	0	≈2600	N/A	N/A	0	-	U1	U1	U1	=	U1	nc	1800	1.5	800	1.1
UK	617.07	0.5	0	617.07	4	0.2	0	4.40	U2	U2	U2	=	U2+	c1	2100	1.7	600	0.8

...Atlantic regions show the highest proportion of unfavourable bad assessments (29 % and 32 % respectively)...

..Lithuania, two thirds of evaluations of grassland habitat types show deteriorating trends, while **all of those in the United Kingdom have an unfavourable-bad conservation status...**

..There are clear indications that the **Natura 2000 network is playing a major role in stabilising habitats and species with an unfavourable status**, especially where the necessary conservation measures have been implemented on an adequate scale...

..EU funding instruments, which provide opportunities to support the management and restoration of Natura 2000, were not sufficiently used.

Conclusion:

So England's current TBHSPA Avoidance Strategy SPD, in place since 2006 is clearly NOT WORKING.

What is the UK doing to promote conservation & biodiversity

Noted

No action.

The UK government has dissolved the Department of the Environment and Climate Change.



Department
of Energy &
Climate Change

**Department of Energy & Climate Change became part of
Department for Business, Energy & Industrial Strategy
in July 2016**

The UK already has one of the lowest rates of land set aside for N2000 sites (SACs and SPAs) in the Eurozone. Like other poorly performing EU countries, the UK has a high number of sites N2000 sites, but a very small land allocation per site protected site

Barometer Statistics Report

The area values of the Natura 2000 barometer are calculated from the spatial data while the number of sites are calculated from the descriptive data, as reported by the EU Member States

Release version: End2015 --- 2016-02-03

		land area in km²			Number of sites			Natura 2000 area data per EU Member State (in km²)			Proportion European land area of Member State covered by :		
		(Europ. part)			SCI	SPA	N2K	Terrestrial			SCI	SPA	N2K
								SCI	SPA	N2K			
AT	Austria	83859	247	99	294	9191	10169	12691	10.96%	12.13%	15.13%		
BE	Belgium	30528	281	255	310	3277	3181	3887	10.73%	10.42%	12.73%		
BG	Bulgaria	110910	234	119	340	33258	25226	38222	29.99%	22.74%	34.46%		
CY	Cyprus	5736	40	30	63	752	1534	1653	13.11%	26.74%	28.82%		
CZ	Czech Republic	78866	1075	41	1116	7856	7035	11061	9.96%	8.92%	14.03%		
DE	Germany	357031	4557	742	5206	33514	40248	55170	9.39%	11.27%	15.45%		
DK	Denmark	43093	261	113	350	3178	2605	3594	7.37%	6.05%	8.34%		
EE	Estonia	45226	542	66	568	7785	6182	8083	17.21%	13.67%	17.87%		
ES	Spain	504782	1467	644	1863	117395	100972	137757	23.26%	20.00%	27.29%		
FI	Finland	338145	1721	468	1865	48556	24655	48847	14.36%	7.29%	14.45%		
FR	France	549192	1364	392	1756	47666	43544	69974	8.68%	7.93%	12.74%		
GR	Greece	131940	241	202	419	21388	27622	35747	16.21%	20.94%	27.09%		
HR	Croatia	56594	741	38	779	16040	17034	20704	28.34%	30.10%	36.58%		
HU	Hungary	93030	479	56	525	14442	13747	19949	15.52%	14.78%	21.44%		
IE	Ireland	70280	430	165	595	7164	4312	9227	10.19%	6.14%	13.13%		
IT	Italy	301333	2314	610	2589	42827	40108	57172	14.21%	13.31%	18.97%		
LT	Lithuania	65301	410	84	485	6138	5529	7938	9.40%	8.47%	12.16%		
LU	Luxembourg	2597	48	18	66	416	418	702	16.02%	16.10%	27.03%		
LV	Latvia	64589	329	98	333	7421	6609	7446	11.49%	10.23%	11.53%		
MT	Malta	316	32	13	39	41	13	41	12.97%	4.13%	12.97%		
NL	Netherlands	41526	139	76	194	3135	4766	5518	7.55%	11.48%	13.29%		
PL	Poland	312685	849	145	987	34187	48394	61165	10.93%	15.48%	19.56%		
PT	Portugal	91990	106	62	165	15680	9204	19010	17.05%	10.01%	20.67%		
RO	Romania	238391	383	148	531	39765	35348	53781	16.68%	14.83%	22.56%		
SE	Sweden	414864	3986	544	4082	54745	25330	55250	13.20%	6.13%	13.32%		
SI	Slovenia	20273	323	31	354	6636	5068	7674	32.73%	25.00%	37.85%		
SK	Slovakia	48845	473	41	514	5837	13106	14442	11.95%	26.83%	29.57%		
UK	United Kingdom	244820	654	272	924	13103	16022	20901	5.35%	6.54%	8.54%		
	EU28	4346742	23726	5572	27312	601393	537981	787606	13.84%	12.38%	18.12%		

The UK and Denmark have the lowest overall percentage of land in N2000 sites in the Eurozone, with only 8% of land protected for biodiversity by N2000. This is 10% lower than the European average of 18%.

The TBHSPA Avoidance Strategy compounds the difficulty for biodiversity protection and enhancement.

1 The TBHSPA Avoidance Strategy fails to set out appropriate and clear guidance to developers making planning applications for developments inside the 5km protection zone.

Officers disagree that the strategy doesn't set out appropriate and clear guidance to developers making planning applications within 5km of the SPA. The strategy is primarily concerned with development in this zone and sets out additional detail to No action.

This document sets no base threshold or minimum/maximum values to filter planning applications which cannot comply with the most basic requirements of the NPPF sustainability policy for the protection of the environment.

Wisley Airfield: A Case Study against use of TBHSPA Avoidance Strategy SPD

The Planning application was for a huge urbanizing development in a rural location inside the 1km zone of the TBHSPA to include a 49 hectare SANG within the 400meter zone of the TBHSPA. After years of pre-application advise, application advise, recommendations and due diligence into the creation of SANGs, plans for the transposing of habitats and species, it was finally decided that the site and the planning application did not satisfy the lowest level of compliance with Planning policy.

The promoters of the site, an offshore investment company, spent years in consultation with Local Planning Authorities and competent authorities.

Natural England, the Environment Agency and Historic England all gave the project the green light before it was ultimately thrown out by planning inspectors in a devastating report.

This project wasted endless amounts of public money, and precious conservation resources and capacity. It delayed the development and provision of appropriately sustainable development by placing such disproportionate burden on local planning resources. It contributed to the delayed the production of a sustainable, viable and acceptable Local Plan while Planning Officers were required by local and central government to bend over backwards to facilitate this development by whatever means possible, which required including it in the 2 most recent versions of the emerging Local Plan.

deliver the requirements of policy NRM6. The strategy is not intended to set out guidance for meeting the sustainability criteria in the NPPF.

The strategy does not deal with matters such as whether large developments in the Green Belt are appropriate as it forms guidance for policy NRM6, which does not address the Green Belt.

The planning process is mandated by national legislation. Where developers wish to build developments that require planning permission, permission must be sought from the Local Planning Authority. Planning officers are required to consider any application that is submitted. The process for considering applications must meet national legislation and policy. The strategy cannot alter the planning process.

2 It fails to set out proven measures which could realistically/practically and effectively mitigate impacts on the TBHSPA of an increase in the

See key issue no. 2 below which addresses whether the approach is

No action.

residential population inside the 5km protected zone

Current research says that the quality of EIS studies to accurately assess development impacts on Ecology are very low.

[thumbnail image of document]

Current research shows that the mitigation plans outlined in EIS documentation have very low success rates, despite a high percentage of implementation according to the EIS plan.

[thumbnail image of document]

working.

Environmental Impact Statement (EIS) is a requirement of the regulatory system in the USA. However, we assume that the respondent is referring to Environmental Statements, which are part of the Environmental Impact Assessment (EIA) process.

The approach outlined in policy NRM6 does not address EIA and therefore the strategy, which primarily forms guidance for NRM6, does not include guidance on EIA. The need for EIA is triggered by other policies and legislation and there is guidance available in other documents.

Monetizing the TBHSPA to access developer funds to support conservation cannot work. The pitifully low total SAMM contributions per household permitted inside the TBHSPA protection zone, is about the price of an iPhone. These SAMM funds need to fund the maintenance and monitoring of the SANG for the next 80 years.

SAMM figures in the TBHSPA avoidance strategy highlight the theoretical nature of SAMM spending calculations.

For example there has been no financial allocation for drain management, litter picking or PROW clearance. There equally has been no allocation for wardening on the site during ground nesting season.

The same amount of money is allocated to carrying out surveys and publicity as is allocated to the required work of site maintenance and clearance.

At Effingham Common the figures are

SAMM funds are used to deliver the SAMM project across the SPA. This includes management and mitigation measures on the SPA (not SANGs) and, in the future, monitoring of the effectiveness of SANGs. SANG maintenance is funded through the SANG budget; no SAMM funds are used for this purpose. The role of SAMM is set out in section 3 of the document.

The SAMM budget does include wardening on the SPA but does not fund habitat management works on the SPA. Funding such as Higher Level Stewardship agreements or shared contributions from councils to the Surrey Heathland Project enables habitat and

The following sentence has been added to 3.76 to make it explicit that SAMM funds are not used to manage SANGs: "*SAMM funds are not used for the delivery, maintenance or management of SANGs.*"

<p>Ditch management, hedgerow management, noxious weed management, pond management, scrub management and woodland planting Total: £1,235,013 as is allocated to Visitor surveys, data loggers Visitor surveys, data loggers, annual maintenance Visitor surveys and Site promotion Total: £1,229,558</p>	<p>restoration works on the SPA.</p> <p>The costs in the SANG budgets (to create and maintain SANG) have been carefully estimated. These costs reflect an assessment of potential cyclical costs for the SANGs in perpetuity.</p> <p>For Effingham Common, the costs shown were projected in 2006. During the last ten years, the level of funding for Effingham Common has been found to meet the needs for management on the site, which validates the estimates used in the calculation.</p> <p>Every SANG and its management costs are likely to be different and it is not considered useful to focus on what percentage of those costs are spent on any particular need - it is far more important to know that the costs for individual tasks are accurate. This information then helps the Council to establish whether the overall cost for maintaining the site in perpetuity can be met.</p>
<p>Wisley Airfield: A Case Study against use of TBHSPA Avoidance Strategy SPD</p> <p>Visitor Surveys undertaken by Natural England to assess and quantify the impact of visitor numbers on the SPA have been used to support baseline data about how many people currently use the TBHSPA daily. Natural England and Guildford Borough Council rely heavily on this document in their TBHSPA SPA avoidance Strategy SPD 2016.</p> <p>Survey dates were set for the week of the Queens Golden Jubilee</p>	<p>The strategy does not address the Wisley Airfield proposal. No action.</p> <p>The representation references survey data. It is not clear which survey this relates to, but it is assumed to relate to surveys undertaken prior to the Wisley Airfield application by the applicant. The SPA strategy does not reference this data.</p>

week in May/June, 2012 and for one of the weeks when the UK hosted the Olympics in 2012. A co-incidence of this magnitude is not possible. These were the 2 most significant events of national interest in a decade and timeframes for both were widely available a very long time in advance. Rainfall was significant during both of these timespans.

Additionally, the survey was not successful at points 25, 26 and 40 which would be most impacted by a planning application for the development of 2000 houses inside the 1km zone of the SPA protection zone. At these survey collection points the surveyors cancelled their survey due to reports of anti-social behavior. There is no explanation of the anti-social behavior other than a high refusal rate to be interviewed.

Based on the output of this flawed data, Natural England has estimated visitor number to the SPA and has calculated the likely rise in visitor numbers to the SPA by the development of 2000 houses within 1km of the SPA border.

This extrapolation is flawed for a number of reasons.

Existing SPA visitors using collection point 25,26, 26 were predominately from rural post codes. The current 5km rural catchment area around these collection points are in the greenbelt and so the net new housing built in the last 50 years is very small.

1. This means that internal useable private space inside and in the curtilage of homes is generous.
2. Access to a wide selection of rural walks are abundant.
3. People have chosen to live in this rural environment without immediate access to services and infrastructure associated with urban life

New inhabitants in a rural high density complex of 2000 homes

1. Would have little or no internal useable private space and the only the largest homes were scheduled to benefit from a private garden of

This comment therefore appears to be aimed at the Wisley Airfield planning application, which includes consideration of the effectiveness of the proposed bespoke SANG.

Regarding the comments about the lack of evidence that the approach is working, see key issue no. 2 below.

miniature proportions at 12 sq meters,

2. The SANG, and its urbanized backdrop with very tight pinch points between walk segments offers little longterm, repetitive attraction.

3. The juxtaposition of a high density very large housing settlement, in the middle of a rural catchment area, does not fit the needs of urbanites who want urban infrastructure and services nor rural people who do not want to live on a plantation.

Survey conclusions fail address how different the profiles of new settlers will be to existing residents. The lack of personal private space indoors or outdoors, the isolation and the lack of services and infrastructure in an otherwise urbanized environment would make new residents to the area very dependent on the SANG. 5000 people, 900 dogs and 800 cats would quickly tire of the prescriptive walks on offer and seek the freer less urbanized options on the SPA.

Natural England and the Environment Agency have wasted years of consulting on the design of the SANG and SAMM plans, without having evidence to show that these mitigations would work in practice and protect the integrity of TBHSPA, and fulfill the requirement to 'do no harm'.

3 This document DOES NOT discharge GBCs legal obligations under the conservation of Habitats and Species Regulations 2010 as the only purpose this document actually serves is:

This document create unrealistic expectations amongst developers about the level of unsympathetic and environmentally unsound development which will be permitted inside this 5km protection zone.

The unrealistic expectations of speculator investor developers create an unnecessary burden on planning authorities, statutory bodies, and residents who are required to spend years on preapplication advice and scoping; endless due diligence and legal opinions working through the fine detail of unwieldy application documentation, with countless errors,

Disagree – the document provides guidance primarily for policy NRM6 of the South East Plan, which sets an approach to avoiding impacts on the SPA.

The strategy addresses impacts on the SPA only. It doesn't deal with other matters, such as unsympathetic development, or impacts on the environment unrelated to the SPA. These are covered by other policies in the NPPF and the Development Plan and relevant

No action.

commissions, and blatant attempts to hide and deny existing ecological species and habitats; deny obvious major, severe, permanent adverse impacts on humans or nature; propose the cheapest, quickest unproven mitigation;

The unrealistic expectations of developers to succeed at planning creates an unnecessary burden on local parish councils and local interest groups interests trying to defend internationally protected ecology:requiring them to supply the burden of proof which can overturn the developers errors, commissions, attempts to deny facts, deny ecological impact and deny requirements for suitable mitigations.

The unrealistic expectations of developers creates years of turbulence in a local area where landowners seeking development planning approval denigrate the ecological richness of the land. t

Diversionary planning permissions are sought to permit extensive temporary licenses for unsuitable activities, which further denigrate the habitats and species counts and further waste the time of local environmental groups and parish councils. The years of turbulence causes stress and anxiety amongst adjacent communities who feel that environment protection agencies, who have a statutory obligation to protect the SPA, are promoting development and denigrating the laws that protect biodiversity and conservation. Local communities feel pressurized to relocate elsewhere and sell their homes despite the blight on the value of their homes caused by the endless planning applications

Local communities who try to defend local biodiversity are ridiculed, harassed and coerced for defending the biodiversity in their community by the very agencies who are obliged to protect the SPA.

The pro-development bias of government exerts very strong pressure on local communities, even in environmentally sensitive and protected communities to create Neighborhood Plans. Communities are given deadlines by central and local government to write pro-development Neighborhood plans and face threats of not passing inspection if the plan doesn't adequately provide local endorsement for unfettered

guidance.

The comments about the planning application process and national policy are noted, but not considered relevant for the strategy.

The comments about Wisley Airfield appear to be aimed at the planning application for the site. These are noted but not considered relevant for the strategy.

development. Neighborhood Plan rejected at inspection are sent back to the community to be rewritten in a more pro-development way or face being written by local or central government.

Wisley Airfield: A Case Study against use of TBHSPA Avoidance Strategy SPD

The speculative developers owning the development site did not want to have an ecologically minded farmer who produced 1,000,000 loaves of british bread and allowed the skylarks to flourish. Ecologically minded farming does not make good media stories for developers wishing to build 2000 high density houses within 1km of the SPA. The local farmers tenancy was ended despite his family have continuously farmed the land in an environment friendly way for 30 years , together with an ecosystem of local farmers, sharing equipment, labour resources and combining purchasing power. The tenancy was filled by an out-of town farmer who planted environmentally insensitive crops, (maize for biofuels), which break up green corridors. The shift from wheat destroyed the habitat of the ground nesting birds on the site during the year 2015/6 as planting was very late in May. Between October 2015 and May 2016 strong pesticides were used to eradicate weeds during the extensive fallow period. Neighboring properties had meter high weeds in the verges while the 70 hectares of the agricultural land plot remained weed free. Land samples from another site were sent to the Environment Agency to gain a license to spread waste water sludge on the agricultural land. The crop was planted and harvested after dark, despite having adequate hours of daylight during the months of April/May and during Early October. This required the use of heavy machinery and strong lighting in an otherwise silent and dark skies environment.

Protected animals were found dead on the site in the last year. Anti-social behavior became prevalent during the summer months and was not managed effectively by the land agent or the police despite the availability of photographs of bike registrations and video footage of motorbikes racing on PROWs and public footpaths. The land agent used it as an opportunity to block access to PROWs.

The noise and abuse suffered by local residents caused endless stress and anxiety to local residents and the potential destruction of protected habitats and species.

Summary

This TBHSPA avoidance strategy SPD provides no environmental fallback for biodiversity safeguarding against the aggressively prodevelopment 'emerging' Local Plan by Guildford Borough council.

The emerging local plan, which seeks to replace NRM6 and NE1, for which the TBHSPA avoidance strategy is a requirement, has been out for public consultation twice. It attracted 20,000 (population is c.153,000) comments from a wide cross section of environment protection agencies, parish councils, local residents, local environment and conservation action groups who have been outraged by the councils plans to re-draw the greenbelt boundaries without any special circumstances, and an economically, socially and environmentally unsustainable plan for growth through development.

The Local Plan promotes a SHMA number that has been permitted no public scrutiny, inflation of housing numbers to support wildly optimistic economic growth and immigration when the trends do not substantiate these arguments.

The Local Plan makes no use made of the NPPFs requirement to reduce SHMA number to accommodate biodiversity, sustainability, greenbelt or glaring infrastructure deficits. The naming of development sites in the 'emerging' local plan which have not been accurately assessed for protected ecological/biodiversity/conservation habitats and species; consultants charged with the land and countryside assessment on behalf of GBC, have assessed the land, but ignored their findings for greenbelt and biodiversity conservation obligations in their concluding recommendations for potential development sites which developers had already put forward for development.

Wisley Airfield: A Case Study against use of TBHSPA Avoidance

Disagree. The strategy provides guidance primarily on the implementation of policy NRM6 of the South East Plan, which sets out an approach to avoiding impacts on the SPA.

The comments regarding the emerging Local Plan, supporting documents and the proposal for Wisley Airfield are outside the remit of the strategy.

No action.

Strategy SPD

Sustainability assessments of sites for PDAs such as the Wisley Airfield have not been used effectively to eliminate unworkable sites. The Wisley Airfield development was promoted because the developer made it known that the land was available for development. Statutory authorities, and Local government failed make an early strategic decision that this was the wrong site for the creation of a sustainable new community. Statutory authorities, and Local government failed make an early strategic decision that this was the wrong site for the safeguarding of biodiversity on the SPA. This site has wasted vast quantities of time and money, trying to make an unsustainable site work. The Parish of Ockham was awarded the 2nd most unsustainable parish in the borough. The site in Ockham parish is inaccessible as a new housing settlement because of its proximity to the over-capacity junction 10of the M25 and the A3, the proximity of the SPA SSSIs, and RHS Wisley.

This is one of the most geographically and growth constrained site in the borough,

1. with no existing sewage capacity,
2. no existing schooling capacity,
3. no local employment opportunities,
4. no existing local or strategic road capacity,
5. at the heart of 3 conservation areas,
6. adjacent to 30 grade 2 listed buildings and monuments,
7. within 200meters of a recent archeologically significant bronze age find,
8. on agricultural land grade 2 and 3, where 45.6 hectares is Best and Most Versatile Agricultural land,
9. is situated on an SNCI,

10. is immediately adjacent to 2 SSSIs, further SNCIs, ancient woodland, and ancient hedgerows of historical significance to the local parishes where this PDA is to be located.

11. The site is criss-crossed by PROWs which form the access routes between the hamlets which make up the existing village.

The TBHSPA Avoidance Strategy SPD should not be permitted to avoid carrying out a:

1. Habitats Regulations Assessment
2. Strategic Environmental Assessment

The Avoidance Strategy SPD permits developers to believe they are paying contributions to be permitted to build in close proximity to protected and endangered habitats and Species.

No where in this Thames Basin Heaths SPA Avoidance Strategy SPD or in the Local Plan has it been clearly shown that the mitigations proposed in these documents work.

No where in these documents is it demonstrated that the small contributions that the developer will pay in contributions will ever cover the costs of maintaining the SANG or safeguarding and monitoring the SPA against harmful cumulative and accumulative impacts of development. within the 400meter-5km zone of the SPA.

To fulfill the requirement to 'do no harm', the proposed mitigations need to be proven to work. They have not been proven.

1. No competent authority assesses the EIS documentation provided by developers to cross check content accuracy and completeness and impact other than to provide a desk study of completeness .

2. No competent authority has assessed EIS documentation's cumulative and accumulative impacts on the environment and biodiversity, nor assessed the significance of the under reporting of significant impacts in the developers risk assessments and mitigation strategies.

Regarding the SEA and HRA, see key issue no. 1 below.

Regarding the comment that the strategy doesn't work, see key issue no. 2 below.

The costs of maintaining SANG is included in the SANG tariff. The strategy states that the calculation of the tariff takes into account management of the SANGs. The costs of maintenance are set out in the tables in Appendix 5.

No action.

<p>3. If a developer agrees to pay all the financial charges in the TBHSPA SPD, they get to avoid an appropriate assessment:</p>	<p>The statement that there is a lack of up to date guidance on appropriate assessment is correct.</p> <p>This strategy does not in any way imply a specific outcome of appropriate assessments.</p>	<p>No action.</p>
<p>Avoidance and mitigation measures</p> <p>4. In the TBHSPA avoidance strategy SPD at 3.1. The TBHSPA outrageously claims that there is an absence of up-to-date guidance on Appropriate assessments, implying that the positive outcome of an appropriate assessment is not guaranteed if it is not avoided.</p> <p>The assessment of EIS document in the UK is low and standards do not exist to create an acceptable threshold for measuring effectiveness or quality:</p>	<p>5. The policy as outlined in the document called TBHSPA Strategy SPD fails to provide any useful framework to developers on how they can submit a planning application to develop inside the 5KM zone, and protect the best interests of nature.</p> <p>The strategy provides guidance on the avoidance and mitigation measures set out in policy NRM6 of the South East Plan, most of which deal with residential developments within the 5km zone. This addresses the protection of the SPA. The strategy also provides guidance on how nature conservation interests on SANGs should be approached. Other nature conservation matters are outside the remit of the strategy.</p>	<p>No action.</p>
<p>6. In this document the whole of the 5km protected zone is undifferentiated, yet the zone from 5-7 km has a limit of 50 houses or more to invoke special treatment. The zone from 400m - 5km, had in the past, a limit of 12 net new houses as an upper maximum to net new housing.</p> <p>A. This flaw is very serious. Every 500m the net new housing and recreational pressure can be pushed back from the SPA area is critical to the survival of the birds this SPA, and GBC as its</p>	<p>There has never been an upper limit on the size of developments in the 5km zone. This misunderstanding could result from a misreading of the requirement for developments of 10 homes or over to be allocated to a SANG that has a catchment covering the development. This means that development is limited to nine units in areas where there is no SANG coverage.</p>	<p>No action.</p>

<p>competent authority, are legally obliged to protect.</p>	<p>The approach is set out in policy NRM6 of the South East Plan. The strategy must be consistent with this approach.</p>
<p>Wisley Airfield: A Case Study against use of TBHSPA Avoidance Strategy SPD</p> <p>This document permits ANY development to gain the approval by Natural England inside the 400m-5KM protected zone of the SPA. The scale of permissiveness permitted by this document was highlighted by the application for:</p> <ol style="list-style-type: none"> 1. 2000 houses, 2. schooling from 0-16, 3. employment centre 4. and car parking for 4000 cars <p>Natural England gave this project the green light in 2016 at Three Farms Meadows.</p> <p>Three Farms Meadows site is adjacent to:</p> <ol style="list-style-type: none"> 1. the Ockham and Wisley SSSIs, 2. ancient woodland, 3. SNCIs and ancient hedgerows. 4. It is on the site of the SNCI, and 5. 45.6 Hectares of BMV. 6. The site was adjacent to 3 conservation areas, 7. the parish is home to a historic village, with 29 listed buildings. <p>The outline plan that got Natural England and Environment agency green light included:</p> <p>2000 rural high rise, density houses, without provisions for private internal recreation or private external recreation space*, situated</p>	<p>This comment appears to be aimed at the Wisley Airfield planning application. Matters beyond impacts on the SPA, such as design and traffic impacts, are not relevant for the strategy as these are dealt with through other policies and guidance.</p> <p>No action.</p>

between 400m and 800m from the SPA.

In outline plan that got Natural England and the Environment Agency gave the Green light to this rural environment,

1. children's statutory play spaces and recreational grounds were to be overlooked by 4 and 5 storey housing, or on verges at roadsides or co-located with road traffic on the roads of the secondary and tertiary streets.
2. Formal playing pitches were to be shoe-horned into isolated, and otherwise unusable tracts of land within meters of 6 lanes motorways and a long distance from residential areas.
3. Police required ambient lighting at all times from ground level to 2meters, with no obscuring vegetation that could mask anti social behaviour, and also required ANPR CCTV
4. The site was designed with high density multi-purpose roads, where the principle road was just 7.3 meters wide and 2KMs long.
5. These roads were supposed to capable of providing green corridors and safe crossings for
 1. endangered animals,
 2. human crossing points for accessing schools, shops and play areas for 5000 inhabitants,
 3. be designated recreation amenity for children and families,
6. support 2 way traffic for 4000 cars, HGVs, motorbikes, bicycles.
7. Much of the existing local road network traffic also needed to be routed through the development, drawing existing dispersed traffic onto the 400m exclusion zone, closer to the SPA because the development required the dismemberment of the existing local road network for a catchment of 10kms, with RTOs to close up to 7 vital roads, accessing the strategic road network and the local road network to adjacent village settlements, boroughs and counties.

8. The 49 hectare mitigating SANG was to be located fully inside the SPA 400 m exclusion zone and to
1. include land for transposing existing endangered habitats and species as well as
 2. some statutory play/recreational space required by the residential development.
 3. All Existing PROWs into the SPA were not to be closed.
 4. Pinch points on the SANG walk were so tight that clumps of vegetation screening was needed to separate legs of the circular walks and housing provision needed to be redistributed, to create a few meters of additional separation between the SANG and the developments: arterial road and the dense housing on the other side of the arterial road. Without these extra few meters, the intrusive vistas of 4 and story terraced homes in close proximity was considered unacceptable.
 5. The mitigating SANG also had to be home to endangered and vulnerable habitats and species that would require transposing from the part of the site that was to be the new built housing environment and the part of the site that was to form the new SANG.
 6. In total nearly half a million tonnes of earth needed to be moved to create the new built environment and the new SANG.
 7. Species and habitats requiring transposing included: existing species of ground nesting birds: Song Thrush and Skylark to name just two; existing species amphibians which included great crested newts etc; existing reptiles including slow worms, adders, grass snakes etc, insects including stag beetle and ; rare and endangered herpetofauna, rare and endangered plant species.

Effective solutions for managing Bio diversity at Wisley Airfield.

Alternative uses for the Wisley Airfield were not explored by Natural

England, the Environment Agency, the developer.

The local community has registered an application to turn the site into a Asset of Community Value.

1. The local community has been surveyed and 100% of inhabitants to do not want to see housing development at Wisley Airfield.
2. 98% of inhabitants would like to see the site declared an Asset of Community Value.
3. 98% of the community would support a consortium of locals buying the site.
4. Rent would pay the consortium owners a rent for their land.
5. The land would be held under restrictive land covenants to protect biodiversity in perpetuity.
6. Renting 70% of the land and all of the BMV agricultural land to the local farming group, while ensuring ecologically sound farming practices.
7. Rent would off set costs of maintaining PROWs, biodiversity, allotments, public amenity spaces,
8. Land would be made available to further biodiversity education programs and research, ecological tourism and local industries compatible with rural farming life which support biodiversity.
9. Further funds would be sought from the EU LIFE fund which supports similar N2000 projects which seeks to stabilize and improve biodiversity on or near an N2000 site.
10. the community would regain their wartime relinquished community farmed land.

Surrey Natural Partnership outline the inclusion of these SSSIs, and SNCIs as part of the Bio Diversity Opportunity Area: TBH06, WISLEY, OCKHAM and WALTON HEATHS in their document:

'Biodiversity Opportunity Areas: the basis for realizing Surrey's

ecological network', December 2015, for the following reasons:
 Habitats of Principal Importance (Priority habitats): Heathland, Acid grassland, Wet woodland, Arable field margins
 Species of Principal Importance (Priority species): Plants: Annual knawel, Copse-bindweed, Cornflower, Glandular eyebright, Pennyroyal*, Pillwort*, Red-tipped cudweed*; Rusty fork-moss, Pitted frillwort, Large-celled flapwort, Millimetre moss*
 Invertebrates: Grayling, Silver-studded blue, Small heath, Blue pepper-pot beetle, Heath tiger-beetle*, Poplar leaf-rolling weevil, Shining guest ant, Red-shanked carder bee, Hornet robberfly*, Southern yellow splinter (a crane fly), Mottled bee-fly
 Vertebrates: Bullfinch, Cuckoo, Dunnock, Grey partridge*, Lesser redpoll, Linnet, Nightjar, Skylark, Song thrush, Spotted flycatcher, Reed bunting, Tree pipit, Tree sparrow

Further important species interest: Bog hair-grass, Corn spurrey, Green-flowered helleborine, Heath cudweed, Lemon-scented fern, Lesser water-plantain, Marsh speedwell, Marsh St. John's-wort, Marsh violet, Needle spike-rush, Meadow thistle, Petty-whin, Shepherd's-cress, Shoreweed, Royal fern, Whorl-grass, Yellow bartsia; Amara infima (a ground beetle), Cardiophorus asellus (a click-beetle), Golden-tabbed robberfly, Myopa fasciata (a thickheaded fly), Tanyptera atrata, Tipula livida, Limonia inusta (all crane flies), White-faced dragonfly*, Bog bush-cricket, Great green bush-cricket, Wood cricket; Dartford warbler, Hobby

The mitigating SANG also was required to be the only available recreation space for 900 dogs resident on site and 800 resident cats, on a development where the largest private garden in the development was just 12 square meters. Only larger homes were allocated any private garden.

4000 extra cars on roads already causing critical load pollution to the SPA

A 1 bed dwelling is listed at in the new SPD document at £411.01, however with an expected occupancy of 1.41 persons this fee per

The first comment is incorrect. The SAMM fee for a one bed dwelling is £411.01. This is the fee after the occupancy rate is

Added an additional sentence to the end of the first paragraph of Appendix 7 to make it clear that

<p>household drops to £370.</p> <p>In March this year, GBC announced different and higher SAMM of £572 contribution for a 1 bedroom dwelling for the year 2016/7.</p> <p>Why has the contribution gone down from £572 to £411 this year?</p> <p>https://www.guildford.gov.uk/media/21589/Annual-Updating-of-Off-site-Contributions-to-Special-Protection-Area-Mitigation-and-Open-Space/pdf/Planning_Contributions_tariff_RPI_increase_1_April_2016_to_31_March_2017.pdf</p>	<p>applied. This calculation is set out in Table 4 Appendix 7.</p> <p>The SAMM contributions have gone down because the strategy proposes not to apply RPI inflation and has recalculated the costs based on up-to-date occupancy rates. There is an explanation of this calculation in Appendix 7.</p>	<p>the removal of RPI inflation is the reason for the fall in SAMM tariffs.</p>
Worplesdon Parish Council		
<p>1) Continued provision of funding and management of SANG ‘in perpetuity’ - Guildford Borough Council’s TBHSPA avoidance strategy 2009-2014 (2016) defines perpetuity as ‘for ever’. The current draft re-defines perpetuity as 80 years, and 125 years as a possible option. However, ‘perpetuity’ is defined by Acts of Parliament, The Perpetuities and Accumulations Act (1964) does define ‘perpetuity’ as 80 years, but this Act was replaced by the Perpetuities and Accumulations Act (2009) which was enacted in 2010. This Act clearly states (Chapter 18.,s.5) “The perpetuity period is 125 years (and no other period)”. Why, therefore, does GBC continue to base SANG Management Plans on a perpetuity period of 80 years?</p>	<p>Agreed. The Council sought advice on the appropriate funding period for “perpetuity” and agrees that 125 years is more appropriate.</p>	<p>Funding period for SANGs changed to 125 years.</p>
<p>2) Russell Place Farm - An application to create SANG at Russell Place Farm was rejected by GBC’s Planning Committee. It does however feature in the draft document together with a statement that this decision may be appealed. The submission of an appeal and the likely result are speculative matters that do not justify the continued inclusion of Russell Place Farm in the draft document.</p>	<p>This section sets out proposed SANGs, whether proposed by the Council or private landowners. The text is factual and there is no basis for leaving this information out. The strategy does not speculate on the outcome of the appeal.</p>	<p>Amended the text to state that the developer has now appealed.</p>
<p>3) Links to Draft Local Plan - There seems to be no provision to link the availability of SANG to the proposed strategic housing in the Draft Local Plan.</p>	<p>The Infrastructure Development Plan that accompanies the local plan will link development to mitigation. The emerging Local Plan carries very little weight while</p>	<p>No action.</p>

	the strategy forms guidance for currently adopted policy.	
<p>4) Monitoring and upkeep of SANG - The draft contains little information on the monitoring of the performance of SANG and its ability to alleviate pressure on the SPA. Measures suggested if SANG does not draw footfall away from the SPA extend only as far as notices and leafletting. This is both weak and unsatisfactory bearing in mind the International importance of the site and its surrounds.</p> <p>There appears to be no guarantee that the monies set aside for management of the SANG are actually being spent in accordance with the S106 Agreements.</p>	<p>The notices and leafletting mentioned are undertaken as a part of the SAMM project and are not implemented based on the performance of SANGs.</p> <p>The SAMM project also includes a number of other measures, including wardening, seasonal restrictions and campaigns, beyond the two measures mentioned.</p> <p>There is a third prong to the approach beyond SAMM and SANG, which is conservation measures on the SPA. The strategy does not cover this in detail as it is not a planning matter.</p> <p>Monitoring of the effectiveness of SANGs is currently undertaken by local authorities, but will soon be undertaken centrally as part of the SAMM project. This should provide better more robust monitoring of the effectiveness of the strategy across the SPA as a whole.</p>	<p>Added the following sentence at paragraph 3.67:</p> <p><i>“Money collected through the SANG tariff is ring-fenced for the delivery, maintenance and management of SANGs.”</i></p>
<p>5) Inclusion of Broad Street, Backside and Stringer’s Commons with the Avoidance Strategy - The Parish Council wishes to challenge the inclusion of these commons within the Avoidance Strategy given opposition to such use by the Open Spaces Society and the CPRE and that GBC has indicated in paragraph 3.49 that these sites are not considered preferable.</p>	Noted.	<p>The Executive report that recommends adoption of the strategy asks the Executive to consider the treatment of these commons in the strategy. The report recommends endorsing the approach set out in the draft strategy of disfavouring but not removing them from the strategy. The Executive has the option of</p>

		requesting an amendment to take a different course.
Ash Parish Council		
Ash Parish Council Planning Committee has considered the consultation document and has no objections	Noted	No action.
Effingham Parish Council		
1.EPC opposes a car park on Effingham Common. A car park on the Common would be chiefly used by commuters using Effingham Junction station. A car park on the Common, that could be designed for 30 cars to use, would adversely affect the appearance of the Common, create new and informal paths across the centre of the Common, that would affect habitat and wildlife. Dog walkers, who often let their animals run wild, are already having an effect on Skylarks (red list) whose breeding numbers have severely declined since the Common was made a SANG. Increased usage and encroachment by a car park will further negatively impact wildlife.	The opposition to the parking area and the information about the conservation interests on Effingham Common is noted. Under the SANG guidelines, a parking area would need to be secured for SANG visitors and designed in a way that does not damage the attractiveness or semi-natural feel of the common. Regarding the car park, please see key issue 3 below.	No action.
2.EPC opposes a new SANG at Long Reach as this could contribute, due to the 5km catchment area to planning applications on the green belt in Effingham. It could also contribute to the over-development of East and West Horsley. We further oppose the unnecessary loss of agricultural land in an area which is agricultural - surrounded by open woodland and countryside.	Planning applications are judged on their merits against the policies in the development plan, national policy, and other material considerations. The existence of SANG land for avoidance does not mean that developments that are otherwise inappropriate would be granted permission.	No action.
3.EPC requests that GBC investigates whether any of the subject ground nesting birds are actually nesting on Ockham and Wisley Commons – these mainly wooded areas are not the natural habitat for ground nesting birds. The over-protection of the SPA has resulted in	Figures obtained from the JSP Board show that the Ockham and Wisley Commons in 2016 included 5 nightjar territories, 4 woodlark territories and 7	No action.

<p>the SANG, on Effingham Common, being used by greater numbers of walkers, horse riders and dog walkers. Some of the negative results have been the creation of informal tracks and paths right across the centre of the Common. Informal paths across the Common have driven away Skylarks and put pressure on other wildlife. The implementation of SPA policy in the case of Ockham and Wisley Commons is adversely affecting other habitats and we should check to see if the policy is still needed for their protection.</p>	<p>Dartford Warbler territories.</p>	
<p>4.EPC questions whether any update is needed, at the moment, to SPA policy. With the UK leaving the EU what is the future of SPA and SANG policy? Leaving the EU allows this policy to be looked at from a UK perspective, especially when it comes to applying this policy to green belt on the borders of London.</p>	<p>While this comment is understood, the protection of the SPA is encoded into UK law and regional planning policy. There is no indication at present that this protection will be removed following the Brexit vote.</p> <p>The approach will remain unchanged regardless of whether the strategy is updated as it is incorporated into regional planning policy.</p> <p>The new strategy contains guidance that officers consider would be very helpful to introduce now, notably guidance for those promoting SANGs on privately owned land, for which there are a number of planning applications coming forward. The new strategy also provides amended SANG tariffs, which ensure the Council can cover the costs of providing its existing SANGs.</p>	<p>No action.</p>
<p>Representations from general consultees (including members of the public)</p>	<p>Officer response</p>	<p>Action taken</p>
<p>University of Surrey</p>		

<p>Planning Obligations SPD consultation</p> <p>Thames Basin Heaths SPA Avoidance Strategy SPD consultation</p> <p>Our client, the University of Surrey, has the following comments on the above consultation documents.</p> <p>The comments relate primarily to the TBHSPA Avoidance Strategy SPD, but as the SANG tariff is replicated in the Planning Obligations SPD then the comments also relate to that document.</p> <p>The University is concerned that the SANG contributions have grown significantly from the levels in the previous document. Whilst the justification for the changes is set out in the document, the increasing costs could cause difficulties for bringing forward development in the Borough, including affecting the ability to deliver affordable homes. This tariff is only one of many contributions that are sought from development that together affect development viability. SANG contributions may squeeze the ability to make other contributions where viability is affected.</p>	<p>Officers agree that increasing the cost of the SANG tariff may affect viability.</p> <p>The tariffs have been calculated based on the costs to the Council of providing SANGs. Revising the value of the tariff downwards would result in the Council picking up the shortfall in SANG funding through public funds. This is not considered fair.</p> <p>It should be noted that the new strategy proposes to lower the tariff for one bed dwellings.</p>	<p>No action.</p>
<p>The University is also concerned that the SANG contributions are applied to student residences.</p> <p>Student residences are not typical housing that generates recreational trips to the SPA. The University of Surrey does not allow its resident students to bring cars to the campus, and pets are not allowed in the accommodation. Students, particularly those living on campus, focus their daily activity around the campus for studies, sports and social activities, including recreation.</p> <p>The propensity for students to visit and/or have impacts on the SPA is therefore very limited, which Natural England has accepted in a recent application for student residences at Manor Park that led to a 75% reduction in the SAMM contribution element to reflect this. The University was also able to provide SANG on its own land in this instance, but as more residences come forward the ability to provide more SANG in this way may be reduced. If the requirement to provide</p>	<p>Officers acknowledge that students may have different living patterns to other residents. However, the potential impact on the SPA is likely to vary depending on the situation and is very unlikely to be nil in all situations. Therefore, the approach detailed in the strategy whereby student accommodation is considered on a case-by-case basis is considered the most appropriate.</p>	<p>No action.</p>

SANG/SAMM became an increasing financial constraint it would affect the University's plans to develop further residences on its campus.

For these reasons the University believes that the negligible impact on the SPA of the student population resident at Stag Hill and Manor Park should be recognized in the SPD. The University considers that its future new student residences should not be required to contribute to SANG/SAMM requirements given this negligible impact.

The University would be happy to discuss this further with you.

Member of the public

1. It is disappointing that there is no reference to the results of monitoring of the strategy to date. Experience gained since 2006 should inform the strategy but no evidence has been provided. In particular, are the SAMM measures (paras 3.73 and 3.74) effective and sufficient, taking into account the perceived growth in commercial dog walking, for instance?

Experience in delivering and managing SANGs has informed the strategy and resulted in new SANG tariffs and new guidelines for the delivery of SANG on privately owned land.

Monitoring of the SAMM project is undertaken centrally. A report by Natural England was released in February 2014 which indicates that despite an increase in the number of homes, there has been no statistically significant increase in visitor pressure on the SPA. There is a further report due in 2017 which will add additional information.

Regarding monitoring of the effectiveness of the SAMM project, the following paragraph has been added at 4.9:

"The report "Results of the 2012/13 visitor survey on the Thames Basin Heaths Special Protection Area (SPA) (NECR136)" published in February 2014 by Natural England examines the effectiveness of the approach. A further report that follows up on this work is due in 2017."

Link to NECR 136 added to the references and further reading section.

2. There should presumably be some consistency with the draft Local Plan and specifically the implications of the strategic development sites should be identified. While it is the case that these have not been

The draft Local Plan carries very little weight at the current pre-submission stage. The plan will be accompanied by an

No action.

<p>through the planning process (or have been rejected as in the case of Wisley Airfield), the potential consequences in terms of SANG area should be taken into account, or at least be referenced.</p>	<p>Infrastructure Delivery Plan which will set out how the development proposals can be delivered using available SANGs.</p> <p>There are references to the emerging local plan throughout the document, with a commitment to review the strategy as needed once work on the Local Plan progresses.</p>	
<p>3.The proposal to designate Burpham Court Farm as a SANG is welcome.</p>	<p>Noted</p>	<p>No action.</p>
<p>4.The proposal to designate Tyting Farm as a SANG is acceptable in principle, subject to it remaining in agricultural use. It is crucial to maintain its historic character within the Surrey Hills AONB and minimise the changes that might results from SANG designation, with the conditions set out by the Tyting Society.</p>	<p>Noted. The Council is currently producing a site and management plan for Tyting Farm which aims to retain its agricultural character and a level of agricultural use that is compatible with its use as SANG.</p>	<p>No action.</p>
<p>5.Para 3.52 of the draft Strategy states that the Council has a preference for new public open space for SANGs rather than making use of commons. This position surely requires an explanation because it is a marked change from the strategy agreed in 2009/2010 and renewed in 2015. In para 4.16 of the approved Strategy, it was stated that the Broad Street, Backside and Stringers Commons would provide avoidance cover for the western part of the borough, which the current draft recognises to be lacking SANG, and north Guildford. If the reason for not pursuing this is car parking provision, then please say so. Is there a legal reason for not designating common land that has emerged since 2009? Why are other sites preferred?</p>	<p>Agreed that this represents a change from the previous strategy. This change will be highlighted in the Executive report to enable appropriate political oversight.</p> <p>The preference is a result of consultation feedback received during past consultations. The public and other bodies do not favour the use of existing open space, particularly the commons.</p> <p>Para. 3.50 sets out that Surrey County Council’s policy of charging a premium for the use of its land (including the commons) as SANG is also a factor.</p> <p>The Council has not received legal advice that suggests the Commons should not be</p>	<p>Text has been added to the Executive report that asks the Executive to adopt the strategy to highlight the addition of a preference for SANGs on new open space.</p> <p>Paragraph 3.51 (now 3.57) has been amended as follows (additions in bold):</p> <p><i>“The Council has a preference to deliver SANGs on new public open space, rather than existing public open spaces like the commons, where this is possible. This reflects the opinion of the public and bodies that deal</i></p>

	designated as SANG.	<i>with public open space based on comments received in recent planning policy consultations.</i>
6.It seems likely that with the transfer of bespoke SANG sites to GBC, the amount of public open space owned by GBC will increase, which should perhaps be acknowledged.	<p>It is not clear at this stage whether the Council will take over any of the privately owned or bespoke SANGs.</p> <p>The transfer of any land will likely require approval from the Council's Executive or Full Council, depending on the nature of the proposal and the requirements of the Council's constitution.</p>	No action.
7.Will this strategy be in place permanently, or does it have a period attached to it?	Paragraph 4.10 (now 4.13) states that the Council will review the strategy at appropriate points as needed. The strategy does not have a fixed period attached to it as it is difficult to judge when a review will be needed. This is likely to be driven by work on the new Local Plan.	No action.
Member of the public		
<p>Response to Draft Thames Basin Heaths Special Protection Area Strategy - September 2016</p> <p>Avoidance and Mitigation Measures</p> <p>SANG catchments</p> <p>3.10 It is written that <i>'The level of car parking needed for a SANG will be established in consultation with NE. However, as a guide, car parking should be provided on the basis of one parking space per hectare of SANG'</i>.</p> <p>This could result in excessive car parking which overwhelms local</p>	<p>SANGs that have a catchment of only 400 metres (e.g. SANGs adjacent to development sites) do not need a car park as the intended users can walk to the SANG. However, most SANGs need a wider catchment in order to be useful. The majority of visitors to the SPA drive there. Therefore, to function as an alternative to the SPA, people need to be able to drive to SANGs.</p>	<p>Paragraph 3.10 (now 3.11) has been amended as follows (amendments in bold): <i>"SANGs without a parking area have a catchment limited to 400 metres. The amount and nature of car parking needed for a SANG will be established in consultation with NE and should reflect the anticipated use of the site by visitors and the catchment size</i></p>

<p>areas and despoils their character. It should not apply to sites within walking distance of large populations and within reach of the town</p>	<p>In the past, car parking has sometimes been required on the basis of 1 space per hectare. As the strategy forms guidance, it is appropriate to make this information available. However, the text has been amended to make it clear it isn't a rule.</p>	<p>of the SANG. However, and as a guide only, car parking may be required on the basis of one parking space per hectare of SANG."</p>
<p>Delivery of new SANGs</p> <p>3.15 It is excellent that it is recognised that facilities, such as cafes and play areas, are suited to parks rather than to natural countryside.</p>	<p>Noted</p>	<p>No action.</p>
<p>3.16. It is excellent that the latest SPA Strategy recognises that Areas of Outstanding Natural Beauty (AONBs) are enjoyed for their natural unspoilt beauty and that it is written that "<i>the delivery of SANGs must avoid 'urbanisation of the countryside'</i>". A very large number of people have been concerned about the adverse impact of SANGs on countryside and AONBs.</p> <p>There is a drive to artificially bring extra capacity and numbers of people to SANGs which include AONBs with extra car parks, whilst keeping down the numbers visiting the SPA, which will protect its wildlife and tranquillity. It would be perverse to safeguard one protected area (SPA) by harming another protected area (AONBs)</p> <p>AONBs enjoy a naturalness and wildness which has recently begun to be whittled away and need to be protected against creeping urbanisation.</p>	<p>Legislation and policy surrounding the SPA and the AONB are different. The SPA must be protected from all development and other impacts, such as increased animal predation and recreational pressure. Within the AONB there is a presumption against major development but recreational opportunities are encouraged. SANGs are semi-natural spaces and will be protected from development. Where SANGs fall in the AONB, this will therefore protect the naturalness of the AONB.</p>	<p>No action.</p>
<p>3.17 While a proportion of paths are to be wide enough to accommodate visitors in wheelchairs, it needs to be recognised that children enjoy and relate to narrow paths. Wide paths or overlong straight paths can be boring to children who do not yet appreciate views and are more concerned with their immediate surroundings. The clearance of undergrowth, trees or bushes to widen paths also impacts adversely on wild life. Children also enjoy clambering over gates which</p>	<p>Noted and agreed. Paragraph 3.17 (now 3.19) states that accessibility measures should be included only where compatible with the SANG guidelines, which require SANGs to be maintained as natural or semi-natural spaces.</p> <p>Under the guidelines, conservation</p>	<p>No action.</p>

<p>increases their enjoyment of a countryside walk.</p> <p>A balance is needed so that the needs of children and wildlife are also considered.</p>	<p>interests must be taken into account when SANGs are proposed and designed.</p>	
<p>3.18 (and Restrictions on Usage, 2nd para (p.50))</p> <p>SANGs and car parks are not suitable on agricultural land. A large number of dogs are a hazard to cattle and detrimental to crops.</p>	<p>Where SANGs are proposed on agricultural land, it is likely that the use will be changed either to open space or multi use. It is unlikely that crops can be retained on SANGs. However, the Council uses cows to maintain its current SANGs successfully and other forms of agriculture may be compatible with the use of land as SANG.</p>	<p>No action.</p>
<p>Strategic Access Management and Monitoring (SAMM)</p> <p>3.73 Bullet point 1 (and last bullet point on Annexe 2 'Must/Should have's' (p. 54))</p> <p>Signs, leaflets, educational material etc. need careful consideration. Signs are urbanising and should only be used for a purpose such as signposting routes between villages. These should be made of wood and in keeping with their rural surroundings.</p> <p>Leaflets can increase litter and the need for extra urbanising litter bins.</p> <p>Infrastructure deemed to be educational does not mean it is suitable for AONBs and rural areas. Information boards have an urbanising impact. They can be over-bright posters out of keeping with their rural setting and even on occasions blot out views, or detract from views. They are rigid man-made unchanging structures whereas the countryside is made up of natural living things with colours which are always changing.</p> <p>Rather than an overload of information boards, a discreet information board in a car park or on an entry to a walk should be sufficient and give enough information. These need rigorous upkeep as badly</p>	<p>SANGs must be maintained as natural/semi-natural spaces so signage must be subtle and in-keeping with the environment. Proposals for SANGs must be approved by Natural England and the Council and the impact of signage will be a consideration. However, appropriate signage can assist the protection and enhancement of conservation interests and improve the visitor experience.</p> <p>The suggestions for the location of information boards are noted.</p> <p>Leafleting takes place on the SPA. The SAMM project now includes wardening on the SPA to encourage responsible behaviour, including regarding litter.</p> <p>Annexe 2 of Appendix 4 are part of the SANG guidelines produced by Natural England and are reproduced in the</p>	<p>No action.</p>

<p>maintained boards are extremely unsightly.</p>	<p>appendices for convenience only. It is not considered appropriate to change them.</p>	
<p>Bullet point 5</p> <p>It is written “<i>guidance over access management on SANG, eg. provision of attractive facilities.</i>” Those AONBs, which are SANGs, are already attractive and man-made facilities would detract from their natural beauty and bring about urbanisation. This statement weakens paragraphs 3.16 and 3.15.</p>	<p>Agreed.</p>	<p>Bullet five (now six) of paragraph 3.75 (now 3.77) has been changed to (amendments in bold):</p> <p><i>“guidance over access management on SANG e.g. appropriate design and facilities.”</i></p>
<p>Appendix 4: Natural England guidelines for the creation of Suitable Alternative Natural Green Space (SANG)</p> <p>Introduction (p.47)</p> <p>Para. 6</p> <p>SANG such as Chantry Wood and other AONBs will over time be damaged by an overload of visitors from soil erosion, dog faeces and wildlife disturbance, the latter which is important to those who visit. The wildlife in AONBs and other countryside is important to locals and visitors, and should be considered in areas which are not necessarily conservation areas, but are still of high value. It is possible and perhaps even likely that species in these areas will also one day be endangered.</p> <p>Network of Sites (p.48)</p> <p>Para. 6</p> <p>It is good that the width of paths are not specified as different widths are suitable in different places.</p> <p>Para 7 (and Annex 2 ‘Site Quality Checklist’: Bullet point 7, p. 54))</p> <p>Areas of Outstanding Natural Beauty already have a very wide variety of different paths and terrain, open downland and woodland areas.</p>	<p>These helpful comments are noted. However, the guidelines have been produced by Natural England and are reproduced in the strategy for convenience only. They set out the points that Natural England will consider when asked to agree a SANG proposal. Therefore, it is not considered appropriate to change them.</p>	<p>No action.</p>

Consequently there is a plentiful supply of different types of countryside and paths which can be chosen to walk upon.

This needs to be borne in mind before trees or scrubland are cleared and paths widened (for perceived Health and Safety reasons) which will be detrimental to wildlife, produce paths less appealing to children (who accompany adults) and possibly upset users.

Para 8

Made-up paths of white pebble-like stones impact adversely on landscape. Again children in particular, prefer to negotiate the odd tree root and enjoy a path which is natural with different size stones and textures. (The character of Dovedale in Derbyshire lost character some years ago, when white pebbled stone paths were introduced, replacing natural paths.)

Artificial Infrastructure (p.49)

Para 1

It is written: *“Little or no artificial infrastructure is found within the SPA at present apart from the provision of some surfaced tracks and car parks. Generally an urban influence is not what people are looking for when they visit the SPA and some people undoubtedly visit the SPA because it has a naturalness about it that would be marred by such features.”*

The same applies to beautiful countryside which is not an SPA, such as AONBs. It would be wrong and unfair to residents and visitors if their countryside were urbanised and wildlife damaged to attract walkers from the SPA, particularly as those using the SPA do not want to walk their dogs in countryside which has been urbanised.

Good woodland and countryside maintenance is the best way to encourage dog walkers and walkers.

Para 2

Car parks with cars are ugly and can have an enormous urbanising

effect on the countryside. They should only be built where absolutely necessary and not as a bureaucratic requirement. Car parks in the countryside should have natural surfaces and trees, and great effort should be made to ensure that they blend in with their rural surroundings.

Para 3

Picnic benches are ugly, over-large, solid infrastructure, when installed in countryside settings and are more suited to parks.

Whereas an overload of benches sited together in one area would be unsightly, well-placed and discreet traditional wooden benches placed at intervals along walking routes (without overloading them) are welcome. Such benches are used in the hills and on mountain paths in countries such as Austria without degrading their setting. They are particularly appreciated by the more elderly walkers and are enjoyed by those who wish to sit and enjoy the countryside around them.

Money spent on maintaining and replacing traditional wooden benches when necessary with benches also made of wood would be money well spent.

Kissing gates, if needed, should be of wood and in keeping with their surroundings.

Landscape and vegetation (p.50)

Para 5

Ponds and streams are much enjoyed by children on countryside walks. Ponds should be kept natural in keeping with their surroundings.

Annexe 2: Site Quality Checklist – for an individual SANG: ‘Desirable (p. 55)

Bullet point 6

Artwork is more suited to parks and should be very limited in Areas of Outstanding Natural Beauty and in natural countryside. Viewpoints

should be marked discreetly and not over-presented.

Annexe 2: Site Quality Checklist- for an individual SANG: 'Must/Should haves' (p. 54)

Bullet point 7

It is written: *“SANGs must be designed so that they are perceived to be safe by users; they must not have tree and scrub covering parts of the walking routes.”*

This point is not clear. Trees and scrub are part of walking routes and provide cover for wildlife.. Without them there would be little incentive to walk in the countryside. These should not be cleared unnecessarily for perceived safety reasons.

Comments

Before any infrastructure is placed in AONBs or car parks built, it needs to be questioned whether they are really necessary. Where car parks are detrimental to the area or their surroundings, and are unnecessary, they should not be built to justify a SANG.

A further risk to AONBs is the drive to commercialise the countryside which inevitably brings urbanisation and a change of character. SANGs must not become a part of this.

SANGs need to replicate the experience of the SPA, which has car parks. Therefore, unless SANGs are aimed at users within walking distance (400m), they must provide parking. However, the SANG guidelines require that this is done in a sensitive way to avoid the urbanisation of the countryside.

Providers of SANGs must not charge for parking or access so do not contribute to commercialisation. It is unlikely that commercial developments (like cafes) will be acceptable on SANGs.

No action.

Member of the public

I object to the use of existing public access land as SANGS as the methods of management of the public access is in conflict. Examples of the former would be any registered common to which the public have the right of recreation [Commons Act 1899 Scheme of Regulation and management] or s193 such has been seen in the TBH SPA avoidance

This objection is noted.

The strategy states that the use of existing public open space as SANG is not preferable. However, the SANG guidelines

No action.

strategy by SCC on Chobham Common or Waverley BC on Farnham park which is governed by PHA1845 and the use of the Worplesdon Group of Commons by GBC as they are all s193 [LPA1925] commons and Guildford BC proposals to use Effingham Common and Tyting farm. The former is registered common land with public rights of access and the later is the ex LCC acquired via SCC as public open space. The conflict is in the powers capable of being used and which are the dominant tenement in law to control and enforce against the public's right of use. The assumed powers for ordinary public access to LA public open space is through byelaws under the Local Government Act 1990 these cannot affect statutory rights of public access where that is governed by primary legislation.

There is also a conflict between the requirement for extensive grazing on some sites under Higher level stewardship and the restriction applied to dog walkers and the criteria for SANGS by NE

state that using existing public open space can be acceptable.

The Council has been able to successfully balance dog walkers with grazing on its SANGs and is confident that it can meet all the required obligations on SANGs it is proposing on Council owned land.

Member of the public

The thoughts behind this strategy do not solve all the pressures that would come from more building near an SSSI. Other areas for dog walking solves only one pressure. Dogs do disturb wildlife and ground nesting birds but most ordinary pet dogs are not efficient hunters. Cats and foxes however remain deadly killers and adding other areas of parkland does not solve the cat or fox issue. More houses near SSSI's mean more cats to hunt on the protected areas. More houses means more places for foxes to scrounge from and some householders deliberately feed foxes leading to an increase in their numbers. Urban foxes are deadly killers, especially a vixen when she has hungry cubs.

Guildford was an agricultural market town. It would be a shame to turn small areas of agricultural land into dog walking areas. Leaving the EU should cause the government to encourage the return of the small farmer producing food locally.

In the last 25 years the green belt around Worplesdon and Normandy has seen about 100 new traveler pitches. It is important that the

SANGs are aimed at all SPA users, not only dog walkers.

SANGs are not the only provision for protecting the SPA. The approach also includes a 400m exclusion zone around the SPA to reduce visitor pressure and prevent predation by cats and other animals associated with urbanisation (e.g. rats).

The comments regarding agricultural land are noted. It should be noted that SANGs are not just dog walking areas and should provide opportunities for the range of recreational activities currently undertaken on the SPA.

No action.

councils do more to control the [redacted] and continue to limit new building within 5 kilometers of an SSSI. This strategy should not, and must not lead to more building or allowing informal traveler sites to remain.

Planning applications are judged on their merits against the Development Plan, national policy, and other material considerations. The existence of SANG land for avoidance does not mean that developments that are otherwise inappropriate would be granted permission.

Member of the public

I have been informed that you are inviting comments on two Guildford Borough Council draft Supplementary Planning Documents (SPDs); the draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD and the draft Planning Contributions SPD Update.

I have only one very simple comment, which I hope will be understood loud and clear: in rural Green Belt areas such as where I live in West Horsley, the creation of SANGs does nothing to reduce pressure on SPAs because plenty of accessible green space already exists. On the contrary, it adds to pressure on neighbouring SPAs by legitimising new housing development within a 5Km radius. SANGs are therefore counter-productive and should be viewed as development harmful to the Green Belt.

I think many residents will be highly suspicious of your reviews and may see them as an attempt to weaken Green Belt protection prtotections for the unacceptable levels of housebuilding promoted in your controversial draft Local Plan. As the extremely hostile public reaction to the proposed SANG in Long Reach shows, residents are on red alert to this sort of trick and will not tolerate it.

Regarding the effectiveness of the approach, see key issue 2 below.

Planning applications are judged on their merits against Development Plan, national policy, and other material considerations. The existence of SANG land for avoidance does not mean that developments that are otherwise inappropriate (e.g. due to a conflict with Green Belt policy) would be granted permission.

No action.

Member of the public

Strategic Environmental Assessment and Habitats Regulations Assessment Determination

Regarding the effectiveness of the approach, see key issue 2 below.

No action.

2.2 The strategy SPD does in fact affect the SPA directly, since there is no evidence that SANGs work, and as a consequence the SPA could be irrevocably damaged by its failure to provide mitigation. I have even asked Natural England if evidence is available, but they have unable to provide any. In any case, “mitigation” by definition only means reducing the severity of an effect, not eliminating it, which raises the issue of whether current mitigation proposals, even if they were to work to some extent, are sufficient to counter the **accumulated** effects of multiple developments. In addition, given the proximity of some existing and potential SANGs to the SPA (for example Stringers Common is right next door and provides an existing corridor to it), there’s an obvious risk a SANG could even attract more people to the neighbouring SPA by providing a “network”. It should therefore be subject to an Appropriate Assessment/HRA.

3.11 The strategy document has now been properly categorised as an SPD (Supplementary Planning Document) and examines the environment and modification of specific existing and potential SANGs in more depth than other documents. It is therefore a more detailed planning document relating to the SANG sites themselves, not purely for guidance as this assessment determination asserts, and should surely be subject to an SEA.

3.11 I disagree with the statement “there will be no significant environmental effects arising from its implementation and that it supplements adopted policy”. This is a presumption rather than a fact. The aim is certainly to have no significant effects, but the strategy is theoretical, not proven. Furthermore, it does not just “supplement” adopted policy, it details it for specific areas in the borough.

Appendix 1

Characteristics of the plan or programme

(a) I would dispute this conclusion. Surely the strategy SPD is setting the framework for the creation of new SANG, and the development of others. Although the act of developing SANG is by its very nature not supposed to have an adverse impact upon the environment, how can

Regarding the SEA and HRA screening opinion, please see key issue 1 below.

Regarding the final sentence: Supplementary Planning Documents (SPDs) do not set policy, they build upon and provide more detailed advice or guidance on the policies in the Development Plan. The strategy largely provides guidance on the implementation of policy NRM6 of the South East Plan, which has already been subject to the SEA process. Proposals for SANGs will be subject to the SEA process at the project stage.

this be guaranteed when it can involve change of land use e.g. from agricultural to leisure, building car parks, increased traffic, laying paths, adding manmade landscaping etc etc? Surely any planning document that proposes such measures should undergo an environmental assessment.

(b) I would dispute this conclusion. Surely the strategy influences other plans, in that significant parts of the Local Plan cannot even go ahead lawfully if specifically detailed mitigation is not in place.

(d) What about the risk of degrading the areas allocated for SANG? For example, the consequences of development as I mention in (a).

(e) I would dispute this conclusion. The strategy details the policy more explicitly and is therefore more directly relevant to the implementation of the legislation than the higher level documents.

Characteristics of the effects and of the area likely to be affected

(a)-(g) As mentioned above, there are effects on the areas designated as SANG – it's not only a question of the SPA. The aim is also to change the behaviour and movements of the population, not just in Guildford borough but around the whole SPA. The strategy document is not just "guidance" as claimed – it is an SPD, a planning document.

Member of the public

Once again we seem to be over expanding the intervention and creating unnecessary costs. The Thames basin is as we are all aware plagued by the invasion of mink and other non indigenous creatures. We should rethink the strategy and in the case of ground nesting actively discourage to entice the wildlife to move to a safer environment.

Please bear in mind that all these project cost are passed on in full or with an added margin to the homebuyers! In most cases this is mortgage funded and comes at a long term debt. Not helpful for the next generation of family finance.

The strategy, as a planning document, deals with the provision of SANGs and SAMM. There is a third prong which takes place outside the planning system and provides conservation measures on the SPA. This element of the approach is delivered by Natural England.

The value of housing set by the market in this area is high. Whilst the SANG tariff has an effect on the total build cost, it is

No action.

not clear whether this translates directly to higher house prices.

The tariff represents the cost of providing SANGs and the SAMM project. Without these measures, the Council would not be able to grant permission for any new dwellings within 5km of the SPA, or would have to meet part of the cost of SANG provision with public funds.

Member of the public

TBH AVOIDANCE STRATEGY SPD

Overall:-

Where are the references to the evidence base for this strategy? The document refers to “evidence” for other matters, but there is no evidence that SANGs work, either from Natural England, or the JSPB, or individual local authorities around the country, and therefore no evidence that this strategy is legitimate.

No alternatives to SANG are presented. The best alternative of course is not to build on land that could affect the SPA in the first place. Shouldn't there be a policy outlining a priority structure, where development that could affect the SPA, irrespective of SANGs, should only be considered where development is not possible elsewhere, as in NRM6: “Priority should be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures”? NRM6 was part of the plan for the whole South East, so in order to satisfy legal requirements I would suggest this should not be restricted to borough boundaries which are unfortunately under pressure to provide housing “quotas” even where not suitable, but coordinated at a regional/national level, if there is a serious intent to protect the SPA.

Agreed. References to monitoring and background evidence have been added. Please see key issue 2 below regarding the effectiveness of the approach.

The comments regarding the need for planning to take place strategically at a regional and national level are noted. This would require a change to the planning system and is beyond the scope of the strategy.

New paragraph added at 4.9 which states “*The report “Results of the 2012/13 visitor survey on the Thames Basin Heaths Special Protection Area (SPA) (NECR136)” published in February 2014 by Natural England examines the effectiveness of the approach. A further report that follows up on this work is due in 2017.*”

A new section has been added entitled “References and further reading” which provides links to background documents.

Member of the public

TBH AVOIDANCE STRATEGY SPD

Preface

I dispute that the strategy really enables the Council “to discharge its legal obligations under the Conservation of Habitats and Species Regulations 2010”. I do not see where the legal basis for SANGs comes from, and as far as I can see, Natural England is not dispensing legal advice, but guidance, while still leaving local authorities with legal responsibility as the “competent authority”. The legality of this document would therefore seem important, especially when exacting funds from developers and setting up contracts; it is not just a question of the effectiveness of the strategy. The Council would perhaps be wise to clarify the legal basis for this strategy with Natural England before implementing it, if not already done. Mitigation is not prevention. “Avoidance” too is a euphemism in this context, as complete avoidance is not achievable as long as people have access to the SPA or reside close to it. After all, SANGs are only intended to tackle one side of the equation – recreation; NOT predation by pets, or by animals whose populations are encouraged by human proximity (e.g. foxes, rats, crows, magpies etc), or indeed pollution, fly tipping or fires.

The preface has been deleted as it is not considered necessary when there is a two page summary.

No action.

The comment is correct that the local authorities retain legal responsibility as the “competent authority”. The Council has sought legal advice over elements of the approach on a number of occasions, including over the collection of the tariff. Policy NRM6 of the South East Plan, which introduced the approach, was subject to an examination and also the subject of legal advice in 2009. The Council is confident that the legal basis for the strategy is sound.

The 400m exclusion covers predation by pets.

Member of the public

Summary

Not quite sure why the summary is necessary. The main body of the document isn't particularly large once the summary and the appendices are disregarded. The summary just makes it seem repetitive, and potentially makes it prone to error if changes need to be made in more than one place (e.g. tariffs).

It is agreed that the summary may be considered repetitive and that the document is not overlong. However, consultation responses frequently object when planning documents don't have a one or two page summary.

No action.

Member of the public

<p>1.6 Will NRM6 actually be “superseded” by the new Local Plan as stated, or just implemented by it? Surely NRM6 will continue to be a standalone policy covering the whole south east.</p> <p>1.8 I would be surprised if Natural England foresaw the SANG principle being applied so rapidly and on such an industrial/automated scale. It doesn't appear to have been trialled, and I get the impression it was drawn up in haste as some sort of short term fix, and is now in danger of getting out of hand.</p>	<p>Agreed. Policy NRM6 may be revoked in due course, but will not be superseded by the new Local Plan.</p> <p>The comments about the speed and scope of the approach are noted.</p>	<p>Changed the sentence to read “<i>The new Local Plan (currently in development) will transpose the provisions of NRM6 into local planning policy in due course.</i>”</p>
<p>Member of the public</p>		
<p>2.9 How can permissions for temporary accommodation be considered on a case-by-case basis? SPA protection is a matter of law, not arbitrary Council decision-making, however well intended.</p> <p>2.23 How will these be identified if no planning permission is sought?</p>	<p>Where dwellings are provided on a temporary basis, they will probably not need to provide funding for mitigation and avoidance measures in perpetuity as the potential impact on the SPA will disappear when the accommodation is removed.</p> <p>Developments that do not require planning permission must still undertake a Habitats Regulations Process. They will be identified at this stage.</p>	<p>No action.</p>
<p>Member of the public</p>		
<p>3.13 “This means the SPA itself is not ‘starved’ of finances with the result that its quality and value suffers.” Why is this even mentioned as if it were a justification? Surely management of the SPA is the legal responsibility of the Council regardless of developer contributions.</p>	<p>Agreed. The point being made is that SANGs and SAMM are funded by development, not budgets that are currently used for the SPA or other countryside management.</p>	<p>The sentence in 3.13 (now 3.14) has been amended as follows: “<i>This means that other budgets for the maintenance and management of green spaces and the countryside, including the SPA, are not “starved” of finances.</i>”</p>
<p>3.21 What safeguard methods will be in place at the end of the</p>	<p>Funding will be provided for 125 years.</p>	<p>The strategy has been changed</p>

<p>perpetuity period to ensure sufficient SANG exists?</p>	<p>The strategy states that after that period any remaining funds will be used for funding or the SANGs will be absorbed into the Council's budget.</p> <p>The strategy states that SANGs must be secured in perpetuity, and does not define perpetuity as a set timeframe.</p> <p>Where a SANG is proposed that would be outside the Council's control, and the proposed arrangements for SANG (which includes a requirement to provide SANG in perpetuity) are insufficiently certain, the Council (and an inspector on appeal) could not be satisfied that obligations under the Habitats Regulations would be met and would not grant planning permission.</p>	<p>so that it refers to a funding period rather than defining perpetuity as a specific period.</p>
<p>3.30 What forms the "robust evidence" for the discounts in Table 2, as described in 3.19? If it exists, it should be presumably referred to as an appendix or footnote.</p>	<p>The SANGs in table 2, and the level of discounting for each SANG, were identified in the 2006 Thames Basin Heaths SPA Interim Avoidance Strategy. The document explains that the sites were discounted based on visitor surveys. The levels of discounting were agreed with Natural England and have been in place now for over 10 years, so the surveys are not reproduced in the new strategy.</p> <p>Where new SANGs are brought forward by the Council on existing open space, discounting rates will be based on visitor surveys and the discount rate agreed with Natural England. The surveys for these new sites will be published as part of the</p>	

	<p>site proposal.</p> <p>New SANGs brought forward by developers on existing open space will need to address discounting in their planning application and agree the rate with Natural England.</p>	
3.81 Is there anything to stop a developer demanding reimbursement should the development not be completed?	The tariffs are secured through a section 106 agreement and are not refundable once building work has commenced. If building work does not commence and the planning permission expires (after three years), the tariff would be refunded and the SANG capacity made available to other developments. This would be appropriate as no dwellings could be built without a new planning permission, which would require a new s106 agreement.	No action
Member of the public		
4.4 "...ideally be completed..." Isn't this too vague and open to interpretation when dealing with regulations?	Agreed	The words " <i>ideally be</i> " have been removed.
4.6 Despite this very same thing being promised in the previous TBH Avoidance Strategy, allegedly to demonstrate that "the Council is committed to meeting its obligations with regard to SPA requirements", proper monitoring has not been done up to now, so why should we believe it is going to be handled competently from now on? It is now TEN YEARS since this strategy was first introduced. Retrospective monitoring at some indeterminate time in the future is not appropriate, it will still take years to build up meaningful data, and it is already far too late to provide an evidence base for decisions that are being taken now or have already been taken. There would also be the suspicion it could be manipulated to suit the policy. As I've pointed out before, the only	<p>The Council has undertaken monitoring of SANG visitors in a semi-annual basis in the past.</p> <p>Funding for monitoring of the approach is built into the SAMM tariff. The SAMM funding pot has now reached a threshold where new phases of the programme can start and the SAMM project has taken over responsibility for visitor on SANGs across the SPA affected region. These surveys</p>	

<p>"monitoring" of which I am aware are:</p> <ul style="list-style-type: none"> - Firstly, simple visitor counts at SANGs in the Council's Annual Monitoring Reports, which have no scientific basis at all since <ul style="list-style-type: none"> (a) they do not take any variable factors into account (probably most importantly weather and site condition); (b) are bypassed completely for sites during years where no improvement works were carried out (why?); (c) have only been undertaken every 2 to 3 years since 2009 because <i>"changes in visitor levels are unlikely to be significant from year to year"</i> (doesn't this indicate that either the Council and the JSPB aren't committed to monitoring this properly, or that perhaps the stats aren't showing them what they want to see and SANGs aren't working?); (d) are not linked to any corresponding SPA research. 	<p>will use a standard methodology and produce data that can be used alongside data on the SPA to form a view on how effectively SANGs draw visitors from the SPA.</p> <p>The JSP Board and Natural England monitor the health of the SPA and the bird populations.</p> <p>Please see key issue 2 below.</p>
<ul style="list-style-type: none"> - Secondly, Natural England's SPA visitor survey report NECR136 2014. Although this conversely appeared to reflect a 10% increase in total visitor numbers, it was not deemed "statistically significant", and section 4.17 admits <i>"These survey results in no way test whether Suitable Alternative Natural Greenspace (SANG) provision or other measures may have been successful, and detailed monitoring of SANGs themselves is necessary to show their effectiveness"</i>. 	<p>Please see key issue 2 below.</p> <p>A further report is due in 2017 that will build upon the results of NECR136 and include data on visitors to the SANGs.</p>
<p>Member of the public</p>	
<p>Appendix 5</p> <p>Just a typo: quantity columns in Lakeside and Riverside tables shouldn't have pound signs against them</p>	<p>Agreed</p> <p>The pound signs have been removed.</p>
<p>The Tyting Society</p>	
<p>The Tyting Society is pleased to respond to the consultation regarding this SPA Avoidance Strategy. We are a Residents Association</p>	<p>The comments regarding the delivery of the SANG are noted and will be taken into</p> <p>No action.</p>

<p>representing 88 households that contains Tyting Farm within our local area.</p> <p>We refer to 3.37 and 3.38 of the draft strategy proposing Tyting Farm as a potential SANG.</p> <p>In July 2016, we included in our response to the Guildford Borough Council (GBC) Local Plan a number of issues addressing this SANG designation. In summary these were</p> <ul style="list-style-type: none"> - to maintain the agricultural use of the farmland to the greatest extent possible, retaining its character - to minimise the footpaths around and across the fields to sustain their agricultural integrity - to reduce the impact of car parking - to have influence over how future SANG monies will be spent in the decades ahead <p>We understand that GBC is talking to Surrey Wildlife Trust with a view to maximising the farming dimension. In consultation with GBC's SANG officer, considerable progress has been made regarding the second and third aspects and we look forward to maintaining this helpful dialogue.</p> <p>Considerable monies are likely to be attached to this SANG and the local residents are concerned to be involved in how this money is to be spent in conjunction with GBC over the years ahead. We ask that a suitable policy and mechanism is developed to enable this collaboration to flourish and protect this important AONB landscape.</p>	<p>account as detailed proposals for the SANG progress.</p>
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Member of the public

<p>I oppose the supplementary planning for the Thames Basin Heaths Special Protection Area Avoidance Strategy.</p> <p>1.I question whether any update is needed to SPA policy as the UK has voted to leave the EU. The SPA policy as it relates locally to the</p>	<p>Regarding the vote to leave the EU, please see key issue 4 below.</p> <p>The SPA strategy states a preference for delivering SANGs on new open spaces</p>
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<p>Thames Basin Heaths has always been controversial. It creates SANGs which are inappropriate for our scarce local green areas. And the three species of nesting birds, which are the subject of the strategy, are probably not present in and around the Ockham and Wisley Commons.</p>	<p>rather than existing opens spaces. The potential SANGs identified would all constitute new public open space. This would increase the provision of public green space.</p> <p>The annual bird counts show that the protected species are present on the Ockham and Wisley Commons.</p>	
<p>2.The idea of the SANG as an alternative green space puts negative pressure on what were previously good habitats for wildlife. For example the strategy is having a negative effect on SANGs where there are rare and endangered birds eg Effingham Common. Skylarks that used to nest on the Common before it became a SANG are now rarely heard. The SANG role of encouraging more dogs, many of which are allowed to run off-lead, is having a negative effect on habitat especially for the Skylark.</p> <p>3.The strategy demands that SANGs have a car park to fulfil development purposes and there is pressure on GBC and developers to build one on Effingham Common. This will further endanger habitat and the appearance of the Common. There are already so many informal paths all over the Common that it is almost impossible for ground nesting birds to find sufficient room to nest. A car park on the Common would create more informal paths putting yet more habitat at risk and negatively affect the appearance and beauty of this area.</p>	<p>Please see key issue 3 below.</p>	<p>No action.</p>
<p>4.I also question the need for anymore SANGs. With the possibility of a more sensible policy on Thames Basin Heaths would it not be better to wait for new legislation before new SANGs are created? I find a new SANG at Long Reach concerning. In this case agricultural land would be lost in furtherance of a flawed SPA strategy.</p>	<p>SANGs are needed as there is currently a lack of SANG capacity in the east and west of the borough. See key issue 4 below, regarding the possibility of new legislation.</p> <p>SANGs must be provided either on existing public open space, or on land which is not currently public open space,</p>	<p>No action.</p>

	which in Guildford borough realistically means agricultural land. The public and other bodies with an interest in public open space have shown a strong preference for SANGs to be provided on new public open space.	
Gatwick Airport		
<p>Thank you for your email dated 16 September 2016, regarding the above mentioned documents.</p> <p>Guildford Borough is outside of our 15km 'physical' safeguarding area, at this distance the only potential issues we would have are with any proposed wind turbines.</p> <p>As none are proposed as part of this consultation we have no other comments to make with regard to aerodrome safeguarding.</p> <p>Thank you for giving us the opportunity to comment on these documents. If you have any queries please do not hesitate to contact me.</p>	Noted	No action.
Transport for London		
<p>Thank you for consulting Transport for London (TfL) on these draft SPDs. I can confirm that TfL has no comments to make on either of the draft documents</p>	Noted	No action.
Member of the public		
<p>I would like this email and my property to be treated as part of this consultation. The property is located at [redacted] .</p> <p>The property in question is right on the edge of the SPA & I wish to have it re-measured. I would like to know what are the consequences if</p>	Noted	The respondent has been contacted directly to answer the question about their property.

I am found to have a building that is right on the edge?

The property in question is a B8 unit and I wish to apply for PD to residential – the property complies in all other respects other than it appearing to be within a few metres of the SPA 400 meter zone.

I look forward to hearing from you ASAP & receiving an email confirming receipt of my request & that I will receive some feedback shortly.

Member of the public

Summary

There is inadequate statistical and financial data in this report to enable it to be evaluated. However, information about bird numbers and costs were obtained to make useful comment possible. These show that over 15 years there has been no increase in numbers of these three protected species. In fact a small decrease has occurred despite many millions of £s being spent on them(likely to exceed £30m over the last 7 years) . In Guildford's most important site (Whitmoor Common) a cold spell 7 years ago has wiped out the 3 species (only 6 nests were found in 2015). With a total bird nest population of only 825, and a total area of 8540 hectares there are 10 hectares per nest. It is not credible with this space that humans are likely to have any effect on birdlife. It would be prudent to check whether the case for the levy is strong enough if challenged in court.

The approach is primarily designed to avoid impacts on the SPA from increased recreational pressure brought by new homes. If bird numbers remain constant despite an increase in homes, the scheme would be considered a success. See key issue 2 below for more details.

It is not clear why Whitmoor Common would be considered the most important site. It is the SPA smallest site within the borough.

Research shows that human impacts, both from recreation and urbanisation, do have an impact on the three protected birds and that they are disturbed by dogs, leading to nest abandonment, exhaustion of parent birds and increased predation.

Officers are confident that the tariff approach can be defended. The approach has been in place since 2009 and has been tested at appeal.

A section entitled “References and further reading” has been added to the document. This section sets out the documents that inform the approach.

Councillors were told when approval of this scheme was proposed (in 2007 ?) that it was an obligatory EU measure. This report indicates this was not correct . Councils have discretionary power to come up with alternative solutions. One, which could be a cost free, would be for dogs be put on leads during nesting seasons.

EU and UK legislation requires protection of the SPA but does not specify an approach. In this way the approach can be considered discretionary at a national level.

No action.

However, the approach has been codified into planning policy through South East Plan policy NRM6. Local policy and practice must be consistent with NRM6.

Planning policy cannot require dogs to be put on leads as this is not enforceable through a planning condition. However, the SAMM project delivers measures on the SPA which includes seasonal campaigns and education of SPA users.

There are unintended environmental benefits from this housing levy. These have to be weighed against the levy adding to the already high cost of housing. It would also be desirable to check whether its environmental objectives , to attract visitors from SPAS lead to the best environmental solution, as in theory at least it could have contrary effects. It would be highly desirable to check with local residents and environmental groups whether they have improved the environment.

Councillors need to weigh up these conflicting costs and benefits and determine whether it is worth supporting. Review by a Scrutiny Committee would appear justified and evaluation of environmental improvements could be assessed by residents groups such as EGRA and the Guildford Society

It is agreed that the approach adds to the build cost for new housing. However, the cost of housing in the borough is primarily driven by market values, rather than build costs.

No action.

The suggestion for Councillors is noted. All the comments in this report are provided to Councillors to consider. However, The Council is required under South East Plan policy NRM6 to ensure SANG mitigation is provided when new dwellings are built in the vicinity of the SPA.

The health of the SPA is monitored by Natural England and the JSP Board.

COMMENT

This comment is answered above against

No action.

There has been inadequate time and insufficient information provided in the document to enable careful examination to be made. However Officers have been helpful in providing more data and explanations, which enables a preliminary evaluation. But more data is desirable with which to carry out a social and economic cost benefit analysis.

THE REPORT

This originally did not provide the basic statistical information on bird numbers benefiting or the financial cost The following new data from Natural England does allow for an important conclusion.

BENEFICIARIES - BIRD POPULATION**

Survey Year	1998/99*	2010	2011	2012	2013	2014	2015
Night Jars	246	326	337	320	325	355	306
Wood Larks	169	159	161	202	135	155	137
Dartford Warblers	445	38	47	87	118	292	451
Total	878	523	545	607	578	447	854

*Internet. ** Nests

The figures show that there has been no increase in the bird population over 16 years. In fact there has been a slight decrease. Officers advise that these these three species were “wiped out in the harsh winters of 2008/9” on Whitmoor Common. Recovery since these harsh winters on the Common has only led to y 4 nests of Night Jars and 2 of Dartford Warblers nests being found , and no Woodlarks.

COSTS

The funds contributed by Guildford since 2009 have been £5.2m. Of this £4.6m were for SANGS(areas designed to attract visitors from Special Protected Areas) and £ 600k for SAMMS(funds to manage them). Total funding for the other 10 authorities contributing should be available soon.

the summary comment.

The SPD is a planning document that provides guidance for planning applications. Bird population data is available online from Natural England’s website.

The objective of the approach is to prevent a negative impact on the bird populations brought by development, not deliver an increase in bird number, though an increase would be welcomed.

SAMM funding delivers measures on the SPA. SANG management and maintenance is funded through the SANG budget. No action

SANG spending is reported locally and the figures are available in the relevant local

Information about past contributions, to which Guildford contributed 16%, the major contributor, would suggest that a conservative estimate for average yearly contributions by each authority(10) of £3m could have been £30m to which Guildford's £5.2m should be added . If anything this could be on the low side(unless there were some very low or nil contributions).

Clearly one needs an authoritative financial statement as soon as possible but it there is little doubt that the levies raised are enormous in relation to the number of birds the scheme is supposed to have assisted.

HOW EFFECTIVE IS THE SCHEME ?

The most revealing statistic is the bird land ratio, not in the report which works out at 10 hectares per nest(SPAs 8274 hectares, birds 854). With this ratio it is simply not credible that visitors to these areas , let alone to Whitmoor Common, where the species have all been wiped out, could have any credible effect on the bird population. Furthermore visitors to this area would almost all be bird watchers and bird cherishers not destroyers as this policy assumes. While a survey carried out showed that 80% of visitors were dog owners finding nest over such huge spaces would not have been likely. Indeed even the number of birds counted needs to be justified.If this were a problem a cost free solution would be to require dogs to be put on leads during nesting.

To devote millions of £s to persuade visitors not to visit areas where there are only 850 species of birds, needs credible justification. The cost per nest so far seems to be of the order of £400,000.The cost to Guildford alone has been clearly identified as £5.2m . When this scheme was approved only Whitmoor Common was mentioned but it appears to have ben expanded to Wisley and Ash so more data is needed about numbers of birds in them. It would be surprising if there were more than 100 nests on theses sites.

authorities' annual Monitoring Report. The JSP Board earlier this year approved the production of an annual report for SAMM, first of which will be produced at the end of this financial year.

See the next comment for up-to-date financial figures.

It is agreed that the figures involved are high. However, this needs to be considered against the rarity of the birds.

The populations for two species have recently begun to recover on Whitmoor Common. There are nightjar and Dartford warbler nests present (2016 survey). Research shows that visitors do have an impact on the bird populations.

Visitor surveys show that the majority of SPA visitors are dog walkers and not bird watchers/enthusiasts. Dogs do not need to "find" a nest to disturb the occupants.

The approach has always been applied to all the SPA sites in the borough and has not been expanded to take in additional sites.

The Defra website sets out the estimated numbers of birds across the SPA.

<http://jncc.defra.gov.uk/default.aspx?page=2050>

There are 858 breeding pairs, which means 1,716 birds across the whole SPA,

No action.

approx. one nest per 9.6 ha.

At time of writing, the total amount collected within Guildford borough is £7,416,803 for SANG and £1,097,779 for SAMM. The 2015 SPA surveys show that there are 212 bird territories on SPA sites that fall within Guildford borough. A territory could correlate to a breeding pair and a nest, but may not. Therefore, the cost per individual bird cannot be calculated. However, it could indicate a cost of £40,163 per territory, and a cost of £20,081 per bird if each territory were to support a breeding pair, or £13,387 if each territory supports a breeding pair and a chick. Some birds produce two nests a year, which reduces the cost per bird further. It should also be noted that the birds live approximately three years and the funding in perpetuity will protect many generations of birds.

The approach to protecting the SPA through the provision of SANG and SAMM is detailed in policy NRM6. Planning policy and practice within Guildford borough must comply with this higher level policy.

It should be noted that while the number of birds may appear low compared to the sums of money involved, legislation and policy protects them for their rarity, not their abundance.

INDIRECT BENEFITS

The vast majority of these funds are to carry out works to maintain the quality of

No action.

The use of the capital funds in Guildford, of £4.4m(plus £652k maintenance cost) will undoubtedly ensure some environmental benefits and these need to be assessed. The Chantries which has been designated as SANG has an allocation of some £500,000 most of which seems to have gone on maintenance - and fortunately not on significant capital expenditure (other than some car parking). Tyting Farm is being proposed as a new SANG and the environmental benefits may be welcome though if it is justified on the basis of reducing visitors to Whitmoor Common this is simply not credible or acceptable to residents.

These funds come from one off development levy so are not a charge on the GBC budget, which is welcome. In principle the environmental improvements may be beneficial, however their justification is determined by the need to attract more visitors to that site - not necessarily an environmental gain, and could be offset by transport costs. One would not wish to encourage development of these areas and increased visitors to them might not always be desirable. This has not occurred on the Chantries and most funds seem be devoted to maintenance. It is not clear whether this was intended.

the SANGs in perpetuity. The funds are there to maintain and secure mitigation on the SANG sites. Any additional environmental benefits are incidental to its primary purpose.

The comments about Chantry Woods are noted. Residents in proximity to Tyting Farm appear to support proposals for the SANG.

Evidence suggests that the majority of visitors to the SPA travel from up to 5km. The nearby SANG at Chantry Woods receives visitors from similar distances as visitors travel to the SPA. Under the approach, increased car journeys to SANGs will be offset by reduced car journeys to the SPA

Some SANG sites require few improvements to obtain a quality that is suitable for a SANG. Funds provide for ongoing maintenance of that quality.

HOUSING IMPLICATIONS

The housing levy varies from £3000 to £9000 depending on the size of the house which is highly undesirable. These need to be weighed against environmental benefits. Housing Councillors should have a view.

The request for Councillors to consider the issue is noted. Councillors will have a chance to review these comments. No action.

The proposed tariff is similar to the tariff levied by some other Councils.

HOW EFFECTIVE IS THIS SCHEME ?

The policy of discouraging recreational use of these sites needs urgent reconsideration for the following reasons:

- 1. Why should birds get precedence over residents ?

1. This is a result of national legislation and regional planning policy. The SPA is protected by law and the approach is required by policy NRM6. However, there are incidental benefits for residents, such No action.

- | | |
|---|--|
| <ol style="list-style-type: none"> 2. The total cost for Guildford alone has been £5.2m - and will continue for 80 years. 3. Over a 16 year period there has been no increase in bird nests in all SPAs - and even decline. Weather has all but wiped out Whitmoor Commons species. 4. With an average of one nest per 10 hectares it is simply not credible that recreation use has affected the bird population. 5. While funds spent on SANGS may have unintended environmental benefits the principle of seeking to increase recreational use of SANGS to benefit SPAs is challengeable. 6. When this scheme was originally approved by Councillors we were informed by Officers that it was an EU legal requirement. This was incorrect. Councils have a legal obligation to take action to protect SPAs but have discretion as to what should be done. A requirement that dogs should be on a lead would be a costless solution. 7. This policy could be challenged legally as it clearly has had no effect on the protection of the 3 bird species as intended. 8. This policy adds costs to our the most important Guildford's greatest need - housing - just for a few birds. 9. A thorough objective evaluation is required. A Scrutiny Committee would be appropriate and funds spent on SANGS should be evaluated by local communities and environmental groups such as EGRA and the Guildford Society. | <p>as access to green spaces. It is not agreed that the approach puts birds above residents as the point of the approach is to allow houses to be built for humans while protecting the birds' nesting habitat.</p> <ol style="list-style-type: none"> 2. Please see up-to-date figures above. 3. The measures are intended to prevent a further decline in the 3 bird species arising from increased development and not climate events. Other measures are in place to bring the habitat into a more favourable condition. 4. The average walk taken on the SPA is 2.3km whilst a dog will roam from its owner. Research shows that dogs disturb nesting birds and after a relatively small amount of disturbance a nest may be abandoned or the unprotected young predated. 5. The current approach has been in place since 2010 and delivers adopted regional planning policy. Officers are confident that a challenge to the approach would not be successful. 6. It is an EU and UK legal requirement to protect the SPA. Local planning policy and practice must be consistent with policy NRM6. While the scheme can be considered discretionary at the national level, it is not discretionary at the local level while NRM6 remains in place. It is impracticable to enforce a requirement that dogs are kept on a lead on the SPA. |
|---|--|

The approach has been agreed by councils within the Joint Strategic Partnership Board following lengthy consideration of alternative options, to meet the requirements of Natural England.

7. The approach and NRM6 have been defended at appeal on a number of occasions.

8. The cost of housing is driven primarily by market value as opposed to build costs. Planning obligations generally affect land value as opposed to house prices. The birds are protected because they are rare.

9. Noted. Councillors will have an opportunity to review this comment. The success of the strategy is evaluated by the JSP Board and Natural England. It is not clear that there is a further need for additional evaluation given that local policy and practice must be consistent with NRM6.

Green Reach Limited

We write on behalf of our client, Green Reach Limited, in response to the Borough Council's Draft Thames Basin Heaths SPA Avoidance Strategy 2016 ('Draft Avoidance Strategy') which is subject to public consultation until 17th October 2016.

Green Reach Limited is the freehold owner of land adjacent to Long Reach, West Horsley which is subject to a current (undetermined) planning application to deliver a new strategic SANG in the east of the borough. Land adjacent to Long Reach, West Horsley is also proposed as future SANG within the Infrastructure Schedule which accompanies

Noted

the Borough Council's Proposed Submission Local Plan June 2016.

In general, these representations confirm our strong **support** for the Borough Council's Draft Avoidance Strategy. Nevertheless, we do have a number of detailed comments and suggested amendments to the Draft Avoidance Strategy which we consider would add greater clarity and certainty to the Draft Avoidance Strategy.

We set out our detailed comments as follows:

Draft Thames Basin Heaths Special Protection Area Avoidance Strategy SPD

Summary (page 6)

We note that in the 'Relevant Policy' section there is no cross-referencing to the Government's **National Planning Policy Framework** (NPPF). We consider that referencing the draft SPD to the Government's policy support for nature conservation and sustainable development would add greater clarity. It would also help to ensure that the non-technical reader understands that the SPD has a wider context and should be read in conjunction with the national Framework which sets the tone for balancing the need to deliver new sustainable development against the requirement to protect and conserve the natural environment.

In addition, we note there is no reference to **Green Belt** in the summary. Whilst the Draft Avoidance Strategy relates to the Thames Basin SPA, the issue of Green Belt policy (which washes over much of the SPA area) is a key consideration in matters relating to the Avoidance Strategy and, in particular, to the provision of new SANG land as part of that strategy. The omission of references to Green Belt will lead to continued disagreements, uncertainty, and confusion. The Council should make their position clear in these important respects within the Draft SPD and yet, as drafted, the SPD does not provide sufficient clarity on these important considerations.

Agree that the summary should reference the NPPF. Disagree that the summary should address Green Belt policy. This is addressed in the main document but is too detailed a matter to be included in the summary.

References to the National Planning Policy Framework have been added to the summary.

<p>Introduction and background</p> <p>We support the Council's inclusion of Paragraph 1.12 which details how this Draft Avoidance Strategy will update and replace the existing (adopted) Thames Basin Heaths Special Protection Area Avoidance Strategy 2009-2016. We welcome the list of key areas the Draft Avoidance Strategy will differ from the existing identified by the Borough Council and how these have been addressed, in particular we support the inclusion of additional guidance regarding the delivery of new private and bespoke SANG land to assist with the Avoidance Strategy.</p> <p>We welcome the Council's acknowledgement that there is an urgent need to review the adopted Avoidance Strategy in order to bring the Avoidance Strategy up to date with more recent policy updates to national and emerging local plan policy (and particularly in light of the Borough Council's Local Plan Evidence Base) and to address the absence of strategic SANG in key location throughout the borough including the east of the borough where existing SANG has very limited catchment to assist the Borough Council's spatial development strategy.</p>	<p>Noted</p>	<p>No action.</p>
<p>SANG Objectives and Provisions (page 7)</p> <p>The summary section on Page 7 sets out the purpose and objective of SANG to avoid increased recreational pressure on the Thames Basin Heaths SPA from the impacts arising through new residential development by providing alternative recreation areas for future and existing residents, as well as the catchment area a SANG would provide depending on its size.</p> <p>Whilst we welcome this explanation, as we have commented elsewhere in this submission, we do feel that the draft SPD assumes that the non-technical reader will understand the purposes of SANG when consultation relating to planning application demonstrates that the wider community clearly doesn't not understand the purpose or objectives of SANG. Most notably recent consultations have shown that</p>	<p>Agreed. A non-technical explanation of SANG has been added.</p>	<p>Paragraph 3.5 has been amended to read: <i>"Land used for SANG is provided as public open space and differs from much of the borough's countryside where rights of way or permissive routes may be present, but the space around these routes is not publicly accessible: within SANGs, all or most of the land is accessible for public use. SANGs provide an attractive natural or semi-natural environment and visitor experience equivalent to</i></p>

<p>the wider community do not fully understand why SANG differs from public footpaths, green open spaces, or existing walks. The Draft SPD provides the opportunity for the Council to give some greater clarity on these important factors and to set out why SANGS differ from general open spaces and existing footpaths in a way that meets specific Natural England criteria.</p>		<p><i>the SPA and in doing so prevent new dwellings bringing an increase in recreational pressure on the SPA by “soaking up” potential SPA visitors.”</i></p>
<p>Delivery of SANGs (page 8)</p> <p>We welcome the recognition from the Council that SANG capacity outside of Guildford urban area is limited and restricting the ability to deliver new development as referred to on Page 8. It has been noted that SANG capacity in the east of the borough is currently limited to Effingham Common which has a catchment area limited to only 400 metres.</p> <p>We welcome the inclusion of Paragraph 2.22 which confirms the type of planning applications which the strategy will apply to, however to ensure complete coverage we respectfully suggest that applications for Changes of Use should also be included within this list.</p>	<p>Officers disagree with this comment as change of use applications are a type of full application.</p>	<p>No action.</p>
<p>Green Belt (Omission)</p> <p>As we have already alluded to, the Draft Avoidance Strategy is silent in relation to the impact and relationship of proposed SANG on the metropolitan Green Belt. This omission within the Draft Avoidance Strategy represents a significant missed opportunity on the part of the Council. This matter should be addressed after paragraph 2.22 to provide greater clarity and strength to the Draft Avoidance Strategy, particularly given the extent of the borough that is washed over by the Green Belt.</p> <p>The key acknowledgement that is missing from the Draft Avoidance Strategy is that SANGs are compatible with designated Green Belt. The provision of SANG does not require any Green Belt boundary change. Indeed, Green Belt designation will remain after new SANG has been implemented. SANGs are primarily flat open spaces</p>	<p>The comment refers to paragraphs 89 and 90 of the NPPF. Paragraph 89 states: “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:... provision of appropriate facilities for outdoor sport, outdoor recreation”</p> <p>Whether the term ‘facilities’ in the context of the Framework is not limited to new buildings would be a matter for consideration at the planning application stage as this may be based on precedent set in other cases.</p>	<p>No action.</p>

facilitating outdoor walking opportunities in a managed and landscaped setting. In this respect, the Borough Council will no doubt be mindful that the NPPF (paragraph 90) identifies six exceptions to the definition of 'inappropriate development'. It is highly notable that the second bullet point of paragraph 90 comprises the following exception:

- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.' The term 'facilities' in this context of the Framework is not limited to new buildings.

In Paragraph 73 of the NPPF the Government sets out the important contribution of access to high quality open spaces and 'opportunities for recreation' to the well-being of communities whilst, notably, paragraph 81 of the NPPF which is contained in the section devoted to Green Belt specifically states, 'Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation.'

The key point within this part of the Government's framework is the term 'opportunities' rather than discussing a use class. SANGs provide an opportunity for recreational outdoor space to enable walking. Critically, SANG does not change the designation or extent of Green Belt and it does not require any change to Green Belt boundaries. Despite the Government's clear encouragement for greater access to, and recreational opportunities within the Green Belt, the Draft Avoidance Strategy is silent on this important issue, and the issue of Green Belt is one which has given rise to challenge and conflict locally resulting in mixed messages from the Borough Council when it is seeking to bring forward new SANG within the Green Belt.

As a result of the above, where SANGs proposals constitute a material change of use, they may be considered inappropriate development in the Green Belt and would need to demonstrate very special circumstances to gain planning permission.

Paragraph 81 of the NPPF supports the use of Green Belt land for access and sport and recreation. This paragraph could provide the very special circumstances. However, this is also a matter for consideration at the development management stage as it may be affected by other planning decisions. In determining applications and appeals, the Council and inspectors will have regard to the NPPF, including the paragraphs highlighted in the comment.

The SPA Avoidance Strategy – Key areas of Change (page 11)

Noted

No action.

We note the key areas of change and the justification behind the changes proposed in the Draft Avoidance Strategy. We welcome the

<p>Council's acknowledgement that the Draft Avoidance Strategy should support the Council's emerging Local Plan, and specifically that new SANG land is proposed to further support and facilitate the Council's emerging spatial development strategy.</p>		
<p>Zones of Influence, Exclusion Zone (page 13 -)</p> <p>In relation to the Exclusion zone and Zone of Influence we note that the draft SPD remains consistent with the adopted SPA in line with the advice of Natural England. We support the draft SPD in all these respects.</p>	<p>Noted</p>	<p>No action.</p>
<p>Suitable Alternative Natural Greenspace (SANG) (page 17 -)</p> <p>The Draft Avoidance Strategy sets out the purpose of SANG on pages 17 and 18. We consider that Draft does not provide sufficient explanation, to the non-technical reader, as to why SANG differs from open spaces, public footpaths, and village greens etc (this is the type of misunderstanding which arises during planning application submissions for new SANG).</p>	<p>Agreed. A non-technical explanation of SANG has been added.</p>	<p>Paragraph 3.5 has been amended to read: <i>“Land used for SANG is provided as public open space and differs from much of the borough’s countryside where rights of way or permissive routes may be present, but the space around these routes is not publicly accessible: within SANGs, all or most of the land is accessible for public use. SANGs provide an attractive natural or semi-natural environment and visitor experience equivalent to the SPA and in doing so prevent new dwellings bringing an increase in recreational pressure on the SPA by “soaking up” potential SPA visitors.”</i></p>
<p>Delivery of new SANGs (page 18)</p> <p>We note the section devoted to the provision on new SANGs. This appears to us to be somewhat missing the opportunity to emphasise</p>	<p>Disagree. The shortage of SANG and the need to address the shortage is set out in the sections entitled “The current SANG position” and “Work to increase SANG</p>	<p>Additional text added to 3.14 (now 3.16 - additions in bold): <i>“The Council may work with other councils, organisations and</i></p>

<p>why new SANGs are needed (to support the spatial strategy and to support the delivery of new homes whilst mitigating the impacts on the Thames Basin Heaths SPA), it also omits to mention particularly in paragraph 3.13 and 3.14 that the Council will work in partnership with private parties (where appropriate and necessary).</p> <p>This section should also be used to explain what the Council's position is regarding new SANG in the context of the metropolitan Green Belt particularly in relation to the provision of ancillary features such as car parks which the draft discusses but there is no guidance relating to the appropriateness of such features with new SANG. In this respect, the Draft Avoidance Strategy does talk about the need to secure change of use (paragraph 3.18) but the Draft is silent regarding the impact on and compatibility with the Green Belt. The Draft Avoidance Strategy also fails to mention that SANG will not require Green Belt boundaries to be revised and that Green Belt will remain in situ following an approval of SANG land.</p>	<p>capacity". Whilst the strategy references the emerging local plan, its primary role is as guidance for existing planning policy. The emerging local plan currently carries very little weight. The strategy will be updated if necessary when the new local plan progresses.</p> <p>Agree that the text should reflect that the Council may work with private parties (and other bodies).</p> <p>Disagree regarding the Green Belt for the reasons given previously.</p>	<p>private parties to deliver new SANGs. Joint working between the Council and other parties may be appropriate when..."</p>
<p>The current SANG capacity (page 22)</p> <p>We note the statement at paragraph 3.31 that there is SANG capacity in the east of the borough (at Effingham Common) but that SANG has a very limited catchment. We consider that the draft wording would benefit from some clarification and the sentence should be revised to as follows, '<i>There is a large amount of SANG capacity in the east of the borough, but this SANG has a catchment limited to just 400 metres from the outside perimeter of the SANG.</i>'</p>	<p>Agreed</p>	<p>This amendment has been made.</p>
<p>Potential strategic SANGs on land outside Council ownership (page 24)</p> <p>We note paragraph 3.41 which sets out the potential new SANGs on land not in the Council's ownership. However, as drafted paragraph 3.41 is ambiguous and lacks the certainty of guidance that should be provided by an SPD. The introductory sentence should deliver a sense that the list of proposed SANGs are actively <u>supported</u> by the Council. For example, the lists are SANGs which are proposed in the emerging Local Plan, are supported by Natural England or (in the case of Ash</p>	<p>The emerging Local Plan currently carries very little weight. Until it reaches a more advanced stage, it will not be possible to demonstrate support on the basis of emerging strategy.</p> <p>The Council is not yet in a position to state which SANGs proposed by private</p>	<p>No action.</p>

Lodge Drive) has planning permission.	landowners it supports.	
<p>Long Reach, West Horsley (page 25)</p> <p>We welcome the clear reference at paragraph 3.44 to the proposed Long Reach, West Horsley SANG, including the support from Natural England agreeing with the principle and deliverability of a SANG. In addition to the reference to the current planning application, this paragraph should also take up the opportunity to cross-refer to the Proposed Submission Local Plan (SANG 8) which demonstrates the Council's in-principle support for the SANG.</p>	As above, the Council is not yet in a position to offer support for specific SANGs on the basis of emerging Local Plan strategy.	No action.
<p>Existing and Potential SANGS (page 36)</p> <p>We welcome the illustration of the Long Reach, West Horsley SANG on the plan included at page 36 titled 'Existing and potential SANGs'.</p>	Noted	No action.
<p>Potential SANGS and catchments (page 38)</p> <p>We welcome the illustration of the Long Reach, West Horsley SANG on the plan included at page 38 titled 'Potential SANGS and catchments'.</p>	Noted	No action.
<p>Conclusion</p> <p>Green Reach Limited strongly support the Borough Council's Draft Thames Basin Heaths SPA Avoidance Strategy 2016 which is subject to public consultation. The draft document will support the aims and objectives of Proposed Submission Policy SP5 and Policy I1 is fully in accordance with the objectives of the Government's National Planning Policy Framework, and it will continue to support and advance the objectives of adopted policy NMR6 in the South East Plan.</p> <p>Additionally, the Draft Avoidance Strategy will also help to underpin and facilitate the Borough Council's delivery of new housing in sustainable spatial locations to help support acute housing need in the borough whilst making a significant contribution towards reducing pressure on the Thames Basin Heaths SPA.</p>	These comments have been addressed above.	No action.

As we have set out at various points above, there are a number of minor issues in the Draft Avoidance Strategy which could be refined and developed to add greater clarity and certainty. In particular, we consider there should be more reference within the Draft Avoidance Strategy to the NPPF and the need to support ecological assets whilst facilitating sustainable development.

Furthermore, the Draft Avoidance Strategy would benefit from greater clarity regarding the relationship that SANG has within the policy context Green Belt in terms of maintaining openness and planning positively for recreational opportunities and access to the Green Belt in accordance with paragraph 81 of the NPPF. Critically, the Draft SPA Avoidance Strategy should emphasise that SANG does not lead to the loss of Green Belt and does not require Green Belt boundaries to be altered.

We welcome the specific reference to the potential SANG at Long Reach, West Horsley in the east of the borough where there is SANG but where the benefits of SANG is highly constrained by virtue of very limited catchment. The provision of new SANG at West Horsley would greatly assist the Borough Council's Avoidance Strategy and also support the Council's spatial development strategy.

In light of all of the above, I would be very grateful if you would confirm that these representations in support of Draft Thames Basin Heaths SPA Avoidance Strategy 2016 are 'duly made' and will be given genuine and sincere consideration by the Borough Council in its emerging policy.

Member of the public

I was invited by your letter dated 9th September 2016 to comment on this document. I do not have any comments specific to particular features or subjects of the document, which I regard as well-drafted and providing a good explanation of the Council's approach, as well as of the requirements to be sought from developers. The doubts which I have in principle concern SANGS, and whether they will really provide

Please see key issue 2 below.

No action.

mitigation to the destructive elements of new developments. Specifically in respect of the proposed development at the Wisley Aerodrome site, it is hard to believe that the Thames Basin Heaths Protection Area will receive sufficient protection either in the construction period, or that SANGS proposed at Long Reach, West Horsley or at Effingham Common will allow existing and future residents suitable alternatives. For these reasons I remain against the development at Ockham, which will also impact adversely on East Horsley as a proposed District Centre.

Wisley Property Investments

I write on behalf of Wisley Property Investments Ltd (WPI), as part of the consultation on the Draft Thames Basin Heaths Spa Avoidance Strategy SPD 2016 ('the Draft SPD').

Noted

No action.

The Council will be aware that Wisley Airfield has been proposed for allocation in the Proposed Submission Local Plan (June 2016), for a residential led mixed use development comprising approximately 2,000 homes, 100 sheltered units and 8 traveller pitches (emerging Allocation A35). WPI is the majority landowner within draft Allocation A35. Wisley Airfield comprises circa 115 hectares (ha), of the circa 132 ha allocation.

WPI acknowledges and strongly supports the need to ensure that there is no likely significant effect on the Thames Basin Heaths SPA resulting from increases in recreational pressure, due to the Local Plan acting either alone or in combination with other plans and projects. The extremely well advanced proposals for Suitable Alternative Natural Greenspace (SANG) provision at Wisley Airfield, and the overall package of bespoke impact avoidance and mitigation measures, as endorsed by Natural England, reflect this (see Natural England letter of February 2016 attached to this representation).

WPI supports entirely, the broad aims of the Draft SPD and the provision of the necessary avoidance and mitigation measures required to deliver new housing within the Borough and enable the delivery of

the emerging Local Plan. However, WPI does maintain a number of technical objections which are outlined within this representation.

This representation should be read in conjunction with the representations made in respect of the Planning Contributions SPD (September 2016) as specific reference is made within those representations in regard to Thames Basin Heaths mitigation.

Timing of Contributions and Delivery

Agreed.

The following text has been added to allow for phasing of developments: *“unless otherwise agreed by the Council.”*

The Draft SPD states that:

‘Any monies for SANG or SAMM must be paid to the Council on or before the commencement of development. This will allow the Council time to implement any required works before the development is occupied.’ (Paragraph 3.81)

WPI supports entirely the provision of phased infrastructure required to mitigate the impacts of developments and enable the delivery of the Local Plan. The provision of new hard and soft and Green Infrastructure at the Wisley new settlement is central to the promotion and delivery of the proposed allocation. However, the SPD needs to make allowance for the phased delivery of any required monies, so as not to fetter the delivery of large strategic sites

WPI suggests that this is overly narrow and rigid, and pays little attention to wider infrastructure delivery factors. A proportional approach should be included, which enables the phased delivery of infrastructure, commensurate to overall scheme delivery, the overall Infrastructure Delivery Plan (IDP) supporting the Local Plan, and with due regard to scheme viability, and hence delivery. The present wording which requires pre-commencement payment, pays no attention to development viability, and hence the situation whereby the necessary infrastructure has to be phased alongside development delivery.

Proposed Amendment

All references to the timing of SANG and SAMM contributions be

amended to read:

'Any monies for SANG or SAMM must be paid to the Council on or before the commencement of development unless otherwise agreed by the local planning authority'

In regards to the delivery of new SANGs, paragraph 3.12 of the Draft SPD sets out that SANG must be delivered (identified and functional) in advance of dwelling completion, to ensure that there is no likely significant effect on the SPA. WPI suggests that where a development is providing bespoke SANG, it is best practice that SANG is required in advance of the occupation of the reliant dwellings, rather than completion. Occupation provides for a far more discrete point at which to deliver phases of SANG, as opposed to the completion of each individual dwelling as suggested in paragraph 3.12 of the SPD. Further to this, it is considered that occupation is the point at which any potential impact upon the SPA would otherwise begin.

This approach is consistent with the wording of saved South East Plan Policy NRM6 which states that, 'mitigation measures will be delivered prior to occupation and in perpetuity' (NRM6 (iii)). Details regarding the proposed phasing of implementation and habitat works within Wisley Airfield SANG are set out within the Outline Habitat Creation Plan (November 2015) submitted to GBC in January 2016 and referred .

Agreed

Paragraph 3.12 (now 3.13) has been rewritten as follows:
"Sufficient SANG must be delivered (identified, functional and secured in perpetuity) in advance of dwelling occupation to ensure that there is no likely significant effect on the SPA. The Council will ensure there is adequate SANG in the right places across the borough area in order to provide avoidance for the expected amount and location of development. The timing of delivery of bespoke SANGs will be determined on a case-by-case basis in consultation with NE to take account of the phasing of the development."

Funding Mechanism

The SPD sets out that the mechanism by which the SANG tariff is secured is under review and the current approach of using s106 agreements may be replaced by a legal agreement or the Community Infrastructure Levy (CIL). As such, the relationship between CIL payments and the provision of SANGs associated with strategic sites is currently unclear, but a requirement for CIL contributions towards SPA mitigation in combination with on-site SANGs provision, risks overburdening strategic sites. It also presents the risk of 'double-

The Council is currently considering a number of mechanisms for the funding of SANG and SAMM, as set out in the strategy. The comments regarding 'double dipping' and measures to address on-site SANG provision within the CIL charging schedule are noted and will be taken into consideration.

No action.

dipping', which the CIL Guidance makes clear is to be avoided (PPG Paragraph: 094 Reference ID: 25-094-20140612).

The issue of SPA mitigation is critical to the delivery of new housing in the Borough. Clarity of approach is essential and the Local Plan and CIL charging schedule should be based on a clear understanding of the necessary mitigation costs, along with associated prioritisation of projects and funding. Measures to take account of on-site SANGs provision through the CIL Charging Schedule should be considered. Detailed consideration of these measures is beyond the scope of this representation, however, this could be in the form of a differential CIL rate for strategic sites, where SANGs are provided on-site, or measures to allow land provided for SANGs to be off-set against CIL liability through a payment-in-kind policy. Savills submitted detailed representations on behalf of WPI in respect of the consultation on Guildford Borough Council's (GBC) CIL in March 2015.

Monitoring and Review

The Draft SPD has been written in conformity with the current development plan. WPI understands the rationale behind this choice and understands that the SPD must be in accordance with the adopted development plan. WPI's clear preference is to delay in the publication/ adoption of the SPD until the a emerging Local Plan is adopted. This does not mean that a draft SPD cannot progress now, to support the emerging Local Plan, and planning decisions that are made in the interim. This will mean that it remains an effective development management tool for both the Council and prospective developers.

Should the Council choose to proceed with the adoption of the SPD, WPI wishes to reiterate the importance of a wholesale review of the Strategy going beyond the scope set out in Paragraphs 4.10 - 4.13 of the SPD, in order that it remains an effective development management tool for both the Council and prospective developers.

The comments are noted and it is agreed that the strategy may need to be updated as work on the Local Plan progresses. Officers are of the view that it is important to update the strategy now for the reasons set out at paragraph 1.14 (now 1.16) of the strategy.

No action.

The Infrastructure Delivery Plan (IDP) and Schedule that will accompany the new Local Plan, should outline how the Council will

Agreed. The IDP will set out the infrastructure that is needed to deliver the

No action.

achieve SPA mitigation for the number of homes planned. The housing number may also be influenced by availability of SANG, as well as other infrastructure. The Council's IDP will need to demonstrate that the level of development in the plan has sufficient "avoidance" land and is therefore deliverable. This means that a full review of the strategy must be undertaken at that stage.

plan, including SANGs.

Design Specifications

The Draft SPD suggests that car parking should be provided on the basis of one parking space per hectare of SANG (Paragraph 3.10). WPI understands that this is intended as a guideline. There is at risk of creating added uncertainty. Instead, SANG car parking should be determined on a case by case basis. Indeed, the Natural England Guidelines attached at Appendix 4 of the draft SPD state that, '*The amount and nature of parking provision should reflect the anticipated use of the site by visitors and the catchment size of the SANG*'.

Should you have any queries regarding this submission please do not hesitate to contact me.

Enclosed:

Natural England letter to GBC with respect of application 15/P/00012 (February 2016).

Agreed. However, in the past, car parking has sometimes been required on the basis of 1 space per hectare. As the strategy forms guidance, it is appropriate to make this information available. However, the text has been amended to make it clear it isn't a hard and fast rule.

Paragraph 3.10 (now 3.11) has been amended as follows (amendments in bold): "SANGs *without a parking area have a catchment limited to 400 metres. The **amount and nature of car parking needed for a SANG will be established in consultation with NE** and should reflect the anticipated use of the site by visitors and the catchment size of the SANG. However, **and as a guide only, car parking may be required** on the basis of one parking space per hectare of SANG."*

Member of the public

Thank you for including me in the consultation on item 1. above. It is my understanding that the Special Protection Area was created in response to a European Directive and that it inhibits development of, for example, scrubland flanking the A320 north of Slyfield. Since the UK, post Brexit, is poised to cancel a raft of EU regulations I consider this Regulation should be cancelled, not amended. I think this might help develop of that scrubland area in preference to more sensitive sites proposed in the Local Plan.

On topic 2. above I would like to add my objection to the Planning

See key issue 4 below.

The comment refers to scrubland flanking the A320, which may be Whitmoor Common or Stringers Common. These areas are designated common land, Sites of Special Scientific Interest (SSSI) and Whitmoor Common is designated as a Special Area of Conservation (SAC). Should the SPA protection be removed,

<p>Application. It is bulky, out of character with its neighbours, and contributes to the potential degradation of the Pewley Down AONB which provoked such outrage in the first draft local plan. The margins of this AONB must be sensitively protected. Your files will have details of the successful rebuttal of Orange's persistent proposals for mobile phone transmitter siting adjacent Pewley Down.</p>	<p>significant constraints on development would remain.</p> <p>The Council does not appear to have a planning application for a mobile phone transmitter adjacent to Pewley Down.</p>
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Member of the public

<p>Thanks you for notifying me of the above potential changes.</p> <p>The pressure from speculative developers on areas regulated under SPA concerns me greatly: I am equally concerned over the use of SANG.</p> <p>What we see in this part of Surrey is the result of there being quite clearly limits to growth, most prominently exhibited by the extent of dependence as well as an abundance of vehicles. New housing developments amplify this problem multifold; i.e.. pollution, the need for parking allotment and new roads.</p> <p>It would seem to me that the SPA reg's were set up to protect certain areas, these areas are cherished by most residents and visitors. But they seem to be constantly under threat from the unbridled excesses of speculative building, driven by Hedge Funded developers et al. The vast majority of tax payers do not want this constant threat to their physical and natural environments, and I feel like me, they question the real need for all this house building which is causing those threats. Short term financial private gain pales into insignificance when the overall economics are taken into account in view of the damage caused too often by unnecessary housing development, against the wishes of the tax payer.</p>	<p>Noted. These comments do not have any implications for the SPA strategy.</p> <p>No action.</p>
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<p>I find the notion of SANG a contradiction to the existence of SPA; surely special areas of protection cannot be replaced by sanitised</p>	<p>The SANG guidelines require SANGs to be retained as semi-natural spaces.</p> <p>No action.</p>
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artificial ones? A good example of that can be drawn from our own Parish here in Ripley where to the proposal for the new town to be built on the WW2 Airfield, near Wisley, Ripley, Ockham would have been severely effected the surrounding areas protected by SPA. The provision of extended SANG for that proposal was a non sense as it was only for cosmetic reasons within the development periphery. In that case the SANG would have also harmed the natural habitat for the wildlife and human enjoyment (via Rights of Way and Bridle Paths) alike. SANG does not help bigness and wildness, it will actually harm it because it extends sanitisation and alien activity nearer to vital natural environments.

So in short I would like to see the debate more centred around questioning the need for new builds and greater attention afforded to protection and maintenance of our wild areas to keep them that way: that for me is development in a environmental mode as opposed to crass growth via highly questionable reasons for thousands of new houses for speculative motives. I do not see that modifying SANG and SPA regulations to aide speculative developments as warranted, justified or anywhere desirable for the residents of this Parish.

Officers disagree that SANGs are sanitised spaces.

The strategy does not address the design of the proposed SANG for Wisley Airfield.

The level of development needed and the level of protection for the natural environment afforded through planning policy are matters for the emerging Local Plan and national policy. The strategy does not amend any regulations. The strategy provides guidance for local policy, notably policy NRM6 of the South East Plan, which remains unchanged by the strategy.

RSPB South East

Thank you for consulting the RSPB on your draft Thames Basin Heaths Special Protection Area (TBHSPA) Strategy SPD. We welcome Guildford Borough Council's continued commitment to strategic mitigation for the TBHSPA. In broad terms, we consider that the draft SPD correctly reflects the key principles of the TBHSPA Delivery Framework.

The draft TBH SPD states that its main purpose is to provide guidance to ensure that new development delivers the provisions of saved South East Plan policy NRM6 Thames Basin Heaths Special Protection Areas, which we support. However, we are disappointed at the lack of policy wording to reflect the most effective means for reducing impacts to the TBHSPA which is to locate development away from the

The sentence *“Priority should be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures”* is aimed at plan-making and has been taken into account in the production of the emerging Local Plan. The strategy provides guidance for development proposals, so this sentence has not been included as it could be misunderstood as a sequential test for new developments. However, NRM6 is reproduced in full in the appendices, and

No action.

<p>TBHSPA, and where possible outside of the 5km buffer zone. We strongly urge the inclusion of policy wording similar to NRM6 “Priority should be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures” to correct this key omission.</p>	<p>as part of a higher level plan is used to guide the process of plan making.</p>	
<p>We request clarity regarding the proposed reassessment of Suitable Alternative Natural Greenspaces (SANGs) capacity of existing sites, which is discussed in relation to Lakeside Nature Reserve. It is unclear what the justification for (or methods used for) the recalculation of SANG capacity. In general we recommend caution towards the recalculating of the capacity of SANGs when we consider it is unlikely to have been operational for a sufficient period to properly evaluate its effectiveness and to identify whether existing unallocated capacity remains.</p>	<p>The Council will produce a report in due course and any alterations to capacity will be agreed with Natural England. This follows work in other boroughs, for example Waverley where the capacity of the Farnham Park SANG has been reassessed.</p>	<p>No action.</p>
<p>The SPD states that Guildford BC consider “in-perpetuity” to mean 80 to 125 years in some cases. However, this demonstrates that the Council has failed to properly understand the requirements associated with the provision of this mitigation. In order to satisfy the requirements of the Habitats Regulations, SPA avoidance and mitigation measures must be secured and provided for the lifetime of the impact. As the new housing (and hence the source of the impact) will be present for an indefinite period, so too must the mitigation measures. The only way in which it would be permissible to provide mitigation for a fixed time period would be if the development that gave rise to it was to be permanently removed at the end of that time period. However, it is clear that the Council does not intend to give planning permission for a fixed period of title and so the mitigation must remain permanently. It is important to note also that even if the consented dwelling were to be demolished at some future stage it is almost inevitable that this will be to enable it to be replaced by another dwelling. The easiest solution is for the Council to acquire the freehold of the land being used for SANG and to manage it in perpetuity.</p>	<p>Agreed</p>	<p>The strategy now refers to the provision of SANG in perpetuity, and refers to the funding period of 125 years, rather than defining perpetuity to mean a specific period.</p>

<p>The SPD (paragraph 3.22) states that for SANGs on land not owned by the Council “Step in rights” may be required to secure mitigation. We broadly support this approach to ensure that bespoke SANGs are being effective. However, it is vital that SANG setup and in-perpetuity maintenance costs agreed are sufficient as lack of adequate funding is a potential reason a SANG could fail to fulfil its function and this could potentially result in the Council being burdened with providing the additional finance required to rectify any problems with the SANG. It is recommended that Guildford BC and Natural England review all costings including in-perpetuity maintenance associated with bespoke SANGs prior to the granting of planning permission.</p>	<p>This comment is agreed. One of the reasons for reviewing the strategy at this stage is to review the tariff to ensure long term funding is adequate. The strategy states that SANGs are expected to be self-funding and should not result in a cost for the Council.</p>	<p>No action.</p>
<p>It is essential that the monitoring of the TBHSPA strategy informs recommendations to improve its effectiveness or address issues and we welcome the inclusion of this feedback to allow for amendments to this SPD (paragraph 4.13) but would urge that any future changes are adopted consistently across the TBH local authorities.</p> <p>We have not reviewed the SANG costings in detail but urge that funds are prioritised towards measures and management aimed at ensuring that the site functions as an effective SANG in attracting recreational users away from the TBHSPA.2</p>	<p>Monitoring the effectiveness of the approach is undertaken as part of the SAMM project. A report is expected in 2017 that will examine this and may recommend changes to the approach across the region.</p> <p>Regarding costings, this comment is noted.</p>	<p>No action.</p>
<p>We hope you find these comments useful. Please do get in touch should you wish to discuss our comments in further detail. We would be grateful if you could keep us informed of further development of this SPD and subsequent consultations on the policy details.</p>	<p>The RSPB will be informed of any future consultations.</p>	<p>No action.</p>
<p>With regard to Private SANGs (paragraph 3.21) there must be sufficient certainty that the SANG will be provided in-perpetuity and that appropriate safe guards are in place to avoid the risk of land being removed from its mitigation function as a result of financial difficulties on the part of the land owner.</p>	<p>Agreed. The Council will require that safe-guards are in place to ensure SANGs will continue to meet their role. One of the reasons for reviewing the strategy at this stage is to introduce guidance to inform those proposing news SANGs that this</p>	<p>No action.</p>

requirement is in place.

Member of the public

I want to object to 'The Draft TBHSPA avoidance strategy for the following reasons:

It is clear from the Draft Local Plan, that the TBHSPA (Thames Basin Heath Special Protection Area) is not valued by GBC. Out of the 13,860 new houses planned, 8,000 of them will be built in greenbelt and within the TBHSPA 400m - 5km protection zone, (the zone of influence) this is a huge incursion. A46 'Strategic Site' Flexford and Normandy includes a large housing scheme of over 1,100 homes, a secondary school, nursing or residential home, primary school, six showman plots, a parade of shops etc., an overwhelming development only 900m away from the TBHSPA, it is too big for this area.

This comment is directed at the Proposed Submission Local Plan: strategy and sites.

No action.

GBC's Draft TBHSPA Avoidance Strategy does not protect the Borough's TBHSPA's from encroaching urbanisation which is exacerbating the deterioration and disturbance of habitats and species. The new document's emphasis is clearly in favour of building and development, it has been designed to diminish the existing protection of this fragile environment and manipulated to allow large housing schemes, parades of shops, schools etc, to be built within the TBHSPA 400m - 5km protection zone. The Draft Avoidance Strategy fails to recognise paragraph 14 of the NPPF (such as protecting designated wildlife sites and landscapes). The specific polices in the NPPF indicating development should be restricted.

In 'The State of Nature 2016', 80% of the UK's Lowland Heathland has already been lost and what is left is fragmented. The report acknowledges that the southern and lowland distribution of remaining heathlands are near growing towns, in our case Guildford, and are seen as suitable by local authorities for development, even though they are protected as SSSIs and SPAs. This is completely wrong, these spaces are crucially important for the survival of our wildlife and its

The comments are noted. Most of these comments are directed at the emerging local plan. The strategy does not set out a spatial plan for development of the borough, it provides guidance primarily on the provisions of policy NRM6 of the South East Plan.

No action.

<p>habitat and must be protected. Urbanisation is recognised as causing the degradation and disturbance of habitats and species which are in decline, GBC needs to acknowledge this and stop trying to build large housing schemes, parades of shops, schooling etc., on the TBHSPA and the 400m - 5km protection zone.</p>		
<p>The Draft TBHSPA Avoidance Strategy emphasises that Suitable Alternative Natural Greenspace will protect the effect of residential development on the ecological integrity of the TBHSPA. However, there is no existing evidence submitted, to demonstrate that SANG actually works and is reducing the number of recreational users that visit the TBHSPA. It is naive to believe residents in a large urbanised housing area within the protection zone of the TBHSPA will not use the SPA for recreational use if it is on their doorstep, within easy reach. There is also the issue of increased numbers of pet dogs and predator cats in the large housing schemes, planned within the 400m - 5km protection zone, another disturbance of habitats and species.</p>	<p>Please see key issue 2 below.</p>	<p>No action.</p>
<p>There must be a proven 'need' for SANG in an area. SANG is not 'needed' in Wood Street Village. At Russell Place Farm, there is already enough recreational places available in the surrounding area. The application to change Russell Place Farm from a working farm into SANG has been refused but it still appears in the Draft TBHSPA Avoidance Strategy. It would be a travesty if this tactic was used to facilitate the erosion of the TBHSPA by allowing developers to urbanise the green belt land within the 400m - 5km protection zone.</p>	<p>Under the terms of the approach, SANGs of 20 hectares or greater have a catchment of 5km. Therefore, Russell Place Farm, if delivered, would have a catchment stretching from Ash to central Guildford. Ash currently has a need for SANG, and it is anticipated that Guildford may need additional SANG in the next plan period.</p> <p>The strategy provides factual information about known proposed SANGs that have advanced to a stage where the proposals have been made public.</p> <p>The strategy does not deal with matters such as whether developments in the Green Belt are appropriate. Development</p>	<p>No action.</p>

	proposals in the Green Belt will be judged against policies in the Development Plan, national policy and other material considerations.	
SANG must be funded so that it can be managed and maintained adequately. The strategies and figures in the Draft TBHSPA Avoidance Strategy are based on assumptions. Nobody can predict what is going to happen in the future, whether a developer will fund and maintain a SANG or whether a Local Authority has the resources, and capability to pursue developers if at a later date funding is refused or unavailable for the adequate management and maintenance of SANG. GBC must be able to robustly demonstrate where the funding will come from in the future to manage and maintain SANG.	It is agreed that SANGs must be funded, managed and maintained adequately. The strategy sets out a range of new measures to ensure the right amount of funding is received, and that the funding is secure.	No action.
At the moment SANG only lasts for an allocated number of years. SANG must be place for perpetuity.	Agreed	The strategy now refers to the provision of SANG in perpetuity, and refers to the funding period of 125 years, rather than defining perpetuity to mean a specific period.
It is clear from research that all wildlife even our more common ones are in continual decline. The State of Nature 2016, 'The UK has lost more nature over the long term than the global average.' Two out of eight nesting birds found in the southern lowland heathlands are under threat from extinction within the next 10 years. We need to think about and protect our precious environment, it is a serious concern that in my children's lifetime it could all disappear with the cavalier tick box attitude local authorities have towards our habitats and wildlife.	It is agreed that the natural environment is a natural asset that should be protected. The strategy provides guidance primarily on the approach to protecting the SPA set through South East Plan policy NRM6.	No action.
Is the Draft TBHSPA Avoidance Strategy good enough? No it's not, it should not be driven by development and should be reconsidered and changed.	The strategy provides guidance primarily for NRM6 of the South East Plan. In order to alter the approach, relevant policy would have to be revoked.	No action.

Guildford Greenbelt Group

GGG Consultation Response to Strategic Environmental Assessment & Habitats Regulations Assessment Determination

GGG consider that Appropriate Assessment is required and that the document to be inadequate in the following areas:

Section 2 Habitats Regulations Assessment

Para 2.2

By claiming “an Appropriate Assessment is not required” the Council fails to appropriately consider the cumulative impact of proposed Policies and Sites outlined in the draft Guildford Local Plan within the 400m – 5 km “zone of influence” and its influence on the development of any TBHSPA ‘avoidance strategy’. The HRA referred to and proposed as the evidence document within the Guildford Draft Local Plan is deficient as follows:

HRA Observations Summary

- The HRA omits vital evidence and fails to fully assess the cumulative impact of all proposed development in the 400m-5km TBHSPA mitigation zone.
- It fails to show any base line 'real world' air pollution evidence.
- It pre-determines whether Natural England will act to approve both strategic and "bespoke" SANG submitted for planning approval.
- It demonstrates that Policy S2, H3, P2, P3, E1, E2, E4-9, I3 (13 out of 27 Policies = 50% approx of all policies) have an impact on TBHSPA but this is not referred to in the conclusion.
- It demonstrates that the majority of sites in 400m-5km mitigation zone need special HRA evaluations to be carried out (63 out of 82 sites in total [77%]) but this is not referred to in the conclusion.

The majority of this comment appears to refer to the SEA and HRA documents for the Proposed Submission Local Plan Strategy and Sites.

Officers understand that the comment makes the point that the strategy will deliver the new Local Plan and that the HRA and SEA for the regulation 19 Proposed Submission Local Plan Strategy and Sites were flawed. Officers disagree with this view as it is the Infrastructure Delivery Plan that accompanies the Local Plan that will set out the SANGs needed to deliver the Local Plan.

Some of the comment refers to the allocation of development sites and SANG. The strategy does set out factual information about identified potential new SANGs and work currently being undertaken by the Council to deliver new SANGs, but as an SPD does not make any allocations or designations. If these SANGs are delivered, this will be done through a Development Plan Document (e.g. the Local Plan) and/or through a planning application. Consideration of the need for SEA and HRA would be made at that stage. Officers consider that it is appropriate and transparent to make information about proposed SANGs available through the strategy.

No action.

- It fails to include an evaluation the most recent visitor survey of TBHSPA 2012/13 (see below)

Regarding whether the strategy needs a full SEA or HRA, please see key issue 1 below.

Key Points of Failure [HRA]

1. The omission of 2012/13 Natural England survey of visitor numbers to the TBHSPA report from the HRA

The HRA fails to list the 2012 Natural England Survey of Visitors to the TBHSPA as material evidence (Natural England Commissioned Report NECR136 Results of the 2012/13 visitor survey on the Thames Basin Heaths Special Protection Area (SPA), First Published 13 February 2014; Natural England Project Manager - Patrick McKernan, Natural England, Guildbourne House, Chatsworth Road, Worthing, West Sussex, BN11 1LD Patrick.McKernan@naturalengland.org.uk; Contractor - Footprint Ecology, Forest Office, Cold Harbour, Bere Road, Cold Harbour, Wareham, BH20 7PA).

2. The failure of the HRA to examine the observed visitor trends between the 2005 NE Visitor Survey and the 2012/13 NE Visitor Survey

The 2012 NE visitor survey reports a 10% increase in visitor numbers. This is neither considered nor critically appraised as a contribution to the analysis of success or failure of the TBHSPA Avoidance Strategy 2009-2014 and the implications for Policy P2, P5, E8 and E9.

3. The failure to present evidence in the HRA whether or not current SANG or SAMMS policies are effective

The HRA fails to assess whether SANG and SAMM current policies and programmes are effective, either independently or in combination, in attracting visitors, cross-country cyclists and dog-walkers away from TBHSPA. On enquiry, Natural England admitted they have no such survey evidence for TBHSPA SANG or SAMM programmes.

4. The failure to properly assess the potential impact of disturbance and predation rates by newly introduced pet populations (dogs and cats)

The HRA fails to assess in detail, with associated numerical calculations and a described methodology that can be independently

verified, the cumulative potential impact on disturbance and predation rates within TBHSPA by the introduction of domestic pets (dogs and cats) from new dwellings; the introduction of over 8,000 dwellings within the 400m-5km mitigation zone will give rise to over 19,000 human inhabitants (ONS 2.4 people per household).

A survey of households carried out by a veterinary team at Bristol University in 2010 “Number and ownership profiles of cats and dogs in the UK” published in the Journal of The British Veterinary Association (Veterinary Record 2010;166:163-168 doi:10.1136/vr.b4712 Authors: J. K. Murray, BScEcon, MSc, PhD1, W. J. Browne, BSc, MSc, PhD1, M. A. Roberts, BVM&S, MRCVS2, A. Whitmarsh1 and T. J. Gruffydd-Jones, BVetMed, PhD, MRCVS1) indicates 31% households own dogs and 26% households own cats. Dogs were more likely to be owned by rural households.

Applying this analysis for all new housing at the listed strategic housing sites in the draft Local Plan within the 400m-5km mitigation zone of TBHSPA (in total 8,000+ new homes), the cumulative impact of dog ownership (up to an estimated 2,500 new dogs and 2,000 new cats within 5 km of TBHSPA) with dog-walker incursions on the rare bird species habitat of the TBHSPA will be a devastating increase.

Conclusion

The lack of detailed assessment of proposed increased human population, introduction of large numbers of predatory species, introduction of a large number of species likely to cause major disturbance on the SPA in advance of policy formation within the HRA demonstrates a failure of due consideration of such pathways, rendering the claim in Section 2 Habitats Regulations Assessment, para 2.2 that “there is no pathway which gives rise to significant effect either alone or in combination” unsafe and likely to be subject to scrutiny when the draft Guildford Local Plan is submitted for Examination in Public.

Section 3 Strategic Environmental Assessment

Appendix 1

The Council's screening of impacts of EU Directive 2001/42/EC Annex II "Criteria for determining the likely significance of effects referred to in Article 3(5)" in the document Appendix 1 is misdirected:

Characteristics of plans and programmes, having regard, in particular, to:

a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,

No comment

b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,

No comment

c) the relevance of the plan or programme for the integration of environmental

There must be a major question as to whether the draft Local Plan as currently envisaged promotes "sustainable development"

considerations in particular with a view to promoting sustainable development

given its potential impact on air pollution and intensive land use within the 400m-5km mitigation zone surrounding TBHSPA, a European Site of Nature Conservation (Natura 2000). The provision of SANG promoted by the strategy fails to address this environmental impact.

d) environmental problems relevant to the plan or programme

For the reasons given in consideration of Section 2 of the document described above, the HRA environmental report fails to address the environmental impact of the Local Plan on 77% of proposed sites within the 400m-5km mitigation zone. Consequently, the strategy cannot be said to successfully issue guidance in relation to avoiding identified impacts.

e) the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water

No comment

protection)

Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

a) the probability, duration, frequency and reversibility of the effects

No comment

b) the cumulative nature of the effects

The strategy gives rise to cumulative SANG sites that only come into being to support cumulative housing development within the 400m-5km mitigation zone. Therefore, we would argue that the strategy does give rise to cumulative effects and triggers the need for an SEA.

c) the transboundary nature of the effects

No comment

d) the risks to human health or the environment (e.g. due to accidents)

No comment

e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)

The strategy gives rise to cumulative SANG sites that only come into being to support cumulative housing development within the 400m-5km mitigation zone. Therefore, we would argue that the strategy does give rise to effects on the geographical area, the size of population likely to be affected and triggers the need for an SEA.

f) the value and vulnerability of the area likely to be affected due to:

- i. special natural characteristics or cultural heritage
- ii. exceeded environmental quality standards or limit values
- iii. intensive land-use

No comment

g) the effects on areas or landscapes which have a recognised national, Community or international protection status

The strategy gives rise to cumulative SANG sites that only come into being to support cumulative housing development within the 400m-5km mitigation zone. The majority of the land in the 400m-5km mitigation zone overlies or is contiguous with or adjacent to the Surrey Hills AONB and as such impacts views into the AONB and views from the AONB. Therefore, we would argue that the strategy does give rise to effects on landscapes which have recognised national protection status and triggers the need for an SEA.

Conclusion

The Council has failed to take account of the cumulative impact of the strategy so removing its capacity to provide appropriate guidance on the Council's approach to avoidance of likely significant effect on the TBHSPA arising from new development.

Para 3.11

This paragraph, without explanation, claims "the plan is unlikely to have significant environmental effects" under the requirements of EU Directive 2001/42/EC. As the plan falls under Environmental Assessment of Plans & Programmes Regulations (2004), Regulation 5 (2) (a) and Regulation 5 (3), it requires environmental assessment under Part 3 of the Regulations. GGG proposes that the list of sites

below extracted from the draft Guildford Local Plan when taking the plan (i.e. avoidance strategy) as a whole and having regard to the cumulative SANG area to be generated in mitigation it fails the small area test and has a significant environmental impact. Consequently, the Council is prevented from moving to a Regulation 9(3) determination and statement.

1. The lack of due consideration of cumulative housing, population and traffic impacts

The draft Guildford Local Plan proposes the following sites within the 400m – 5km mitigation zone

- Site Allocations within 400m-5km mitigation zone (40 out of 43 sites)
 - o Guildford Town Centre
 - + Sites A1-A8, A10-A12 (11 out of 12 sites)
 - o Guildford Urban Area
 - + Sites A13-A20, A22-A26
 - o Ash & Tongham (3 out of 5 sites)
 - + Sites A27-A29
 - o Previously Developed Land in the Green Belt (3 sites)
 - + Sites A32-A34
 - o New Settlement (1 site)
 - + A35
 - o Villages (12 sites)
 - + A36-A47
 - o Traveller & Travelling Showpeople Sites (10 sites)
 - + A48-A57

The cumulative impact of these proposed sites within the 400m-5km mitigation zone of TBHSPA will be

- 8,000+ new dwellings
- 19,200+ new people (@ 2.4 per household)
- 10,000+ new vehicles (@ 1.25 per household as per ONS)

Simultaneously, the Council is anticipating significant infrastructure

expansion to expand road capacity for the housing developments themselves and via Highways England for the major A3 and A31 through routes. The Council's own traffic modelling indicates many parts of the road system in and around these sites will be operating beyond their design capacity leading to congestion causing noise disturbance and consequential air pollution.

2. The lack of direct measurable observations of the level of critical components of air pollution The plan cannot provide avoidance of air pollution associated with the development sites enabled by the provision of SANG as a result of the plan.

The Council fails to present any actual evidence of current air pollution levels derived from roadside monitoring on critical routes within the 400m-5km TBHSPA mitigation zone (e.g. A324, A320, A321, A323) so as to set an acknowledged and proven base line from which to measure future incremental impacts on air pollution from the proposed housing developments and associated traffic movements; the introduction of associated vehicle ownership with its potential to increase NoX and CO2 in the 400m-5km mitigation zone; and over 10,000 vehicles (ONS 1.25 vehicles per household) in the 400m-5km mitigation zone

"Section 10.4 Only mathematical modelling of air pollution has been carried out. There has been no physical evidence collected on the main feeder routes so there is no actual physically measured base level on which to judge neither the current nor incremental air pollution impact in the 400m-5km mitigation zone."

Simply modelling air pollution and declaring the model output as actual air pollution levels is irrational and nonsensical. Physical measurement must be carried and the evidence presented for further public consultation.

If applied to the human population, it has been estimated that sources of automotive air pollution account for approximately 5% of premature deaths (The WHO's health risks of air pollution in Europe (HRAPIE) report put the equivalent mortality increase for NO2 at 5.5%.) and

among the 19,000 new inhabitants proposed in the this Local Plan in the 400m-5km TBHSPA mitigation zone this represents a premature death incidence over time of some 1,000 individuals.

3. The lack of detailed assessment of 50% of all proposed Policies and 77% of sites under the Impact Pathways in advance of policy formation

Under the Sustainable Employment Sites (Policy E1) the following sites require special site level HRA but no attempt is made to evaluate this in advance to advise policy formation.

- Office (B1a) and R&D (B1b) Strategic Employment Sites (1 out of 6 sites)
 - o Pirbright Institute
- Industrial (B1c, B2 and B8) Strategic Employment sites (2 out of 10 sites)
 - o Lysons Avenue, Ash Vale
 - o Henley Business park, Normandy
- District Centres (Policy E8) (3 sites)
 - o Wharf Road, Ash
 - o Station Parade East Horsley
 - o Ripley
- Local Centres (Policy E9) (14 sites)
 - o Aldershot Road, Westborough
 - o Collingwood Crescent, Boxgrove
 - o Kingpost Parade, London Road, Burpham
 - o Epsom Road, Merrow
 - o Kingfisher Drive, Merrow
 - o Madrid Road, Guildford Park

- o Southway, Park Barn
- o Stoughton Road, Bellfields
- o The Square, Onslow Village
- o Woodbridge Hill, Guildford
- o Woodbridge Road, Guildford
- o Worplesdon Road, Stoughton
- o Ash Vale Parade, Ash o The Street, Tongham
- Rural Local Centres (Policy E9) (3 out of 6 sites)
 - o Bishopsmead Parade, East Horsley
 - o Effingham
 - o Fairlands, Worplesdon
- Site Allocations within 400m-5km mitigation zone (40 out of 43 sites)
 - o Guildford Town Centre
 - + Sites A1-A8, A10-A12 (11 out of 12 sites)
 - o Guildford Urban Area
 - + Sites A13-A20, A22-A26
 - o Ash & Tongham (3 out of 5 sites)
 - + Sites A27-A29
 - o Previously Developed Land in the Green Belt (3 sites)
 - + Sites A32-A34
 - o New Settlement (1 site)
 - + A35
 - o Villages (12 sites)

+ A36-A47

o Traveller & Travelling Showpeople Sites (10 sites)

+ A48-A57

The HRA states "7.2.5 Due to their close proximity to the SPA (or the potential for developments in such close proximity to be facilitated by these policies), the above proposed policies/ locations have potential to result in dust deposition, noise and vibration impacts, lighting and visual disturbance and surface runoff during both construction and operation. Projects within 400m of the SPA that are to be brought forward under these policies will therefore need to be accompanied by Habitat Regulations Assessment that will investigate these impacts in detail."

"These impact pathways cannot be investigated in detail at the Local Plan level as they are related to detailed design and construction method."

This statement is an avoidance of more detailed consideration of environmental impacts in the construction and operational phase of each site in order to permit residents more appreciation of the impacts. If AECOM can model supposed air pollution levels then AECOM can model the impact of dust deposition, noise and vibration impacts, lighting and visual disturbance and surface runoff during both construction and operation.

GBC have failed to undertake suitable briefing of AECOM and have failed to take account of potential environmental disruption in advance of policy formation.

Conclusion

The lack of detailed assessment of 50% of all proposed Policies and 77% of sites under the Impact Pathways in advance of policy formation demonstrates a failure of due consideration of such pathways, rendering the claim in Section 3 Strategic Environmental Assessment, para 3.11 that "there will be no significant environmental effects arising" unsafe and likely to be subject to scrutiny when the draft Guildford

Local Plan is submitted for Examination in Public.		
<p>GGG Consultation Response to Draft Thames Basin Heaths Special Protection Area Strategy, Supplementary Planning Document</p> <p>GGG have a large number of observations on this SPD.</p> <p>Para 1.17</p> <p>GGG disagrees that screening has proved no Strategic Environmental Assessment is required. We maintain that the Council has failed to address the requirements of Environmental Assessment of Plans & Programmes Regulations (2004), Schedule 1 and cannot move to a Regulation 9(3) determination.</p>	Please see key issue 1 below.	No action.
<p>Para 1.18</p> <p>GGG proposes that the Habitats Regulations Assessment completed for the Council by AECOM and proposed for submission as part of the draft Guildford Local Plan 2016 is deficient (see above) and this undermines the proposed avoidance strategy. The strategy is directly connected to the site inasmuch as the strategy is a mechanism for the proposing of SANG that attempts to draw walkers and dog walkers away from the SPA.</p>	The strategy does set out factual information about identified potential new SANGs and work currently being undertaken by the Council to deliver new SANGs, but as an SPD cannot make any allocations or designations. These SANGs would be delivered through a Development Plan Document (e.g. the new Local Plan) and/or through a planning application. Consideration of the need for SEA and HRA would be made at those stages.	No action.
<p>Para 2.19 and Para 2.20</p> <p>GGG believes SANG in general is inappropriate alternate use of Green Belt, other green space and agricultural land. It will result in an “urbanisation” of existing green space, including car parking and the encouragement of additional car journeys to specific locations leading to increases in local congestion and air pollution where none existed previously. In the case of agricultural land, it will result in the net loss of productive farmland at a time when the UK already imports 60% of its</p>	<p>The SANG guidelines require SANGs to be maintained as semi-natural spaces and the guidelines explicitly prohibit the urbanisation of the countryside.</p> <p>SANGs are designed to attract people who would otherwise visit the SPA. Under this approach, car journeys to SANGs are offset by a reduction in car journeys to the</p>	No action.

<p>foodstuffs and climate change is confronting UK government with the need to consider increasing UK production of staple crops. This may be exacerbated by “Brexit” considerations.</p>	<p>SPA. The comments about agricultural land are noted. However, during consultations the public and public bodies have objected to the provision of SANGs on existing public open space. The Council has listened to these representations and the strategy therefore favours SANGs on new public open space, which means that realistically, agricultural land must be considered.</p>	
<p>Para 2.21 GGG is concerned at the loosening of classes of land in the Green Belt under the influence of the NPPF and ministerial statement. Use of an avoidance strategy primarily intended to protect rare bird species on protected habitat is inappropriate as a mechanism to promulgate increased development of commercial undertakings and we propose this paragraph be removed from the final draft of this SPD.</p>	<p>Paragraph 2.21 does not reduce the tests that development proposals have to meet in order to obtain planning permission so does not promulgate increased development. Officers consider that it provides useful guidance setting out the types of development where impacts on the SPA will be considered.</p>	<p>No action.</p>
<p>Para 3.11 GGG proposes that applications for larger sites containing a volume of dwellings that might be sub-divided into plots containing 10 dwellings should be subject to a restriction that prevents the land owner or developer subdividing into smaller plots in order to subvert the intention of SANG arrangements.</p>	<p>Agreed. Where it is clear that a site has been artificially subdivided or under-developed to avoid conditions triggered by a size threshold, the Council will carefully consider whether subsequent planning applications should be assessed in terms of the cumulative impact and/or whether it should be refused for this reason.</p>	<p>Additional sentence added to the end of 3.11 (now 3.12): “<i>The artificial subdivision or under-development of a plot to avoid this threshold will not be considered acceptable, and may result in subsequent planning applications being assessed in respect of its cumulative impacts and refused.</i>”</p>
<p>Para 3.12 GGG objects to the principle that permits a single dwelling to be completed to trigger retrospective compliance with SANG</p>	<p>Disagree. 3.12 (now 3.13) states that SANG must be delivered in advance of dwelling completion. This is applied on the basis of each dwelling, rather than each</p>	<p>3.12 has been renumbered to 3.13 and now refers to dwelling occupation, rather than dwelling completion, to more closely reflect</p>

<p>arrangements. It would be preferable for SANG to be confirmed to be in place in advance of any building, including allocation to existing SANG or a proposal for “bespoke” SANG.</p>	<p>entire development, as larger developments are often phased and it the SANG may need to be delivered in phases. Requiring an entire SANG to be delivered up-front of a very large development is unlikely to be viable.</p>	<p>the provisions of the approach. The text still states that SANG must be provided in advance. The text does not permit a single dwelling to be occupied before SANG is provided.</p>
<p>Para 3.15 GGG objects strongly to any commercial development or controlled parking development at SANG sites. The intention is in the name, Suitable Alternative Natural Greenspace, and commercial development of any kind at an area supposed to represent an alternative controlled “countryside” should be prevented by removal of this paragraph.</p>	<p>Agreed. It is assumed that this paragraph has been misread. 3.15 (now 3.17) states that SANGs should be semi-natural spaces and that formal facilities like cafes and play areas are not suitable. Parking on SANGs should be free of charge in all cases.</p>	<p>No action.</p>
<p>Para 3.16 GGG is concerned at the loose drafting of this paragraph, suggestive as it is that conservation interests are provisional. This could lead to the removal of, for example, SNCI classification, so degrading the wildlife habitat preservation. This paragraph should be strengthened by changing the first sentence to read “..existing nature conservation interests shall be guaranteed.”</p>	<p>It is not agreed that the wording is loose. Paragraph 3.16 (now 3.18) states “... <i>existing nature conservation interests must be taken into account. All works on SANGs must be designed sensitively to balance the needs of access, landscape character and wildlife</i>”.</p>	<p>Additional wording has been added to the paragraph to strengthen the requirement: “<i>Where only part of a proposed site can balance recreation and biodiversity but remains sufficient to meet essential SANG criteria, the overall capacity of the SANG may be discounted to protect ecologically sensitive areas, and in certain cases this may also include limiting access to parts of the site where an irreplaceable habitat or protected species have been identified. Conservation interests can also be protected by designing the circular walk to avoid sensitive areas and the funding of additional work in the SANG management plan to</i></p>

		<p><i>restore and enhance important habitats. Where the impact of the SANG is irreconcilable with existing nature conservation interests, such as for irreplaceable habitats, it should be concluded that the SANG cannot be delivered and a more suitable site should be sought instead.”</i></p>
<p>Para 3.18</p> <p>GGG is opposed to any reference to “development” in association with SANG in this paragraph and propose its removal.</p>	<p>The term “operational development” refers to physical alteration to the land, as opposed to change of use. It is very likely that delivering SANGs will involve operational development of some kind, such as providing a surface for car parking. It is appropriate to leave this wording in as it provides planning guidance on the delivery of SANGs.</p>	<p>No action.</p>
<p>Para 3.19 and Para 3.20</p> <p>GGG is concerned at the drafting of these paragraphs. The concept of being able to set SANG capacity is absurd. It pre-supposes a capacity to calculate how many visitors can be crammed into a SANG at any one time and an ability to turn people away when the capacity is reached, which is laughable.</p> <p>Neither the Council nor Natural England has evidence of the rate of visitors to SANG sites within the vicinity of TBHSPA; there is no factual basis to determine how discounts might be established. Under the current draft paragraph, a discount could be established by secret negotiation away from public scrutiny between Council officers and land owners. This would be untenable if the landowner was the Council itself.</p>	<p>The established basis of the approach is that SANG should be provided at the rate of eight hectares per thousand people. This is based on visitor rates to the SPA.</p> <p>In order to provide SANGs on existing open spaces, it is important to establish the underused capacity of the site precisely to avoid the site becoming overrun and consequently unattractive to potential SPA users.</p> <p>The Council has collected data on the rates of visitors to SANGs in past years. This information is shared with the JSP</p>	<p>No action.</p>

<p>Should there be any attempt to set SANG capacity, there should be extensive public consultation on any proposed methodology, if indeed there is any methodology that is sensible e.g. what is the capacity of Hyde Park for visitors with or without dogs?</p> <p>GGG propose both paragraphs should be removed.</p>	<p>Board and collated centrally. The responsibility for monitoring visitor rates on SANGs will be carried out centrally through the SAMM project in future.</p> <p>The strategy does not suggest that discount calculations would be the subject of a secret negotiation.</p> <p>The request for public consultation on the proposed methodology is noted.</p>	
<p>Para 3.21, 3.23, 3.24</p> <p>All references to 80 years and 125 years should be removed; it is unnecessary to further define “in perpetuity”. Any uncertainty over funding should result in a failure of applications from the Council or private landowners for change of use to SANG.</p>	<p>Disagree about removing references to the funding period. However, the approach to defining perpetuity has been changed.</p> <p>It is necessary to set out the considerations regarding funding in order to remove uncertainty and provide guidance for SANG proposals.</p>	<p>The strategy now refers to the provision of SANG in perpetuity, and refers to the funding period of 125 years, rather than defining perpetuity to mean a specific period.</p>
<p>Para 3.24</p> <p>GGG proposes the re-drafting of this paragraph by the removal of the words “..but may also be provided by another organisation or individual.” from the final sentence.</p>	<p>It would be inaccurate if this sentence were removed as organisations and individuals are entitled to submit planning applications for SANG and may be granted permission.</p>	<p>No action.</p>
<p>Para 3.33 – 3.53</p> <p>GGG proposes that these paragraphs are removed from this avoidance strategy SPD. Any speculative lists and maps of potential SANG cannot be part of a current strategy as they might not gain planning permission for change of use, neither might funding be planned within the Council’s Medium Term Financial Strategy, nor might the legal structures required by the Council of private landowners be in place. Their inclusion in the body of the strategy is totally misleading.</p> <p>This has been a perpetual problem of the previous avoidance strategy</p>	<p>This section of the strategy provides factual information on work being undertaken by the Council and other organisations and individuals. It is important that this information is available in order to ensure transparency and to inform anyone considering submitting a planning application.</p> <p>The Council’s existing SANGs are funded</p>	<p>No action.</p>

<p>documents, where there is misleading presentation of what and where might be SANG, with Council officers reluctant or unable to confirm that a large proportion of SANG sites were in fact not funded, had no planning permission for change of use or faced significant legal problems in order to achieve appropriate status.</p> <p>If the lists and maps are to be retained in the SPD then they should be as an appendix of 'potential' SANG sites in their various categories, referred to by paragraphs beyond 3.53.</p>	<p>through the SANG tariff. The financial situation is reported annually in the Council's monitoring report. The current SANGs were all provided on existing open space and no change of use was required. Planning permission has been sought for operational development where necessary.</p> <p>Officer do not agree that the section should be moved to an appendix as it represents an update of the position statement in the previous strategy.</p>	
<p>Para 3.57 GGG proposes the removal of references to paras 3.21 and 3.23.</p>	<p>It is necessary to set out the considerations regarding funding in order to remove uncertainty and provide guidance for SANG proposals</p>	<p>No action.</p>
<p>Para 3.59 GGG proposes the removal of reference to "Council's Executive".</p>	<p>This section sets out factual information. Executive approval may be needed in some circumstances, depending on the Council's constitution.</p>	<p>No action.</p>
<p>Para 3.63 GGG proposes the removal of the words "...beyond the duration of 80 or 125 years."</p>	<p>Disagree. It is important to identify what the SANG tariff will be spent on and when.</p>	<p>The funding period is now identified as 125 years.</p>
<p>Para 3.65 GGG proposes that</p> <ul style="list-style-type: none"> • a full description of what the "Pump Fund" is, • where the budget will be held organisationally within the Council, 	<p>Agree that the term "pump fund" needs to be explained for the reader. However, the other information is not suitable for planning guidance so has not been included in the Strategy.</p>	<p>The following text has been added to the paragraph to explain the meaning of 'pump fund' to the reader: <i>"A Pump Fund is a fund used to implement set-up works prior to bringing a SANG online"</i></p> <p>The Executive report that</p>

<ul style="list-style-type: none"> • where expressed within the Medium Term Financial Strategy documents, • proposed arrangements for repayment, <p>should be described within this paragraph.</p>		<p>accompanies the Strategy contains the further information requested in the Financial Implications section. This further information is considered too detailed for a Supplementary Planning Document.</p>
<p>Para 3.71</p> <p>GGG proposes the removal of the final sentence “The provision of affordable housing is one of the priorities of the Guildford Housing Strategy 2015-20”. An avoidance strategy for TBHSPA is an inappropriate mechanism to enforce the provision of affordable housing. This should be inserted into the appropriate proposed Policy in the draft Guildford Local Plan.</p>	<p>The statement is factual and sets out the reasons for considering whether to collect the tariff through a mechanism other than CIL. It is considered important to retain this information for transparency and to explain why this decision has been taken. The strategy does not enforce the provision of affordable housing.</p>	<p>No action.</p>
<p>Para 4.7</p> <p>GGG proposes the removal of “and delivery of dwellings” from the second bullet point. An avoidance strategy for TBHSPA is an inappropriate mechanism to enforce housing policy.</p>	<p>This statement is factual and sets out the monitoring undertaken by the JSP Board, which includes housing delivery. The strategy does not enforce housing policy.</p>	<p>No action.</p>
<p>Para 4.10</p> <p>GGG proposes the removal of this paragraph. An avoidance strategy for TBHSPA is an inappropriate document for the Council to lay out its inability to appropriately manage the SHMA process and it makes no contribution to the strategy.</p>	<p>The paragraph is factual and sets out the intention and reason to review the strategy at a future date and the reasons for doing so. It is considered that this information should be retained for transparency.</p>	<p>No action.</p>
<p>Annexe 1</p> <p>GGG proposes the inclusion of a bullet point that defines the need for a plan to increase bio-diversity in the “Must have” list</p>	<p>The document contained within Annexe 1 of Appendix 4 (the SANG guidelines) was produced by Natural England and are reproduced in the strategy for convenience only. They set out the points that Natural England will consider when asked to</p>	<p>New paragraph 3.15 has been added as follows: <i>“All proposals for SANGs must include an in depth SANG Management Plan that outlines the practical habitat management and explains how</i></p>

approve of a proposed SANG. As this is not the Council's document, it is not considered correct to amend them.

However, the Council agrees that SANG delivery represents an important opportunity to deliver biodiversity improvements. The importance of biodiversity is recognised throughout the document and text has been added to clarify this.

the requirements of the SANG Guidelines will be met. This should include details of the managing body or organisation, capital costs, and costs for the in perpetuity management of the SANG in order to demonstrate that the SANG will deliver effective avoidance both at the outset and in perpetuity. The management plan should have appropriate regard to Strategic Priority 1 of the Guildford Local Plan 2003, Local Plan policy NE6 and NPPF chapter 11 by delivering biodiversity enhancements that contribute to the priority habitat restoration and creation objectives, and targets identified for Surrey by the Surrey Nature Partnership, particularly when the proposed SANG falls within or adjacent to a Biodiversity Opportunity Area (BOA)."

Holy Trinity Amenity Group

We are pleased that some of the comments we made in our previous submission of 10th Sept 2009 have been addressed.

We continue to be concerned about the perceived need to provide extensive Car Parking for SANGS. This appears to be at odds with the policy to reduce car use.

Every effort should be made to encourage walking, rather than driving, to the SANG areas, particularly where they are within reasonable

The majority of SPA visitors arrive by car. To function as an alternative to the SPA, SANGs need to be equally accessible, so must provide parking. Exceptions to this are where the SANG is intended to have a catchment area of only 400 metres (deemed to be walking distance). The SANG guidelines require parking to be

No action.

distance of populated areas. This could be done by improving existing link paths and by the creation of new ones; it would also help in providing the longer walking routes that some dog walkers seek. It is reasonable to expect dogs to be placed on leads where necessary for the journey to an open space. It would be appropriate to use some SANG funding to provide these routes.

The whole SPA and SANG strategy has become unnecessarily complicated and bureaucratic, and we hope that efforts will be made to simplify it.

delivered sensitively and not to lead to the urbanisation of the countryside.

The Council agrees that every effort should be made to encourage walking.

Ashill Land Limited

We write on behalf of our client, Ashill Land Ltd, to submit representations to the draft Thames Basin Heaths SPA Avoidance Strategy SPD and the draft Planning Contributions Supplementary Planning Document (SPD) 2016.

Ashill has previously made representations to draft Local Plan consultations including the Issues and Options document (Autumn 2013); the draft Local Plan (Summer 2014) and the proposed submission Local Plan: strategy and sites 2016. These representations support the release of the land from the Green Belt and the allocation for residential development to contribute towards the Council's strategic housing land allocation. Our representations to the draft Local Plan (submission version) included detailed assessment of the current evidence base in respect to housing land supply and release of green belt land. This representation should be read in accordance with our response made below to the draft Thames Basin Heaths SPA Avoidance Strategy SPD and the draft Planning Contributions Supplementary Planning Document (SPD) 2016.

Draft Thames Basin Heaths SPA Avoidance Strategy SPD

Background to Draft Thames Basin Heaths SPA Avoidance Strategy SPD

The Thames Basin Heaths Special Protection Area (SPA) is a network

Noted

No action.

of heathland sites that covers 8,274 hectares of Berkshire, Hampshire and Surrey within nine local authority areas. The Thames Basin Heaths Special Protection Area (SPA) is a network of heathland sites that covers 8,274 hectares of Berkshire, Hampshire and Surrey within nine local authority areas.

A core principle of the approach is the existence of three buffer zones around the SPA:

- The “exclusion zone” between zero and 400 metres from the SPA boundary;
- The zone of influence between 400 metres and five kilometres from the SPA boundary, and
- The five to seven kilometre zone between five to seven kilometres from the SPA boundary.

Ashill Land Ltd welcomes steps to provide clarification on SANGs provision, but has some concern with some of the content of the SPD. The main issues identified are as follows:

- The draft Guildford Local Plan seeks to achieve greater housing delivery and is a priority objective of the emerging plan. We support this principle, and it is important that the draft TBH SPA Avoidance Strategy SPD is prepared to supplement this wider strategic requirement. As such there needs to be more clarity as to anticipated further SANG(s) to ensure there is no obstruction of identified housing delivery. Ashill Land Ltd however note that there is presently a large amount of SANG capacity to mitigate development in Guildford urban area and supports the initial flexibility shown by Guildford BC in their identification of new SANGs.

The emerging Local Plan, which includes site allocations, is currently considered to carry very little weight. Therefore the strategy does not align closely with the proposed site allocations. The Local Plan will be accompanied by an Infrastructure Delivery Plan, which will set out how SANG provision will enable proposed developments to be delivered. The strategy will also be reviewed as needed.

- Ashill Land Ltd would seek that a consistent/joint approach is taken to the funding of SANG, by having regard to any emerging site allocation as part of the draft Guildford Local Plan. The SPD is somewhat clear in its “types of development

It is not possible to provide a blanket exemption for other forms of accommodation as whether or not they could have an impact on the SPA depends

Additional text has been added to paragraph 2.13 as follows (amendments in bold): **For residential accommodation**

<p>covered” by SANG tariff, primarily Use Classes C3 (dwellinghouses); C4 (houses of multiple occupation; staff residential accommodation falling within Use Classes C1 and C2; traveller accommodation (sui generis) and student accommodation (sui generis). However, “accommodation of types not covered above” is also identified which could include care home units (Use Class C2) for example and if this fell within 400m of the SPA. In light of the above we would seek greater consideration as to any possible exemption through the delivery of identified housing capacity (i.e. site allocations) such as a care home scheme. This would offer greater clarity as to what types of development are covered by the SANG Tariff and what are exempt.</p>	<p>on a number of factors, including the likelihood of residents to keep pets or visit the SPA. Therefore, it is most appropriate to consider these on a case by case basis.</p> <p>Guidance for C2 accommodation is provided at 2.13. Further clarity has been added to this section regarding care and nursing homes.</p>	<p>within care homes and nursing homes, the level of care required by the residents, the likelihood of residents to visit the SPA and the likelihood of pet ownership in these establishments will be taken into account. As a result, these developments may or may not be acceptable within the 400 metre exclusion zone and may or may not be required to contribute to avoidance and mitigation measures.</p>
<ul style="list-style-type: none"> Paragraph 204 of the National Planning Policy Framework requires that planning obligations should be “necessary to make the development acceptable in planning terms”. Where catchments overlap, there needs to be greater clarity as to the process of payment in respect to developer contributions and how avoidance works are financed. This should therefore provide for greater flexibility to ensure there is no obstruction to the effective delivery of sustainable sites through the provision of mitigating SANGs. <p>Ashill Land Ltd would therefore encourage greater synergy is applied between emerging draft documents, particularly in respect to emerging site allocations to determine whether there is any potential to exempt certain forms of development from the SANG tariff threshold such as Use Class C2 within SAP which has been allocated by the LPA.</p>	<p>Developer contributions are made through the payment of the tariff. Where SANG catchments overlap, the contribution may be paid into the fund for one or other of the SANGs, or split between both. This decision will be taken based on a number of factors, including the location of the development and the SANGs and the implementation of SANG works strategically. This should not affect the process of payment. The SANG management plans set out the finance for avoidance works.</p>	<p>No action.</p>
<p>Member of the public</p>		
<p>As a naturalist I place a very high value on the protection of the Thames Basin Heaths and other areas important for wildlife. In my opinion the SANG approach is unsound and existing biodiversity at the</p>	<p>Please see key issue 3 below regarding the use of Effingham Common as a</p>	<p>No action.</p>

<p>chosen SANG sites is being ignored despite a requirement to take it into account.</p> <p>One example is Effingham Common which is a breeding site for ground-nesting Skylarks. This year, warning signs to inform dog-walkers of nesting Skylarks were not put up until complaints were made and Skylarks had been chased off their nest by an out-of-control dog (I was an unhappy witness to this). Warning signs should have been in place well before the actual commencement of nesting.</p> <p>The appropriation of a Skylark nesting site as SANG is in clear contradiction of the Natural England guidelines.</p> <p>This is an example of an existing valuable site for biodiversity being used erroneously to justify building near the SPA. It is wrong to claim that SANG is creating new open spaces and enhancing biodiversity. SANG is only created by using existing open space that may or may not have public access but does have existing biodiversity or agricultural value that will be harmed or removed by the change of use. Its effectiveness in drawing people away from the SPA is highly questionable. The real outcome of SANG policy is to allow the destruction of wildlife habitat and agricultural land through development of greenfield sites.</p>	<p>SANG.</p> <p>SANGs do create new open spaces where they are brought forward on land that was not previously public open space. The Council has not stated that the SANG at Effingham Common is new open space as this was brought forward on existing open space.</p> <p>The Council manages SANG sites in order to retain and improve their natural feel. This includes protecting wildlife, but also keeping signage to a minimum where possible.</p> <p>Your comments about the timing of warnings signs has been noted and passed to the appropriate team. The Council has adopted a new process to ensure that seasonal works are implemented at the appropriate time.</p> <p>Please see key issue 2 below regarding whether the effectiveness of the strategy.</p>	
<p>Throughout the Local Plan process, the Executive of Guildford Borough Council have demonstrated that they place no genuine value on biodiversity or have any real understanding of it. They merely see biodiversity and the SPA as obstacles to be overcome in their quest to impose a forced growth agenda on the residents of Guildford. I believe they underestimate the value that residents place on wildlife and fail to recognise its contribution to our wellbeing.</p>	<p>Noted</p>	<p>No action.</p>
<p>Page 6 SAMM</p> <p>“Soft” measures alone will not be sufficient to protect the SPA if the current draft Local Plan forced growth agenda is carried out. “Hard”</p>	<p>The SPA does currently benefit from wardening, financed through the SAMM project. This is funded through developer</p>	<p>No action.</p>

measures backed up by a large and effective force of wardens empowered to take legal action against those carrying out damaging activities will be necessary if protection of the SPA is taken seriously. Among the activities that would need to be banned, with enforcement, are allowing dogs off leads, commercial dog-walking and people straying off the accepted pathways – throughout the likely nesting season at least. This is because people will always have a choice of where to visit and you cannot force them to use SANG as an alternative. Some visitors will not abide by rules unless visible and effective enforcement is in place.

The costs of such a wardening system would be considerable and such control over people's leisure activities is hardly desirable but it would be a necessary consequence of the current proposal to artificially, and rapidly, create a massive increase in the population of the Borough. The costs should be met in full, and in perpetuity, by developer contributions. The size of the fund required to maintain the ongoing costs in perpetuity should allow for very low investment yields and the possibility of periods of high inflation (i.e. the basis should be subject to resilience testing – and I do note the point made in 3.58). The real cost is likely to be far higher than the SAMM tariff suggested in 3.76 Table 4.

contributions. The cost of the SAMM tariff is set at a rate necessary to deliver the project, including wardening.

“Hard” measures would be considered to be the restriction of movement into and across the SPA. This is difficult to achieve given that much of the land is common land and benefits from public rights of way. Equally, the proposal to enforce walking on paths only and the keeping of dogs on lead may not be achievable under the current legal framework. As a result, the SAMM project focuses on encouraging a change in behaviour through the “soft” measures mentioned, but also addresses access to the SPA where possible.

Damaging a protected breeding site (whether deliberately or not) is an offence under the Habitats Regulations and could result in prosecution.

Page 6 SANGs

It is not sufficient to provide a similar experience to the SPA. To protect the SPA against a share of visitors from a greatly increased population it will be necessary to make SANG more attractive but this creates problems of inappropriate development in the local countryside in the form of car parks and other facilities and will be detrimental to existing biodiversity in the areas chosen. At Parsonage Meadows the Council decided to appropriate a well-used towpath as SANG and also make it a cycle route. I think that most dog-walkers and pedestrians would prefer the SPA to places where they are constantly at risk of accident, inconvenience or disturbance from cyclists.

It is agreed that SANGs should be attractive alternatives to the SPA. Attraction can be created in many ways, including by providing better access. The strategy makes it clear that parking areas should be delivered sensitively and not result in the urbanisation of the countryside.

The towpath at Parsonage Watermeadows forms part of the SANG's circular route. The remainder of the route, when fully implemented, will pass through the middle of the site and will not be a cycle route.

No action.

	<p>Visitors will be able to walk through the site away from cyclists.</p> <p>The towpath was previously informally used by cyclists and work to widen it and repair the river bank has made it safer and wider for both cyclists and walkers, increasing the attractiveness of the site.</p>	
<p>Page 8 SANG position and delivery of new SANGs</p> <p>It should be borne in mind that sites without public access benefit wildlife that cannot tolerate disturbance. If these sites are appropriated as SANG then their wildlife will suffer. Taking agricultural land out of cultivation to provide SANG also diminishes our potential food supply at a time when imports of food are becoming more expensive and insecure for various reasons. It also replaces a traditional landscape with urbanising features such as car parks, signage and additional traffic.</p>	<p>Proposals for new SANG must take existing wildlife into account. The Council's own SANG proposals seek to provide significant benefits for biodiversity, including ecological surveys, grassland restoration, hedgerow restoration and landscape scale habitat works aligned to specific biodiversity opportunity areas identified by the Surrey Nature Partnership. The funding provided by the SANG designation allows for habitat management and improvement that may not otherwise be possible.</p> <p>National planning policy requires the Council to protect the best and most versatile agricultural land from development. However, this does not extend to proposals for open space, which do not diminish the quality of the soil. As above, SANGs must avoid the urbanisation of the countryside.</p>	<p>No action.</p>
<p>The Council should not provide a new parking area at Effingham Common. This would be inappropriate development and extremely detrimental to the ground-nesting birds that occupy the site and are protected under the Wildlife and Countryside Act, 1981. It would</p>	<p>Please see key issue 3 below.</p>	

<p>encourage more visits by dog-walkers – including commercial dog-walkers.</p>	
<p>Page 14 Item 2.8 Smaller developments have a cumulative effect. All new dwellings (and replacement dwellings that provide an increase in occupancy) should contribute.</p>	<p>Paragraph 2.8 refers to developments outside the 5km zone around the SPA and within 7km only. Under the terms of the approach set by policy NRM6, only large developments of over 50 net new homes in this zone will have an impact on the SPA. The strategy must reflect this approach.</p> <p>It is agreed that all net new dwellings within the 5km zone should contribute.</p> <p>No action.</p>
<p>3.16 These two points – “existing nature conservation interests” and “urbanisation of the countryside” are being ignored by the Council as explained above.</p>	<p>Please see key issue 3 below.</p>
<p>3.19 I can find no evidence for the levels of discounting chosen (robust or otherwise). Effingham Common has a zero discount despite being existing public open space. There is no justification for this. The process by which a discount is arrived at should be transparent.</p>	<p>The discounting of the Council’s SANGs was established through the Thames Basin Heaths Interim SPA Avoidance Strategy 2006 available here: https://www.guildford.gov.uk/tbhspa</p> <p>The level of discounting for current SANGs was based on visitor surveys undertaken at the time and agreed with Natural England. Effingham Common was not subject to any discount as visitor surveys found that existing recreational use at the time of designation was negligible.</p>
<p>3.23 Assuming inflation at only 2% is inadequate. Although this is a target it is already accepted that inflation will be higher. There is no guarantee that interest rates will follow inflation as evidenced by the</p>	<p>At the time of writing, inflation is above the Bank of England’s target figure of 2% and it is possible that this may remain the case</p>

<p>current situation in which the Bank of England has reduced interest rates even though inflation is widely anticipated to rise significantly. Inflation in, for example, wage cost, equipment cost and other land management costs is likely to be much more than 2% pa.</p>	<p>for the time being or that inflation rates may rise above 2% again in the future. While there have been comments from the finance industry regarding a long term or permanent shift in interest rates locally and internationally, 2% remains the figure that is still most widely accepted as the long term average for inflation, including by the Bank of England. Calculations for SANG finances must by their nature account for the long term to best ensure security for the duration of perpetuity and therefore consider available data for long term forecasts rather than overly focus on current events.</p>	
<p>3.33 Repeats a statement on page 8.</p> <p>The Council should not provide a new parking area at Effingham Common. This would be inappropriate development and extremely detrimental to the ground-nesting birds that occupy the site and are protected under the Wildlife and Countryside Act, 1981. It would encourage more visits by dog-walkers – including commercial dog-walkers.</p>	<p>The objection to a parking area for Effingham Common is noted.</p>	<p>No action.</p>
<p>There should be no further work to increase SANG capacity</p> <p>3.34 The evidence on housing need is flawed and under review.</p>	<p>This is not agreed. There are presently shortages of SANG in the east and the west of the borough and further SANG will also be needed around Guildford in the next plan period. The update to the Strategic Housing Market Assessment is now complete and indicates that the housing need is high.</p>	<p>No action.</p>
<p>3.65 The pump fund loan should be subject to interest at a high rate. The rate should be subject to a high minimum regardless of changes in</p>	<p>The comment suggests that the pump fund loan should be subject to an</p>	<p>No action.</p>

<p>interest rates and should be adjusted upwards as general interest rate levels increase.</p>	<p>artificially high interest rate, presumably to provide an income to the Council from the SANG tariff.</p> <p>This is not agreed. Where developer contributions are received by the Council for SANG, the Council is required to ring-fence those sums for SANG works. Artificially inflating the interest rate to create an income for the Council's general budget is not possible as it would likely be considered to run counter to general principles of public/administrative law.</p> <p>In the event that interest is added to a pump loan repayment it will be in line with the interest that might otherwise be received on the Council's funds.</p>	
<p>3.68 RPI is not necessarily the correct measure. Account should be taken of inflation in the actual type of costs underlying the tariff. For example, I had to replace an item of mowing equipment purchased in 2002 with an identical item in 2016. The cost had more than doubled – equivalent to an annual inflation rate between 5% & 6%. (see also 3.23).</p>	<p>RPI is a recognised rate which includes expenditure on a basket of goods. The rate used follows standard practice. The Council doesn't agree that a bespoke approach should be developed.</p>	<p>No action.</p>
<p>Monitoring (4.6 onwards)</p> <p>Monitoring is essential but the difficulty lies in the remedies if SANG fails to keep pressure off the SPA. The developments that will have taken place cannot be undone.</p> <p>4.12 This will be too late for development agreements already made.</p>	<p>The first comment is noted.</p> <p>Regarding 4.12, the tariff can be reviewed if it is clear that it is either too high or too low to correctly fund SANGs in the long term. It is not envisaged that this would create a need for past agreements to be revisited, and the comment is correct in that this would likely not be possible.</p>	<p>No action.</p>

<p>Without going through Appendix 5 in great detail I noticed that most of these costs seem unchanged from the 2009-2014 strategy so that no allowance appears to have been made for inflation since then despite significant rises in costs (for example – even RPI has risen by over 20% in that time). Recent exchange rate movements will also have pushed up the cost of imported equipment.</p>	<p>Agreed. The costs shown in Appendix 5 are the same as the costs from the 2009-16 Strategy. The 2009-16 Strategy shows itemised costs that were accurate for 2009. However, the tariff incorporates a 2% inflation cost per annum on top of these initial values to account for inflation. Costs to establish the security of funding for new SANGs are based either on recent quotes that the Council has received for similar work or figures given in the most current annual edition of SPONs External Works and Landscape Price Book.</p>	<p>No action.</p>
<p>Surrey Wildlife Trust</p>		
<p>Draft Thames Basin Heaths Special Protection Area Avoidance Strategy – Supplementary Planning Document 2016 consultation</p> <p>Thank you for this opportunity to comment on your draft document, titled as above. Please consider these representations as those of the Surrey Wildlife Trust, and also submitted on behalf the Surrey Nature Partnership.</p> <p>As a general principle, we welcome this guidance directed at developers in Guildford Borough on the implications, responsibilities and constraints of the Thames Basin Heaths Special Protection Area. We have several comments on various aspects of the SPD, as below.</p>	<p>Noted</p>	<p>No action.</p>
<p>Page 6; Summary/Background. Second paragraph; there appears to be some text missing here. “..bird species of woodlark, nightjar “ etc.</p>	<p>Agreed</p>	<p>Text rewritten as follows: “The SPA provides a habitat for three internationally important bird species; woodlark, nightjar and Dartford warbler.”</p>

<p>Para. 3.15-16. We welcome these clear references to the need for creation of SANG to provide “<i>..a range of sites of comparable interest and quality to the SPA</i>”, and that “<i>..existing nature conservation interests [within proposed SANG sites] must be taken into account.</i>”. This is absolutely imperative as any net loss in biodiversity interest as a result of SANG creation would clearly be counter-productive to the overarching aims of biodiversity conservation.</p>	<p>Noted</p>	<p>No action.</p>
<p>Para. 3.18. This paragraph is also welcomed. Somewhere alongside these paragraphs there might be added the express requirement for a management plan that would summarise all these compliances. This could also clearly demonstrate the additionality in biodiversity conservation benefits of creating the SANG. As an extension of this, we might also recommend inclusion of text stating that biodiversity enhancements within SANG could be guided by and thus contribute to the “<i>..Priority habitat restoration and creation objectives and targets identified for Surrey by the Surrey Nature Partnership</i>”. This would especially apply when the proposed SANG falls within or adjacent to Biodiversity Opportunity Areas (BOA).</p>	<p>It is agreed that management plans should set out the compliance with SANG guidelines and other requirements and that SANGs represent an opportunity to deliver biodiversity enhancements. Text has been added to clarify this.</p>	<p>The following text has been added at new paragraph 3.15: “<i>All proposals for SANGs must include an in depth SANG Management Plan that outlines the practical habitat management and explains how the requirements of the SANG Guidelines will be met. This should include details of the managing body or organisation, capital costs, and costs for the in perpetuity management of the SANG in order to demonstrate that the SANG will deliver effective avoidance both at the outset and in perpetuity. The management plan should have appropriate regard to Strategic Priority 1 of the Guildford Local Plan 2003, Local Plan policy NE6 and NPPF chapter 11 by delivering biodiversity enhancements that contribute to the priority habitat restoration and creation objectives, and targets identified for Surrey by the Surrey</i></p>

		<i>Nature Partnership, particularly when the proposed SANG falls within or adjacent to a Biodiversity Opportunity Area (BOA)."</i>
<p>Para. 3.23. We would insist that 'may also' in the second bullet is replaced by 'should always seek to', ie. "...<i>replacement of infrastructure and should always seek to include the enhancement and conservation of existing biodiversity.</i>" The biodiversity conservation sector realises that the UK will struggle to meet its commitments to the 2010 International Convention on Biological Diversity in <i>Biodiversity 2020: A strategy for England's wildlife and ecosystem services</i>. Thus every opportunity for Priority habitat restoration and creation needs to be sought out and realised if we are to achieve the targets therein. SANG creation is a clear opportunity for conversion of land-uses of comparatively negligible biodiversity interest to something better, and this opportunity should always be required as a critical outcome of the process.</p>	<p>Agreed, though the exact wording has been changed as the proposed wording wouldn't fit the paragraph.</p>	<p>The paragraph (renumbered to 2.37) has been amended as follows: "<i>In order to grant planning permission for developments that rely on SANGs that are not within Council ownership, the Council will consider a number of factors, including the following...</i></p> <p><i>Whether it has been demonstrated that the SANG will be maintained and managed to the required standard, including elements known to be necessary or beneficial to the success of a SANG such as landscape maintenance, staffing, management, contingency, visitor surveys, replacement of infrastructure and may also include the enhancement and conservation of existing biodiversity."</i></p>
<p>Paras. 3.49-3.52. We note and endorse the current position regarding formerly proposed SANG uses of Broad Street and Backside Commons and Stringers Common.</p> <p>We hope these comments are helpful.</p>	<p>Noted.</p>	<p>No action.</p>
<p>Member of the public</p>		

<p>The Thames Basin Heaths SPA was designated in 2005 under European Directive 2009/147/EC, and now that we are leaving the EU this Directive may no longer apply.</p>	<p>Please see key issue 4 below.</p>	
<p>Item 1 – Clause 3.8 – SANG catchment areas should only be applicable in the 0 -1Km zone of any new developments then dog owners can walk to the SANG without the need to use a car. Any SANG outside of this zone will mean that dog owners have to use their cars to access the SANG site and this means more cars on the roads which will lead to reduced air quality due to car exhaust fumes. People are not going to walk 5 Km from a development site to a SANG.</p>	<p>The Council agrees that sustainable forms of transport should be preferable. However, the majority of SPA users drive to the SPA. In order to offer an equivalent experience, SANGs need to offer the same type of access.</p> <p>If people drive to SANGs instead of the SPA, the car journeys to the SANGs will be offset by a reduction in car journeys to the SPA.</p>	<p>No action.</p>
<p>Item 2 – Clause 3.14 – GBC should work with Rushmoor and Woking Borough Councils when delivering SANG's in the North and West of Guildford.</p>	<p>The Council has worked with Rushmoor and Woking and also Waverley and Surrey Heath on SANG delivery.</p>	<p>No action.</p>
<p>Item 3 – Clause 3.22 – As Natural England's preference is for SANGS land to be owned and managed by local Authorities, then the commons must be considered before any privately owned land. We will need all agricultural land to replace imports from Europe, so there should be no loss of land which has productive economic value.</p>	<p>The commons are not considered favourable options for SANG for the reasons set out in 3.49 (now 3.55) onwards.</p>	<p>No action.</p>
<p>Item 4 – Clause 3.36 – With the potential options for Burpham Court Farm as a SANG this could be considered to serve developments in North Guildford.</p>	<p>The proposals for Burpham Court Farm are still emerging and the catchment of the SANG (the area it serves) will depend on its size and whether it forms an extension to the existing Riverside Nature Reserve SANG. However, it has been considered as potential SANG for a future Slyfield development, which is in North Guildford, but could also serve developments in</p>	<p>No action.</p>

	other parts of North Guildford.	
Item 5 – Clause 3.41 – With space capacity at Ash Lodge Drive SANG, this could be considered to serve developments in Ash and Tongham.	Agreed	
<p>No active agricultural land which is currently being used for the grazing of animals or the growing of crops would be considered for use as a SANG.</p> <p>With our exit from the EU we will need all our agricultural land for crops and animal grazing to replace imports from Europe and lower our dependency on food from abroad. So there should be no loss of land which has a productive economic value.</p>	<p>SANGs must be provided either on existing public open space, or on land which is not currently public open space, which in Guildford borough realistically means agricultural land. The public and other bodies with an interest in public open space have shown a strong preference for SANGs to be provided on new public open space.</p>	
Item 6 – Clause 3.42 - The 16 ha of SANG at Ash Lodge Drive should be allocated to developments in Ash before any other land is designated for a SANG.	<p>It is not clear why this should be the case.</p> <p>It is assumed this representation refers to the proposed SANGs at Russell Place Farm in Worplesdon and Manor Farm in Ash. Both were brought forward through a planning application by the landowners, which the Council refused. The Council cannot prevent planning applications for SANG coming forward, and where they do come forward and are refused, the Council cannot prevent them coming forward if they gain planning permission through appeal.</p> <p>The Council is producing a new Local Plan. In order for the Local Plan to be successful at examination, it must be demonstrated that it is deliverable. To do this, it must be shown that there is enough available SANG in the right places to</p>	No action.

	deliver the development proposals in the plan throughout the plan period, and this may entail bringing forward multiple SANGs in certain areas before the first SANGs are fully allocated.	
Item 7 – Clause 3.49 – Russell Place Farm SANG should be removed from the planned SANGS as Broad Street and Backside Commons are in close proximity to Russell Place Farm and are currently used by the public, particularly to walk their dogs. There is a public car park adjacent to Wood Street School from which dog walkers can take a circular walk over Broad Street and Backside Commons. Also there are designated bridle paths over these commons.	A SANG at Russell Place Farm has been proposed by the landowner through a planning application. The strategy presents factual information about the site and the status of the planning application.	No action.
Item 8 – Clause 3.52 – The potential SANG at Tongham Road should be allocated to developments in Ash before any other land for SANG is designated.	This comment is answered above.	No action.
Item 9 – Appendix 2 - All new SANG's must not affect the existing biodiversity of any privately owned land.	Appendix 2 reproduces Policy NRM6 of the South East Plan. This is adopted planning policy and forms part of a higher level plan. It cannot be amended by the strategy. The strategy's primary role is to provide guidance to deliver the provisions of NRM6. SANGs are required to preserve existing on-site conservation interests and should ideally deliver biodiversity enhancements. This is set out within the strategy.	No action.
Item 10 – Appendix 3 - Is yet to be added to this document.	Natural England reviewed the document as part of the consultation and have now provided the final letter. This will be included in the final version.	No action.

<p>Item 11 -In Appendix 4 of Natural England’s guidelines:</p> <p>A SANG should not be provided on land to the detriment of working farms or where there is common land within 2.5 Km of a SANG, and where there is a car park</p> <p>Also not on land which has protected species, these being</p> <ul style="list-style-type: none"> • Woodlark • Nightjar • Dartford Warbler <p>SANG’s should be provided directly on development land on which more that 100 houses are to be built, and off site SANGS’s should not be used for mitigation on larger developments.</p> <p>Elderly people or families with young children are not going to walk 2.5Km from their homes to a SANG.</p>	<p>The guidelines have been produced by Natural England and are reproduced in the strategy for convenience only. They set out the points that Natural England will consider when asked to approve of a proposed SANG. As the guidelines are not the Council’s document, it is not considered appropriate to amend them.</p>	
<p>Item 12 – “In perpetuity”</p> <p>There is a reference to the SPD to “perpetuity”, which must be defined as 125 years as set out in the Perpetuities and Accumulations Act 2009.</p>	<p>Agreed.</p>	<p>The strategy no longer refers to a definition of perpetuity. It does refer to a funding period of 125 years.</p>
<p>Earl of Onslow and Trustees of the Onslow Estate</p>		
<p>THAMES BASIN HEATHS SPD CONSULTATION</p> <p>Further to the above consultation, we have been instructed to submit the following representations on behalf of the Earl of Onslow and the Trustees of the Onslow Estate. These comments are submitted further to the representations made in relation to the proposed Guildford Borough Local Plan.</p> <p>We are in general terms supportive of the Council’s proposed approach to the protection and management of the SPA heathland that occurs within and adjoining the Borough, which forms part of the essential</p>	<p>Noted.</p>	<p>No action.</p>

character and natural heritage of the area and which is greatly valued and enjoyed by the community.

We are also supportive of the key aim of minimising the potential impact of development on the Thames Basin Heaths while providing for the development needs of the community within the Borough over the life of the proposed Local Plan.

The 400m-5km Zone

It is accepted that where net new residential development is proposed within the zone of influence, within 5km of the Thames Basin Heathland SPA, avoidance measures must be provided in the form of Suitable Alternative Natural Greenspace (SANG) and a contribution towards Strategic Access Management and Monitoring (SAMM). This is supported.

The guidance repeats Natural England's advice on the characteristics of SANG provision, which in essence should seek to provide for an informal recreational experience that provides, among other things, for dog walkers and others that would normally be attracted to the protected heathland.

This does appear to recognize that this can be related to other recreational provision but more formal recreation and play space should be excluded from the SANG calculation. It ought however, to recognize that such provision, together with car parking provision and connections to other countryside facilities and recreational routes can enhance the quality and attraction of the natural greenspace provided as a whole. A sensible and pragmatic approach is suggested that seeks to provide multi-purpose green space that benefits the Borough as a whole.

The comments regarding the linkages between SANGs and other forms of recreational space are noted and it is acknowledged that multi-functional green spaces are valuable and linkages between different types of green spaces can increase the attractiveness of an area. However, SANGs are focused on the provision of semi-natural space that provides a similar experience to the SPA and aims to recreate its wildness. Linking SANGs too closely to other formal green spaces could detract from this quality. It is appropriate that this should be considered on a case by case basis, but may not be appropriate in all situations.

No action.

We note that the area of greatest shortage of suitable SANG is in the west of the Borough and that provision in the east and within Guildford this is currently adequate. Hence we would support the identification of a spatial approach to development and SANG provision which ensures

Whilst there is adequate SANG capacity in the east provided by the Effingham Common SANG, this capacity has a 400m catchment only so there is currently a lack

No action.

<p>that the balance between the two does not result in increased pressure on the protected heathland.</p>	<p>of strategic SANG capacity in both the east and the west. The spatial approach to development promoted through the emerging local plan takes a number of factors into account. The Council does not believe that SANG will become a constraint on development that guides development proposals. The Local Plan will ensure that there is enough SANG in the right locations to deliver the plan.</p>
<p>The 5-7km Zone</p> <p>It is of course important for planning policy documents to be clear, justified and soundly based and in this regard we would seek clarification for the approach to opportunities for housing and other development that lie within the five to seven kilometres zone from the SPA boundary. At present, development beyond 5km from the SPA does not require SANGs but the approach is not clear based upon the proposed guidance.</p> <p>We would note that while it is important that development within close proximity to the Thames Basin Heaths is mitigated and provides for appropriate alternative recreation space, it is important not to unduly constrain development on the edge or beyond the 5km zone which in effect helps to reduce pressure for development within that zone.</p>	<p>Policy NRM6 states that the mechanism for the policy is set out in the Thames Basin Heaths Special Protection Area Delivery Framework 2009 from the JSP Board. The framework states that applications for large scale development beyond the 5km zone should be assessed on an individual basis. The Technical Assessor for the South East Plan indicated that the threshold for “large scale development” should be over 50 homes, and that the area beyond the 5km zone should be the 5-7km zone identified in the strategy. This approach has been in place since the South East Plan was adopted.</p> <p>The strategy sets out that <i>“Residential development of over 50 net new dwellings that falls between five and seven kilometres from the SPA may be required to provide avoidance and mitigation measures. This will be assessed on a case-by-case basis and agreed with NE.”</i> It is considered that this reflects the approach correctly and does not unduly</p> <p>No action.</p>

constrain development outside the 5km zone.

Contributions

We would wish to be assured that the approach to and the level of funding sought from development in providing for Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) is soundly based in terms of the costs of providing, maintaining and managing SANGs and maintaining a SAMM strategy and is reasonable in all other respects.

At present, there is limited detail on the approach to SAMM and there is a need to ensure that this is appropriately managed over the life of the Local Plan. It is also necessary to ensure that any duplication is avoided, where SANGs are provided as part of a comprehensive approach to nature conservation, recreation and visitor facilities. The overarching strategy for access management focuses on “soft” measures such as information and education, guidance on access management and wardening and it should be recognized that these can be provided in kind within the SANG and management measures proposed.

The funding sought for delivery and maintenance of SANG is based on current costs of site management operations on similar sites and experience delivering and managing SANGs. An inflation rate has been included to ensure that the tariff keeps up with costs. The costs are set out at Appendix 5.

The SAMM project is delivered by the JSP Board. Details of the SAMM project, including finance, will be set out in annual reports starting this financial year. The main focus of the strategy is to provide planning guidance so it does not go into detail on the SAMM project, as this is not delivered by developers (unlike SANGs, which may be delivered by developers and the availability of which have an impact on development proposals).

The SAMM project is not tied to the life of the local plan. It is administered by the JSP Board and delivers measures across the whole SPA region, not just Guildford.

It is acknowledged that soft measures can also be employed on SANGs, as well as the SPA, and can form part of the management measures. The soft measures undertaken on our SANGs, such as interactions with the public, are in line with the management of our other Countryside sites. Education and

No action.

	<p>information constitute an important part of the soft measures employed by wardens on all of the Council's countryside sites. We believe that these measures are currently at an adequate level and can be adjusted between different sites in response to localised issues.</p> <p>Additional measures would require an increase in costs for warden time and subsequent increase in the SAMM tariff.</p>	
<p>CIL and s106</p> <p>The approach to be adopted in collecting contributions is at this stage reserved but could include s106 financial contributions, 'in kind' contributions secured by s106 or condition and/or by CIL. As noted above, as far as this is consistent with national restrictions on pooling and does not duplicate between the measures proposed, it ought to be supported. In several cases it will be preferable for contributions to be by way of direct provision but where financial contributions can secure greater public benefit than site based contributions, this should be supported.</p>	<p>Noted</p>	<p>No action.</p>
<p>M&G Real Estate</p>		
<p>Friary Centre and North Street Representation to Guildford Borough Council's Draft Supplementary Planning Documents:</p> <p>Thames Basin Heaths SPA Avoidance Strategy SPD 2016</p> <p>Planning Contributions SPD 2016.</p> <p>On behalf of M&G Real Estate and their continued interest in Friary and North Street Development, we would like to take this opportunity to submit comments to Guildford Borough Council's consultation on their</p>	<p>Noted</p>	<p>No action.</p>

draft SPDs; Thames Basin Heath SPA Avoidance Strategy SPD and Planning Contributions SPD.

M&G Real Estate (M&G) have a long leasehold over the existing Friary Centre and significant other land ownerships covering the majority of the North Street redevelopment site. M&G is committed to providing a major new mixed-use retail-led redevelopment, to provide a significant amount of new retail floorspace, new public square with associated restaurants and cafes and homes.

This scheme is a priority for the Council in its Corporate Plan and will play a key role in helping to deliver the Council's Vision for the Town Centre.

This representation should be read in conjunction with representation made in July 2016 in regard to the Proposed Submission Local Plan and associated documents. The previous representation provides detailed comments on policies within GBC's Proposed Submission Local Plan and associated documents, with specific regard to the North Street site and outlining M&G's comments on specific sections and policies.

The two SPDs that are under consultation are both updates of the original SPDs and therefore there are no real elements that would detrimentally impact the Friary Centre and North Street development. The relevant updates to these documents are to ensure that the guidance and information given by the Council is in line with the emerging Local Plan as well as National Planning Policy and Guidance. This ensures that the SPDs carry full weight and can be applied to proposed development.

In summary, the main change in the two SPDs which have the greatest affect on the development is the increase in the Special Protection Area (SPA) tariff. This tariff is for new dwellings between 400m and 5km of an SPA boundary (for which a total figure is provided that takes account of separate SANG and SAMM tariffs). The North Street site is within the 'Zone of Influence', which requires avoidance measures to be delivered prior to occupation of new dwellings and provided in

perpetuity.

The draft SPDs do not present any new impacts onto the development. While there are minor changes from the original SPDs, we do not believe that these changes will have a detrimental impact on the proposed redevelopment of the North Street/ Friary Centre and therefore we would like to submit our support for these SPDs.

Ptarmigan Land

GUILDFORD BOROUGH COUNCIL: DRAFT THAMES BASIN HEATHS SPECIAL PROTECTION AREA STRATEGY – SUPPLEMENTARY PLANNING BDOCUMENT

Noted

No action.

REPRESENTATIONS ON BEHALF OF PTARMIGAN LAND IN RESPECT OF LAND AT GARLICK’S ARCH, SEND MARSH

Iceni Projects Limited (‘Iceni’) is appointed by Ptarmigan Land to advise on town planning matters relating to land at Garlick’s Arch, Send Marsh (identified on the Site Location Plan enclosed with this response). Our client has an agreement in place with the owners to develop the site, which is located immediately to the northwest of the A3 trunk road and to the southeast of Portsmouth Road, on the southeast edge of Send Marsh. We recently submitted representations on behalf of Ptarmigan Land to the Guildford Local Plan Strategy & Sites Consultation in July 2016. This submission should be considered in tandem with the representations submitted in July 2016, which was made in support of the proposal of Guildford Borough Council to release the land from the Green Belt in order to deliver approximately 400 new homes and 7,500 sq. m of commercial floorspace. Accordingly, our client strongly supports proposals under Policy S2 of the Draft Local Plan to release the site for development consistent with references 43 & 43a of the Guildford Borough Council Green Belt & Countryside Study, which forms part of the evidence base to the emerging Local Plan.

Our client broadly supports the Council’s proposed overall development strategy as set out within the current consultation draft of the Local Plan

and welcomes the release of the site from the Green Belt consistent with policies 43 and 43a, and its allocation for residential-led development. In recognition that the site falls within 7km of the Thames Basin Heath SPA, the Supplementary Planning Document is pertinent to the future development of the site, and as such, our client welcomes the opportunity to make further representations in respect of this document.

This representation is provided to Guildford Borough Council (GBC) in advance of the 17th October deadline.

a. Background – The Site

Noted

No action.

By way of background, the site (outlined in red on the enclosed Site Location Plan) comprises the allocation in the draft Local Plan identified by Policy A43 as ‘Land at Garlick’s Arch, Send Marsh/Burnt Common and Ripley’ and Policy A43a as ‘Land for new north facing slip roads to/from A3 at Send Marsh/Burnt Common’. Our client is working with Crownhall Estates and the landowners at Garlick’s Arch to deliver this development, and is willing to offer land either side of the A3 to facilitate the development of northbound and southbound slip roads.

The site is located immediately to the northwest of the A3 (Ripley Bypass), on the southeast edge of Send Marsh, approximately 2km to the southwest of Ripley and 6km to the northeast of Guildford. The site largely comprises agricultural land, with a relatively small area of commercial land in the centre of the site. High voltage electricity pylons (which are proposed to be moved underground between two termination towers as part of the development proposals) run through the centre of the site across its full length. A substantial tree belt, comprising an element of ancient woodland, screens the northwest corner of the site, with another patch of woodland located on the southeast boundary with the A3. A small brook also runs through the eastern portion of the site.

b. Representations

Noted

No action.

Our client recognises the importance placed by the various authorities of Berkshire, Hampshire and Surrey upon the Thames Basin Heath, and the habitat it provides for internationally important species of birds. The need for effective and appropriate avoidance and mitigation measures to prevent adverse impacts of residential development upon the habitat is also clearly established following designation in March 2005 and European Directive 2009/147/EC.

It is recognised that saved policy NE1 of the 2003 Guildford Local Plan established that planning permission would not be granted for proposals that are likely to have an adverse effect on the nature conservation value of the SPA (which at the time was classified as a potential designation). Subsequently Natural England published a Strategy in May 2006, which led to GBC adopting an Interim SPA Avoidance Strategy in September 2006

The approach of the SPA set out in Chapter Two – i.e. ‘the three prongs’ of 1. Delivering Suitable Alternative Natural Greenspace (SANG); 2. Access Management Measures; and 3. Habitat Management are well enshrined, as is the principle of the exclusion zone; zone of influence, and areas between 5km and 7km. As a site that falls within the zone of influence (between 400m and 5km of the Thames Basin Heath SPA, our client accepts, and indeed supports the principle of providing for SANG, and its ongoing management, consistent with Paragraph 2.7 of the SPD in order to mitigate the impact of the development. However, whilst it is acknowledged that a ‘bespoke’ SANG needs to include provision for a 2.3km circular walk/footpath – we dispute the assertion that it is difficult to provide that on a site of less than 10 hectares in size. The characteristics of each site needs to be taken into account – and provided a 2.3km walk can be incorporated, and the proposed SANG layout has support of Natural England, it should not have to meet 10 hectares arbitrarily. Furthermore, the Council should not pursue a policy that bespoke SANG is only appropriate for ‘large developments’ defined as 500 or more residential units.

The strategy does not state that SANGs must be provided on sites of 10 hectares or greater and does not state that bespoke SANG is only appropriate for developments of 500 or greater units. Text has been added to clarify that this is guidance and not a rule.

Paragraphs 2.20 and 2.21 have been amended to read (amendments in bold): “*The definition of “significantly large residential development proposals” and their ability to provide their own avoidance measures may vary depending on their type, character and specific location. **While the delivery framework allows for SANGs to be provided on sites of two hectares or greater, the requirement for SANGs to include a minimum 2.3 kilometre circular walk means that in practice it can be difficult to create a SANG on a site smaller than around 10 hectares (though this depends on the characteristics of the***

The requirement for SANG to be provided on the basis of 8 hectares or more per 1,000 expected occupants in new residential development also contradicts the above suggestion that bespoke SANG should only be provided where it exceeds 10 Hectares. Average household occupancy levels in the Borough of Guildford is acknowledged as just above the national average, but using 2.2 inhabitants per unit would mean that less than 500 units would create a 1,000 population.

site). 10 hectares of SANG provides avoidance for around 500 homes, depending on the size of the homes. Therefore, and as a starting point only, the provision of bespoke SANG may be considered appropriate for developments of 500 homes or greater.

*This should not be considered a hard and fast rule, and smaller developments should consider the feasibility of providing bespoke SANG. **Developers with sites of 100 homes or greater who wish to use a strategic SANG are encouraged to engage with the Council at an early stage to establish whether this will be acceptable. A key consideration will be whether allocating strategic SANG capacity to the site would result in a shortage of SANG in the area.***

The document highlights that there are four Strategic SANGS across the Borough on Council owned land. The Plans provided at Appendix 1 highlight our client's land proposed for development under Policy 43 and 43a of the Draft Local Plan would only fall within the catchment of the Riverside Nature Reserve even in the event that car parking facilities were provided to extend the catchment of the SANG at Effingham Common. Page 22 of the SPD highlights that 16.99 hectares of the 24 hectares provided at the Riverside Nature Reserve and Parsonage Water Meadows has already been allocated, leaving just

Noted

No action.

7.01 hectares available.

Page 23 of the SPD highlights that the Council has identified potential options for new strategic SANG at Tyting Farm and Burpham Court Farm. Our clients land would fall within the potential catchment of Burpham Court Farm, but we note that the document specifically advises that the Council is considering future uses of the site, and that the exact boundary of the SANG is yet to be defined, as such there is a reasonably high risk that its catchment could be reduced. Four further areas of land have been put forward for privately owned SANG. Our client's site would only fall within the catchment of Long Reach, West Horsley, which is subject to a planning application (Reference 16/P/01459) that is yet to be determined. Accordingly there is no certainty over the delivery of this SANG – as it could a) be refused planning permission; or b) not progress – a matter which is controlled by the landowner/developer. The actual capacity available is also unknown, and our client's use of this SANG would require an agreement between the parties, for which no guarantee can be made.

We have highlighted above that whilst there are proposals for additional SANG on Council owned and private land, our client's currently only falls within the defined catchment of one strategic SANG, and that only has capacity for 7 hectares – which is insufficient to support 400 new homes as allocated by Draft Local Plan policies 43 and 43a. Accordingly, our client proposes to provide a bespoke SANG on land on the opposing side of the A3, on the enclosed plan. This land is currently designated as Green Belt land for which there is currently no public access. Within the land proposed there is a large area of trees that will also provide opportunity for a trail through a varied environment of cover and open areas.

There are many advantages for the provision of SANG in this location, most notably that it will ensure that land on the opposing side of the A3 will remain undeveloped and natural in nature responding positively to the new 'recognisable and enduring Green Belt boundary' that the northeast-bound carriageway of the A3 will form following the

Noted

No action.

development of land at Garlick's Arch. The site of the proposed SANG is directly across the A3, less than 50m as the crow flies, due to there being no direct access under or over the A3 it will be approximately 500m from the nearest property proposed. This distance is therefore in excess of the 400m catchment for a SANG without the provision of a car park. Accordingly, provision will be made for car parking off Tithebarns Lane in consultation with Natural England.

Our client would be willing to negotiate with GBC over the future responsibility of management of the SANG, something that can be discussed at the appropriate time.

Response to Tariff

We note that the Council's tariff is based on a flat mitigation cost of £2,461.91 per occupant. The Council claim that the breakdown of that is explained in Appendix 6, whilst occupancy rates of 1.4 persons per one-bedroom property; 1.98 per two-bedroom property; 2.53 per three-bedroom property; 2.99 per four-bedroom property; and 3.43 per five, or more bedroom property are explained in Appendix 7. However, the basis for the occupancy rates are not clear and therefore fully justified as required by the National Planning Policy Framework (NPPF). Furthermore, the current SPD (Thames Basin Heaths Special Protection Area Avoidance Strategy 2009 – 2016) calculates the tariff per dwelling based on an average household occupancy of 2.4 dwellings per property, and there is no clear explanation as to why the Council has departed from the adopted approach.

The result of this approach is to see an 11.5% increase in the cost of providing SANG for a one bedroom property; a 35% increase for two-bedroom properties; a 51.5% increase for three-bedroom properties; a 60% increase for four-bedroom properties; and an 83% increase for properties of five or more bedrooms against the current position. This is a significant cost for a developer to have to absorb, and the increases particularly towards larger properties – which conversely are more likely to benefit from private gardens, seems excessive.

The occupancy rates are drawn from the 2011 National Census. This information is provided in the paragraph above Table 3 and above the table in Appendix 7. This departs from the calculations that underpin the 2009 strategy as the 2011 census is more up-to-date.

The 2009 strategy applied a differential tariff with a basic rate for a 1 bedroom home plus £500 for each additional bedroom. The new tariff uses a pro-rata approach, as set out in 3.67 (now 3.71).

No action.

Against the 2016/17 tariffs, the SANG and SAMM tariffs in the strategy see a decrease in cost of 5.4% for one bed properties and increases of 13%, 25%, 30% and 49% for 2, 3, 4 and 5 bed homes respectively. While it is agreed that this represents a cost increase for developers, the tariff is set at a rate that enables the

Based on an approximate mix, we have calculated that the 400 homes proposed against draft policies 43 and 43a would create an occupancy of 958 persons, and a total SANG + SAMM cost of £2.638million based on the draft SPD. The current SPD would require a contribution of £1.843million - representing a significant increase of 43%. For developments where the focus will be for three, four and five bedroom homes, the extent of this increase will be even more marked, and there is a significant risk that increases of 60-80% on the cost of SANG alone will stifle smaller developments, or hinder the provision of other important matters such as affordable housing. In the absence of an SEA or Sustainability Appraisal, the justification for these increases is absent, and thus we would question the soundness of the tariff proposed in relation to Regulation 123 of the CIL Regulations.

Accordingly whilst we support the principle of the tariff system, and recognise the need to mitigate impact upon the Thames Basin Heaths SPA, we would encourage the Council to provide further justification for the figures proposed, and why they depart so significantly from the approach in the existing 2009 – 2016 document. In addition further assessment is required to determine how these figures (if justified) would impact upon the viability of development in the borough accounting for the increased costs of construction, and the Council's affordable housing policy against a backdrop of increasingly limited grant funding available from central government.

Council to deliver SANG. Where SANG is not provided by developers, if SANG cannot be funded the Council will be unable to grant permissions for any dwellings that would be likely to have an impact on the SPA.

SANGs serve a different functions to gardens. There is no evidence that the provision of gardens reduces recreational pressure on the SPA. Therefore, dwellings cannot be granted a reduced SANG requirement because they provide gardens.

The justification for the tariff increases is provided by the tariff calculations and the management plans. A full SEA, if required, (SA is not required for SPDs) would not provide the justification for the proposed tariff.

The comment regarding viability is noted. However, SANG is non-negotiable. If residential developments do not provide their own SANG, and do not fund SANGs provided by the Council, SANG avoidance cannot be provided and planning permission cannot be granted.

c) Summary

In summary, our Client recognises the need for Guildford Borough Council to provide an avoidance strategy that will mitigate the impact of development upon the Thames Basin Heaths. Noting the absence of the availability of Strategic SANG, our client wishes to promote land to the south of A3 at Tithebarns Lane, as set out on the enclosed plan to

These comments have been addressed above.

No action.

provide a bespoke SANG that will serve the provision of 400 new homes at land at Garlick's Arch. As explained above, the development will result in an additional population of approximately 1,000 people, which requires a SANG of 8 hectares. Land on the enclosed site plan can clearly deliver that, whilst having capacity to make additional provision for further development within a 4km catchment.

We would encourage the Council to consider a review of the proposed tariffs and the potential impact these will have upon the viability of development. We also stress that in light of the proposed increase in costs, it is even more important for the SPD strategy to demonstrate flexibility in its approach to facilitating the delivery of bespoke SANG on sites of less than 500 dwellings.

Persimmon Homes

Current Strategic SANGS (page 20)

There are presently issues over the deliverability of the SANG at Effingham Common. This centres predominately on the inability to secure land for the provision of a suitable car park. The lack of a car park means that this SANG can only serve developments within 400m of the SANG. This restriction makes the inclusion of Effingham Common, as a strategic SANG, unviable as it cannot serve sufficient development to justify its status. Therefore, we are concerned that the only identified strategic SANG serving the east of Guildford is at present undeliverable and therefore in effect acts as a restriction to development.

There are a number of sites allocated within the draft local plan strategy and sites document in the east of the borough, including the site at Wisley Airfield. This area is seen as one which could support growth to meet Guildford's objectively assessed housing need (OAN) which has been identified as 693 dwellings per annum. Guildford are looking to meet the full OAN with their draft local plan and we are supportive of this positive planning approach. However, the inclusion of a SANG which cannot deliver the level of development which the Local Plan

The comments are noted. The Council is still considering options for a parking area to serve Effingham Common SANG so does not agree that the SANG is unviable.

No action.

identifies for, could severely hamper the meeting of these needs.

We would suggest that Guildford consider alternatives to Effingham Common given the problems with delivering this satisfactorily. There is a current planning application for the development of SANGS at Long Reach in West Horsley which can sufficiently support proposed development within the east of the borough. Given Guildford's need for land considered suitable for development, it would seem remiss of the local authority to potentially pass up an opportunity to deliver housing because of the inability of a strategic SANG to deliver. It is noted that there are two additional sites on council-owned land, which are under consideration for allocation as strategic SANGS. Whilst this is laudable, we are concerned that the location of these SANGS to the north and south of Guildford would not benefit the west and particularly the east of the borough. The centre of Guildford, and the areas immediately surrounding, are well developed and there is little ability to expand further. The infrastructure around Guildford, in particular the road and rail networks, are at capacity and we are not supportive of additional development taking place within Guildford when there are potentially other suitable alternative areas available for development. These areas include to the east and the west of the borough and the focus should be on locating development at these areas. Persimmon believes that the Council should be looking to support development in the east of the borough. To do this, suitable SANGS should be identified, or private SANGS supported through the planning process to ensure that development is achieved which meets needs.

Noted

No action.

The provision of SANGS, as is noted within the consultation document, is a crucial element of infrastructure which is capable of facilitating housing development. This is an issue particularly important within Guildford and one which requires great consideration. Persimmon are grateful for the opportunity to make comment on this matter and hope that these will be taken into account. Going forward we would appreciate being able to make further comment on this.

Noted

No action.

Member of the Public

<p>I object to Effingham Common being designated as a SANG because it fails to meet the requirements for a SANG as defined in section 3.5.</p> <p>1) Effingham Common was registered as Common Land in 1976, The Countryside and Rights of Way Act, 2000 gives the general public the right to roam over registered common land. SPA mitigation measures did not commence until 2006 at the earliest. Public access to the site has not changed.</p> <p>2) No changes have been made to the site to make it more attractive to visit.</p> <p>Biodiversity on the site is declining, because skylarks are being disturbed during the nesting period by dogs, and ponds are being used as swimming pools for dogs creating conditions unsuitable for aquatic invertebrates.</p>	<p>Please see key issue 3 below.</p>	<p>No action.</p>
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CPRE

<p>CPRE has been unable to respond to all aspects of this proposed new strategy in time to meet the deadline concerned. We have therefore only commented on a selection of points with which we have some familiarity.</p> <p>We have previously made submissions to GBC concerning a number of proposed SANG applications including at the Chancies, Russell Place Farm, Effingham Common, Burpham Court Farm, and Tyting Farm. Bob Milton is a member of the CPRE Guildford Committee and was involved with the original discussions concerning SANGs in which the RSPCA participated at the time of the drafting of the original policy document. We have studied the submission sent by him and believe that the points he makes in his response to you dated 19th September need to be answered. The change of use aspect remains I think to be considered and what impact it would have if Tyting Farm was regarded in future as recreational open space rather than agricultural land which</p>	<p>The representation from Bob Milton is included in the representations listed above and has received a response.</p> <p>At Tyting Farm the Council considers agricultural use to be compatible with SANG and consequently is investigating a change to dual use (agriculture and open space). If the Council subsequently sought to change this to purely recreational open space it would require a further planning application.</p>	<p>No action.</p>
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<p>we consider a very important priority.</p>		
<p>CPRE is a long standing member of the Open Spaces Society who are experts on registered common issues such as at Effingham involving public rights of access. We think that the proposal in the draft strategy not to use commons for SANGs outside the Thames Basin Heaths needs further explanation. We do, however, agree that Effingham Common should not be used.</p>	<p>The strategy provides an explanation of why the commons are not favoured locations for SANGs at 3.49 to 3.52 (now 3.54 to 3.57).</p>	<p>No action.</p>
<p>We do not understand why there is no evidence supplied on how far the previous strategy has been successful to date in achieving its objectives. We have noted that advertising boards have appeared for “commercial dog walkers” in the vicinity of a number of commons locations which fall within the Thames Basin Heaths area in Worplesdon. This suggests that the strategy to date has not been effective. Surely, some better assessment should inform the new strategy with regard to long standing SANGs such as the success or otherwise of the Chantries.</p>	<p>Please see key issue 2 below regarding whether the approach is working.</p> <p>The Council, along with adjacent councils and members of the JSP Board, are working on a common approach to address issues caused by commercial dog walking in relation to the SPA and also potentially on SANGs and other publicly accessible land.</p>	
<p>We question how the large amount of income from the existing SANGs will be spent on their maintenance. We ask ourselves how the substantial surpluses generated can legally be spent elsewhere under the present arrangements.</p>	<p>The SANG management plans in appendix 5 set out the spending plans for each SANG.</p> <p>SANGs funds are ring-fenced and the tariffs have been based on anticipated expenditure in perpetuity, including significant expenditure on woodland management, soil erosion and maintaining the car park. It is incorrect to suggest that there is a large amount of income to spend at this point in time or that there is a surplus of funds.</p>	<p>No action.</p>
<p>We are surprised that there seems to be no linkage between the draft local plan proposals for housing and the availability of SANG provision.</p>	<p>The Local Plan is currently at post-regulation 19 stage, and carries very little</p>	<p>No action.</p>

	weight. The strategy will be updated if necessary once the plan progresses further and the level of future development becomes more certain.	
We support the retention of the 43 hectares of Tyting Farm for agricultural use, and are informed by the Tyting Society about the ongoing discussions with GBC about their possible suitability as a SANG, but wonder how this can be made compatible with dog-walking when these Green Belt fields within the Surrey Hills AONB are used for grazing cattle from the Surrey Wildlife Trust.	The Council currently uses grazing to manage a number of its SANGs, successfully balancing recreational use (including dog walking) with grazing. Dog walking has been shown to be compatible with grazing on several of our countryside sites including SANG sites.	No action.
As an advisory member of the Surrey Hills AONB Board and former Chairman of the Tyting Society, I should like to know whether Planning Adviser Clive Smith has been asked to consult on this matter. We are also concerned about the acceptability of existing parking in “the western sector” of Tyting Farm off Halfpenny Lane which is used by St Martha’s church for services, weddings, and concerts. Has this issue been discussed with the Church Wardens concerned? Other road traffic issues need also to be considered.	The proposal for Tyting farm is currently at an early stage. Once a detailed proposal is ready, the Council will consult with the relevant stakeholders. The suggestion for appropriate consultees is noted.	No action.
We are concerned as to the implications of charging for car parking at beauty spots in the Surrey Hills AONB as this could lead to the possible alternative use of free car parking for SANGs sites in adjacent areas.	Charging for parking spaces at countryside sites is not a matter for the strategy. The Council aims to put SANG car parking areas in places where they will not be used by non-SANG visitors.	No action.
We have been surprised to learn from the Seale and Sands PC that proposals have been made at Runfold to use landfill sites, which are still under restoration, for SANGs. It is our understanding that this would be completely inappropriate and may involve “duty to cooperate” issues with neighbouring district councils. We believe that under current legislation landfill sites cannot be used as recreational open spaces. Here again Surrey Hills AONB implications may also need to be	Noted. These are not Guildford Borough Council proposals.	No action.

considered.

We remain unconvinced that Russell Farm Place should have ever been considered appropriate as a SANG. Our objection still stands in this context.

Noted

No action.

We hope that these comments will be of use and will be happy to discuss the strategy further when and if time permits.

Key issues identified in comments

Key issue 1: The SPD should have a full SEA environmental report and HRA Appropriate Assessment

The National Planning Policy Guidance (NPPG) for Strategic Environmental Assessment states:

“Supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already have been assessed during the preparation of the [Local Plan](#).”

<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>

The approach detailed in the strategy has already been subject to SEA and HRA during the passage of the South East Plan and the development of policy NRM6.

The NPPG further states:

“Before deciding whether significant environment effects are likely, the local planning authority should take into account the criteria specified in [schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004](#) and consult the consultation bodies.”

The Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017 has been subject to an SEA and HRA screening process and has been “screened out” of the need to produce a full environmental report of Appropriate Assessment. This screening opinion has been endorsed by the three statutory bodies for SEA (Natural England, Historic England and the Environment Agency) and the statutory body for HRA (Natural England).

Officers confident that the correct process has been followed and it is correct to conclude that an environmental report and Appropriate Assessment are not required.

Key issue 2: The approach outlined in the SPA strategy is not working/there is no evidence it is working

The strategy provides guidance for policy NRM6 of the South East Plan, which specifies an approach to protecting the SPA through the provision of SANG and SAMM. Local planning policy should be in conformity with NRM6. If the proposed strategy is not taken forward, the current approach will continue to be implemented pursuant to the existing 2010 – 2016 strategy (i.e. the current approach to avoidance and mitigation through SANG and SAMM would not change or end). Therefore, officers consider it inappropriate to direct criticisms of the effectiveness of the approach at a strategy which is simply implementing policy NRM6. Officers do not consider that criticisms of the approach present a sufficient reason to decide not to adopt the new strategy, as a strategy in conformity with NRM6 will still have to be implemented.

Notwithstanding the above, officers do not agree that it can be asserted that the approach is not working for the following reasons.

The approach outlined in the strategy is intended to prevent new residential development in the vicinity of the SPA, and the consequent increase in population, leading to increased visitor disturbance on the SPA that affects the resident populations of nightjar, woodlark and Dartford Warbler. It is not intended to deliver an increase in bird numbers, or to protect the SPA from increased visitor pressure from other sources (such as existing residents increasing the frequency with which they visit), though these outcomes would be welcome. The approach also protects the SPA from other effects of urbanisation, such as increased predation by cats and rats, and fly tipping. The success of the approach is judged against these aims.

The approach includes a 400 metre “exclusion zone” around the SPA within which net new residential development is not permitted. This is to prevent an increase in predation by house cats and rats, and to prevent an increase in the human population within walking distance of the SPA. The approach has successfully stopped new residential development in this zone.

The Natural England report NECR 136 (February 2014) examined visitor data across the SPA and found that there was no statistically significant increase in the number of visitors to the SPA between 2005 and 2013/14. At the same time, the number of homes across the SPA affected region has increased and the bird populations have also now recovered to around designation levels (when annual fluctuations are taken into consideration). In terms of habitat health, the three SPA sites in Guildford borough are all in “favourable” or “unfavourable recovering” status, except for 1.3% of Whitmoor Common which is in “unfavourable – no change” status and 1% of Ash to Brookwood Heaths which is in “unfavourable – declining status”.

NECR 136 was not able to identify whether the provision of SANG is the reason for this apparent success, but it is clear that SANGs are being visited and authorities are receiving good feedback from users.

The SAMM programme has also delivered outcomes that are likely to have contributed to this success, such as a reduction in the number parking spaces serving the SPA. A further report is due in 2017 which will examine the effectiveness of the approach more closely. The success of the approach is constantly reviewed by Natural England and it remains fully supportive of the approach.

Given the above, the aim of allowing housebuilding without increasing the visitor impact on the SPA has been achieved.

The approach, which is intended to exist in perpetuity, has been in place for only around ten years and is being implemented in phases as thresholds of funding are reached. The funding results from the SANG and SAMM tariffs paid as residential developments are granted permission. As a result of the phasing, elements of the approach have not yet been fully implemented.

As an example, many SANGs, both in Guildford borough and across the SPA region, have not yet had all the works included in their SANG management plan implemented. These will be implemented as further funding is received and the new works will make those sites more attractive to SPA users, increasing their ability to soak up SPA visitors. The SAMM project is also phased and is not yet fully implemented. Examples of this phased implementation include; the provision of wardens on the SPA which started in 2015, with warden numbers increasing to the target level in 2016, and the creation of the Thames Basin Heaths Partnership website and brochure to promote SANGs as recreation spaces in 2017. The approach will become more effective in future as more elements are put in place.

Key issue 3: Effingham Common SANG

Is Effingham Common suitable for use as a SANG?

Effingham Common SANG meets the requirements set out in the SANG guidelines, which state that SANGs can be created from existing open space of SANGS quality with limited public access and/or existing open space which is already accessible but which could be changed in character so that it is more attractive to a specific group of visitors who might otherwise visit the SPA. The Council has sought legal advice on whether common land can be used as a SANG in principle, and is confident that it can.

Biodiversity

Effingham Common SANG is managed under a Higher Level Stewardship agreement from Natural England by conservation mowing and scrub clearance. The grassland varies in quality but is not recognised as being of a high enough ecological quality to have been given the status of SNCI or SSSI. To date the designation or use of the site as a SANG does not appear to have caused demonstrable harm to the quality of grassland species on the common. Wildlife surveys have previously been carried out to identify any species that may be affected by the SANG and these surveys also identify opportunities for the funding provided by the SANG designation to support existing biodiversity.

It is essential for a SANG to have a circular route and in the case of Effingham Common this route deliberately follows existing desire lines around the common and has specifically avoided creating new access into quieter, sensitive central areas which are known to be favoured by ground nesting birds. A decade later skylarks still nest at the common and there is no current data to show that skylark numbers have declined more than in other areas of the south east or as a result of the site becoming a SANG. In the event that dog walkers could disturb ground nesting birds, visitors to the common may equally be local residents as opposed to new visitors who have travelled from further afield to come to the site specifically because it is a SANG. If in the future a car park is created to serve the common, any potential implications for wildlife and the varying conservation value of the grassland within different areas of the common will be firmly considered before its location is selected. The Council has the intention to maintain and improve the biodiversity value on its Countryside Estate and believes that well planned access improvements such as paths and car parks may in certain circumstances support biodiversity by guiding people away from sensitive areas and creating opportunities to improve education on local ecology.

The site is common land and it would be both difficult and unreasonable to suggest that people cannot visit or to fence off areas. The Council actively responds to changes on sites or comments from the public highlighting potential threats to biodiversity. In the case of Effingham Common, which has restrictions on installing fencing due to its status as a common, we believe that control of dogs is best achieved by educating and informing local people visiting the site. In this respect, plans are already in place to ensure that signage advising the public that skylarks may be present is put up earlier in the year in the future to encourage responsible dog walking. However the Council would not rule out other methods if they would work better. The Council is also working in conjunction with a number of neighbouring Local Authorities and landowners to licence the increasing practice of commercial dog walking in order to ensure that this activity is regulated and does not target SANGs or larger countryside sites in the borough.

SANG works

Since 2006 an ongoing and significant range of work has taken place at Effingham Common. The immediate objectives of the different tasks vary considerably from enhancing and conserving biodiversity to very specific aspects related to maintaining the site. Collectively however, enhancing and maintaining the site for visitors who appreciate the natural ambience of the common is certainly one of the broader outcomes of these works. Many of these works may not have occurred if the site wasn't a SANG and equally would not be guaranteed to be completed in the future without the designation.

As a result of the common becoming a SANG, the ponds were restored and importantly the SANG will provide ongoing funds to maintain the ponds in the future. It is unfortunate if dogs are swimming in the ponds and following the comments received during the SPA strategy consultation officers are looking into options to address this issue.

Changes to make a site more attractive to visit as a SANG are required where there may be features that are off-putting or prevent access. Therefore, in some cases where a site is already highly suitable it is likely that few works may be required. It should not be considered that when an area of

countryside becomes a SANG it will automatically become more urban, more formal and park-like, and less natural. At Effingham Common, works are designed to preserve the character of the common.

In line with the spirit of the SANG requirements, funds for the SANG sites are used for both improving access and managing the effects of the access on the site itself as well as on different site users. SANG funds also enable opportunities to support biodiversity in the long term.

Generally environments and habitats are in constant flux and require some degree of management and maintenance to maintain their attractiveness and the most suitable conditions for particular kinds of biodiversity. In the case of Effingham Common, a simple example is work to prevent the site scrubbing over resulting in loss of open space and harm to the grassland and the biodiversity relying on that habitat. These works also preserve the appearance of Effingham Common and its cherished views for visitors and local residents.

The works that have been carried out at Effingham Common since it became a SANG include: noxious weed control, conservation mowing, creating access for machinery to carry out works, ditch restoration to preserve the hydrology for plant species and reduce damage to paths, tree risk management, tree inspection, tree thinning and scrub clearance, designing and erecting signage and interpretation to highlight recommended routes, signage to advise about skylarks, wildlife and ecological surveys, administration and management of works and public enquiries, footpath repairs, rolling out ruts created by horses and vehicles, bollards to prevent illegal vehicular access, fly tip clearance and lastly footfall and data logging to monitor visitor numbers. These works are cyclical and so will be ongoing in the future of the SANG. However a requirement for additional works may arise at any time e.g. changes in the intensity of rainfall have led to increasing public enquiries and attention to damage to paths and drainage issues on the common. Currently we are also considering how best to respond to oak processionary moth which has been identified in the vicinity of the common and we believe is likely to become a significant factor in the management of most countryside sites in this area. Without SANG funding the likelihood of being able to afford to carry out these kinds of work and address wider issues in the future is considerably less certain.

Car park – impacts on the common and use by commuters at the rail station

The potential location of a car park will affect its attractiveness to rail commuters using Effingham Junction Station. It does not appear that commuters have used the informal parking at the cricket ground so a SANG car park may also avoid use by commuters. The Council has the option of putting a wait limit on the parking spaces to ensure that it cannot be used by commuters.

The car park does not necessarily require 30 spaces although as a minimum it is likely to need to contain 12 spaces. Depending on its location it would not necessarily create new or informal paths and particularly not across the centre of the common. Potentially it may in fact draw visitors away from nesting areas.

Key issue 4: The UK has voted to leave the EU so European Protections for habitats may not remain

The UK is currently a member of the European Union and will continue to be so until the exit from the EU formally takes place. The UK is currently negotiating over the type of exit that will occur and the regulatory role that the EU will retain (if any) in order to preserve benefits such as access to the single market and customs union. It is therefore not clear that when the UK exits the EU European environmental regulation would not apply.

The protection of the SPA is already codified into UK legislation. Whilst leaving the EU could mean that this UK legislation can be rewritten, the Great Repeal Bill White Paper (March 2017) produced by the Government sets out the intention to incorporate all the provisions of EU law into UK law as a first step when the UK leaves the EU, and for parliament and the devolved legislatures to consider which elements to repeal from there on. The government (as opposed to individual MPs) has not suggested that it will propose rolling back environmental legislation.

The protection of the SPA is also bound up in a number of international treaties and agreements. SPAs, along with Special Areas of Conservation, form the Natura 2000 network. Natura 2000 is the EU contribution to the "Emerald network" of Areas of Special Conservation Interest set up under the Bern Convention, a treaty signed by 46 European states and some states in Africa. Natura 2000 also contributes to delivering the commitments of other international agreements and treaties, notably the Convention on Biological Diversity treaty opened at the Rio earth summit in 1992.

Given the situation described above, while exiting the EU could allow the UK to reduce or remove the protection for the SPA, there is no indication at this stage that it will happen. The unpicking of environmental legislation would not be easy given the treaties and agreements that would be affected and could take some time.

The approach to protection of the SPA through the provision of SANG and SAMM is not required by EU and national legislation, but is required by regional planning policy in the form of South East Plan policy NRM6. Until this policy is withdrawn by the secretary of state, local policy must be in conformity with the approach. The SPA strategy can be reviewed in the event that NRM6 is revoked.

Table 3: Other relevant matters identified.

Other relevant matters identified	Officer response	Action taken
It would be illogical to collect SANG through a legal agreement and SAMM through a different mechanism as this would increase the costs to applicants for planning permission for no benefit.	Agreed	Amended the strategy to state that the SAMM funding mechanism is currently s106 but that this is under review. Amendments made to the summary section, paragraph 1.12 (renumbered to 1.14) and paragraph 3.78 (now 3.82).

The preface is not really needed as the document is not overly long and there is a two page summary.	Agreed	Preface deleted.
The maps showing the SPA zones in Guildford borough is not clear as the 400 metre to 5km zone is not marked.	Agreed	These maps have been changed to make the boundaries of the zones much more clear.
The Council's legal fee for section 106 agreements is £670, not £650 as stated in the draft strategy. This fee increases for sites of over 25 homes.	Agreed	The fees have been updated throughout the document.
For clarity, the strategy should state that studio flats will be considered the same as one bed flats (to reflect practice).	Agreed	The following sentence has been added to paragraph 3.16: <i>"Studio flats will be considered the same as one bedroom flats."</i>
The planning application for a bespoke SANG for the site at Manor Farm in Ash has been turned down by committee.	Agreed	The document has been updated to reflect this.
The SPD should make it clear that as protection of the SPA is a legal obligation and is non-negotiable, it will receive priority for funding from developer obligations.	Agreed	The following text has been added at 4.3 <i>"Due to the Council's legal responsibilities, the Council will prioritise the funding of SPA avoidance and mitigation measures from developer contributions."</i>
The SPD sets out that the tariffs may collected by a number of measures (S106, CIL or a legal agreement) but should also state that a combination of measures may be used. The approach to funding should be based around the size of scheme (for example, a legal agreement for small schemes, s106 for big schemes). This will be decided through "a certain financial threshold yet to be determined". The strategy should reflect this.	Agreed	The following text has been added to 3.70 (now renumbered to 3.74): <i>"The approach to funding will be based around the size of the scheme from which contributions are sought and will be decided through a certain financial threshold yet to be determined. The Council will publish details of this threshold and append them to the strategy when they have been agreed."</i>