



GUILDFORD  
BOROUGH

# Guildford Borough Council

## Special Protection Area Tariffs Supplementary Planning Document (SPD)

Consultation Statement

July 2024

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 This consultation statement has been prepared in accordance with Regulation 12 of the Town and Country Planning (Local Development) (England) Regulations 2012.
- 1.2 Regulation 12(a) requires that before adopting a Supplementary Planning Document (SPD), a statement must be prepared and made available during public consultation that sets 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
- 1.3 The purpose of the draft Special Protection Area Tariffs Supplementary Planning Document (SPD) ('the SPD') is to replace section 10 of the Planning Contributions SPD 2017, which sets out the existing SPA tariffs, and update the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD 2017 ('the Strategy') where it sets out the calculations for the SPA tariffs and guidance on how they should be applied to special accommodation.

## **2. Preparing the draft SPD**

- 2.1 The Strategy sets out an approach for protecting the Thames Basin Heaths Special Protection Area ('the SPA') from harm arising from new residential development. The approach is a combination of Suitable Alternative Natural Greenspace ('SANG') that attracts people away from the SPA and a Strategic Access Management and Monitoring ('SAMM') programme which mitigates the impact of visitors and monitors the effectiveness of the approach. These are funded through tariffs on new homes. This approach has been agreed across the SPA affected region through the Joint Strategic Partnership and is a requirement of saved policy NRM6 of the South East Plan and Local Plan policy P5: Special Protection Area.
- 2.2 The Strategy sets out how the council will implement the approach and calculated the 2017 SANG and SAMM tariffs. The calculations were based on home occupancy data from the 2011 census. A new census was undertaken in 2021 which has now provided new data on home occupancy. The Council has an obligation to ensure SPDs are up-to-date and effective so the SPD updates the calculations to reflect the new occupancy data. It also makes other changes, such as to the measure of inflation that will be used to update the tariffs annually to reflect changing recommendations from the Office for National Statistics, alters the frequency with which the SAMM tariff will be updated to reflect changes made by the Joint Strategic Partnership and provides guidance on how the tariffs will be applied to reflect experience in planning decisions.
- 2.3 The SPD was produced through close coordination with the Council's Development Management and Planning Enforcement teams, who will apply the SPD to planning

decisions and enforcement cases, and the Council’s Parks and Countryside officers who deliver and maintain the Council’s SANGs.

- 2.4 Discussions were also held with officers of other SPA affected authorities and Natural England to consider the approach to calculating the SAMM tariff.
- 2.5 Furthermore, direct engagement was made with councillors through the cross-party Local Plan Panel. The councillors received and were invited to comment on a draft SPD at a meeting on 06 February 2023 prior to wider public consultation.
- 2.6 The main comments and issues raised during the initial consultation phase are set out in the table below.

Table 1. Responses from consultees during review of draft SPD and resulting actions

Response	Action
The size threshold for HMOs room to be considered bedrooms conflicts with adopted space standards and needs to be explained.	Additional explanation was added to the draft SPD clarifying that while the space standard was in effect, there may be instances when lettable bedrooms of a smaller size exist.
Given the changes in approach to calculating occupancy for HMOs, a start date is needed for the new guidance.	A start date will be added to the text. A placeholder has been included in the interim.
Guidance is needed on how the occupancy of plots and pitches is determined. The SPA strategy currently provides little information and we need to ensure a consistent approach.	Guidance has been added to the draft SPD setting out that, unless evidence is provided to the contrary, plots and pitches will be treated as an average home.

### 3. Formal consultation on the draft SPD

- 3.1 A four-week consultation was held between 8 May (midday) and 12 June (midday) 2024. We advised those stakeholders (comprising organisations, members of the public, businesses and amenity groups) whose email addresses and postal addresses we hold on our consultation database.
- 3.2 During the consultation period, the consultation document was available on our website and paper copies of the consultation document were available in the borough’s four libraries and in the main Council office at Millmead. These arrangements are in accordance with our [Statement of Community Involvement](#), May 2020.
- 3.3 The SPD has undergone a Habitat Regulations Assessment (HRA) screening to determine

whether it would have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, or Natura 2000 sites. The SPD has also undergone a Strategic Environmental Assessment (SEA) screening to determine the impact on the environment and to integrate considerations of the environment into the preparation and adoption of the SPD.

- 3.4 The Council is required to consult with Historic England, the Environment Agency and Natural England on all SEA screening opinions, and with Natural England on all HRA screening opinions, before formally determining whether a strategic environmental assessment and/or HRA appropriate assessment is needed. The conclusions outlined in the HRA/SEA screening document were sent to the Environment Agency, Natural England and Historic England for consideration in tandem with the consultation on the SPD document. The responses of the organisations are included in the final SEA and HRA screening report and Determination Statement, which is [available on our website](#).

#### **4. Finalising the SPD**

- 4.1 All comments received as part of the consultation have been considered. The statutory consultees that responded supported the SPD or made no comment. One member of the public raised issues with/objected to the general principle of protecting the SPA through SAMM and SANG rather than the specific details in the SPD. This comment was beyond the scope of the consultation so did not result in changes to the SPD. Appendix 1 contains a table setting out the comments made during the public consultation and a response to the comment from a member of the public.
- 4.2 Prior to adoption by Executive, the SPD was taken to the cross-party Planning Policy Board. Board members supported the adoption of the document.
- 4.3 No substantive changes were made to the SPD as a result of the public consultation or review by Planning Policy Board.

## Appendix 1 - consultation comments and GBC response

### Prescribed bodies

Section / paragraph	Comment	Response
	<b>Waverly Borough Council</b>	
Whole document	No comment	Noted
	<b>Rushmoor Borough Council</b>	
Whole document	No Comment	Noted
	<b>Surrey County Council</b>	
Whole document	No Comment	Noted
	<b>National Highways</b>	
Whole document	No comment	Noted
	<b>Historic England</b>	
Whole document	No comments. SPDs relate to matters beyond our direct areas of expertise and remit.	Noted
	<b>Natural England</b>	
Whole document	Welcome the new updates to the Thames Basin Heaths SANG/SAMM tariffs	Noted

### Other Respondents

Section / paragraph	Comment	GBC response
Whole document	<p>The SPA approach adds cost to market and affordable housing.</p> <p>There is little or no evidence that the large amount of money collected by this tariff has led to the increase in the protected bird species.</p>	<p>This comment relates to the legal and policy protections for the SPA and to the SANG/SAMM mitigation approach. These matters are outside the scope of the SPD as it cannot alter the legal protection or the mitigation approach set in regional and local policy.</p>

	<p>A large proportion of the moneys so far collected has not been spent and cannot be spent in a way that will benefit the birds.</p> <p>Since Brexit there is no longer a requirement to comply with this European regulation.</p> <p>A notice at the entrances to each site to say that "dogs must be kept on Leads" should be sufficient to protect these birds.</p>	<p>European legal protections for the Thames Basin Heaths SPA have been incorporated into UK law and retained following Brexit. Post Brexit revisions to the NPPF also reference protection of European sites (referring to them as 'habitats sites').</p> <p>The current approach to protection (SANG and SAMM) is required by policy NRM6 of the South East Plan. NRM6 was not withdrawn alongside the rest of the South East Plan and remains part of the Development Plan. In accordance with NRM6, the approach has been incorporated into Local Plan policy, which also forms part of the Development Plan. SPDs must align with Development Plan policy and are not able to alter the policy approach.</p> <p>The Council must apply the precautionary approach when assessing schemes against the habitat regulations. The proposal to replace SANG and SAMM with a requirement for dogs on the SPA to be kept on leads would likely be considered ineffective as it would not be enforceable. Additionally, dogs off leads are not the sole source of recreational impacts on the SPA species so the approach would only address part of the impact.</p> <p>The money collected for SANG and SAMM is intended to provide funding for the two schemes in perpetuity, so it is appropriate that some funds are unspent at the current time.</p>
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