

**SOUTH EAST ENGLAND REGIONAL ASSEMBLY
REGIONAL PLANNING COMMITTEE**

Date: 26 July 2006

Subject: **Thames Basin Heaths - Audit of Land**

Report of: Planning Implementation Director

Recommendations:

It is recommended the Committee:

- a) Receive a verbal report on the conclusions of the audit of land;
- b) Consider the preliminary findings and the implications for the South East Plan;
- c) Note the further work underway to review the approach underpinning the standards in the draft Delivery Plan.

Purpose of Report:

To provide an update of the work that is being undertaken to assist in delivery of housing in the vicinity of the Thames Basin Heaths Special Protection Area, while protecting the wildlife importance of the site. This work involves identifying the potential availability of land that could be used to mitigate the impacts of additional recreational use of the heath-land due to new housing development, and so meeting the requirements of the EU Habitats Directive as advised by English Nature.

I. Background

- I.1 Members received a full briefing on the Thames Basin Heaths Special Protection Area (SPA) at the Regional Planning Committee of 22 March 2006.
- I.2 As a reminder, the Thames Basin Heaths is designated as a Special Protection Area (SPA) under the EU Birds Directive as it supports heath-land bird populations of European importance - Dartford Warbler, Woodlark, and Nightjars. The SPA covers an area of just under 8,400ha.
- I.3 The bird species are vulnerable to impacts of urbanisation, including habitat loss and fragmentation, habitat damage due to trampling and increased fire risk, increased recreational disturbance and predation by domestic pets. English Nature advises that new residential development is likely to increase development and associated recreational pressure, which in turn, is likely to have an adverse effect on the SPA.
- I.4 At present, the majority of planning applications for new housing within 5km of the SPA are not being permitted due to the need for each application to consider their impact on the SPA, both individually and in combination. A related issue is the difficulty at present of being able to identify suitable mitigation for individual applications. It is understood that the Planning Inspectorate has over 100 appeals pending in the area.
- I.5 English Nature has proposed a delivery plan, which aims to safeguard the SPA through establishing a strategic, sub-regional approach to mitigating the impact of housing developments across the 11 local planning authority areas around the SPA. The delivery plan identifies three main actions required to safeguard the SPA:
- management of access to the site;
 - on-site habitat management and enhancement;
 - provision of alternative recreational space.
- I.6 English Nature's current advice is that the impacts of new housing should be mitigated through the provision of alternative public open space. This would absorb the net additional recreational pressure arising from new residential development and prevent an increase in adverse effects on the SPA. The mitigation could be provided by making publicly owned land more accessible or attractive for recreation. Such mitigation land is termed 'Suitable Accessible Natural Green Space' (SANGS).
- I.7 The Delivery Plan sets out standards for the size and character of SANGS that should be provided for new housing in different zones around the SPA as follows:
- 0-400m from the SPA: no development permitted;
 - 400m-2km: 16ha SANGS per 1000 increase in population;
 - 2km-5km: 8ha per 1000 increase in population.

- 1.8 The effectiveness of SANGS as mitigation will depend upon it being located and designed so as to be at least as attractive as the SPA. English Nature has set down criteria against which the suitability of land to function as SANGS can be assessed; based on its ability to attract people who would otherwise use the SPA.

2. Audit and Assessment of Potential Mitigation Land

- 2.1 The Assembly has commissioned Land Use Consultants to conduct an audit and assessment of the potential availability of land that could be used as SANGS. The project is being overseen by a steering group of representatives from the Assembly, Government Office for the South East (GOSE), Department for Communities and Local Government (DCLG), Department of the Environment, Food and Rural Affairs (DEFRA) and English Nature (EN). The research commenced in April and will be completed by 21 July 2006.

- 2.2 The objective of the project is to:

Undertake an appraisal and preliminary costing of options to bring forward land that could potentially contribute to mitigating the effect of further housing development on the Thames Basin Heaths Special Protection Area.

The audit of land will include that in public ownership on which public access may be improved, in addition to identifying other land that could contribute to the implementation of the delivery plan.

It will identify, in broad terms, the potential cost of bringing forward this land, options and mechanisms that could be used to secure its use as appropriate mitigation for further development, and responsibilities and mechanisms to ensure its maintenance in the long term.

- 2.3 The audit has focused primarily on land currently in the ownership or control of public bodies, including Local Authorities, Defence Estates (Ministry of Defence), Forestry Commission, Crown Estate, and English Partnerships. It is considering all such land within 10km of the SPA's boundaries. Only sites larger than 2 hectares have been included in the assessment.

- 2.4 As part of the work, the consultees have been asked to identify land with potential for use as SANGS that includes:

- existing open space of SANGS quality with no existing public access or limited public access, which for the purposes of mitigation could be made fully accessible to the public;
- existing open space which is already accessible but which could be improved in some way through capital works or long term management to bring the quality up to that of SANGS;
- land in other uses which could be converted into SANGS.

- 2.5 Local authorities were asked to identify 'key sites' that are most suitable for use as SANGS (based on English Nature's criteria) and have most potential to be brought forward in the short term.
- 2.6 Potential SANGS do not include areas within the Thames Basin Heaths SPA. At present, on the advice of English Nature, this also excludes other SPAs, Ramsar Sites and Special Areas of Conservation (SACs), although this position is being reviewed. In addition, children's play areas, allotments, gardens, church yards and civic space have been excluded.
- 2.7 In addition to individual meetings with local authorities and major public landowners, two workshop sessions have also held with the local authorities, public landowners, and house building industry on 23 May and 28 June 2006. At both events, which were well attended, Land Use Consultants presented the information collated on potential SANGS and invited comment and discussion.
- 2.8 At the workshop on 28 June the interim findings of the research were presented. This identified potential SANGS based on the consultation with local authorities and major public landowners and managers. Other organisations with an interest in land (including its conservation and management) have also been consulted; including the Wildlife Trusts, National Trust and the RSPB.
- 2.9 The initial audit has involved a large amount of consultation and verification. The current phase of the work involves further verification with consultees to ensure that only land with genuine potential to be used as SANGS is included in the audit.
- 2.10 In addition, developers attending the workshops were invited to assist in identifying potential SANGS that they were aware of or to identify those where potential was known to be limited. English Nature and the Wildlife Trusts are also being consulted on sites to ensure that potential conflicts between enhanced recreational use and nature conservation are avoided.
- 2.11 Although the audit has focused on publicly owned or controlled land, it does include some private land, although this is limited. This is due to the difficulty in identifying with any certainty, private land that could be used as SANGS as the intention of private landowners is not known and cannot be predicted. In addition, to identify such land could result in random values being attached to it as it is linked to delivery of planning permission.

3. Preliminary results

- 3.1 The preliminary results of the audit identified a large number of sites that are judged could be used as SANGS, with 800 individual sites totalling around 20,000 hectares. The 'key sites' identified to date total approximately 4,000 hectares.

- 3.2 The overall amount of potential SANGS may provide a degree of optimism over delivery of English Nature's mitigation standards. However, the current SANGS and 'key sites' should be regarded as a long list which is subject to further verification and assessment. In addition, the location of the potential SANGS is not evenly distributed across the area and there is no guarantee that all of the potential sites will be deliverable. Until the final report is produced, the total extent and distribution of potential SANGS will not be known.
- 3.3 In order to identify the range of potential delivery mechanisms that can be used, and to estimate costs of delivery, LUC is developing a series of case studies. These will cover a range of scenarios relating to size, distance from the SPA, ownership, access and potential mechanisms used in securing appropriate management.
- 3.4 English Nature's interpretation of the results will be critical, in particular whether a sub-regional approach to mitigation is acceptable (given the distribution of potential SANGS across the area). Inevitably there will need to be a degree of flexibility over the interpretation of the approach and standards set out in the draft delivery plan.
- 3.5 A workshop for members is planned for 18 July at which the results of the research will be presented and discussed.

4. Additional work

- 4.1 A number of local authorities are developing so-called "mini delivery plans" that are seeking, at the local level, to identify means of delivering mitigation through provision of SANGS. Others are undertaking appropriate assessments of core strategies and identifying measures required to mitigate the effects of development, or developing Supplementary Planning Documents. This work is informing the overall study and provides a means of implementing this approach in the short and long terms.
- 4.2 DCLG, with support from the Assembly, has commissioned a peer review of the approach promoted in English Nature's draft delivery plan. In particular this will review the mitigation standards (the zones and area requirements) and the relative weight accorded to provision of SANGS rather than other measures such as management of access and habitat management.

5. Conclusions

- 5.1 The audit and assessment of land to mitigate the effects of development is proceeding well. The participation of local authorities and other major public landowners, together with representatives of the house building industry has been essential and is very much appreciated. The current phase

of work in reviewing, refining and verifying the database of sites will be critical in ensuring that the final database is as accurate and useful as possible.

- 5.2 This will only provide an indication of the potential land available for use as SANGS. It will not provide a guarantee that all of these sites, even the “key sites” will be delivered or to the standard required by English Nature. However, it will provide a valuable assessment of the overall potential based on comprehensive consultation and assessment, drawing on information provided by the local authorities and other major landowners and managers.
- 5.3 Despite these important caveats, the preliminary results of the audit and assessment are encouraging. Across the entire study area there appear to be a large number of potential sites with a large collective area that have the potential to be used as SANGS. The sub-set of ‘key sites’ may provide a more useful indication of those sites with the most potential to be brought forward in the short term and so be used to provide mitigation and enable planned growth to be delivered.
- 5.4 However, the distribution is not even and there are likely to be some areas where there is limited potential for SANGS. English Nature’s interpretation of the results of this research will be critical. A sub-regional approach to mitigation where provision of SANGS in one local authority area can mitigate for development elsewhere may be feasible. Otherwise, where no publicly owned land is identified, there may have to be an expectation on developers to bring forward private land.
- 5.5 The outcome of this work will be crucial in determining whether the housing provision in existing development plans and the South East Plan can be delivered. They will assist the Assembly at the forthcoming Examination in Public of the South East Plan. It is understood that a number of pre-EiP discussions are likely to be held to attempt to review all relevant information and its implications for the delivery of the scale and distribution of housing proposed in the draft South East Plan.

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