

14 OVERALL CONCLUSIONS

14.1 Summary

- 14.1.1 The draft Delivery Plan and the mini-plans that derive from it provide a Birds and Habitats Directive compliant mechanism for the consideration of residential development applications around the Thames Basin Heaths SPA.
- 14.1.2 The draft Delivery Plan does not have a robust evidence base. It is an evidence base that triggers concern about threats to the SPA. It is not an evidence base that would allow the precautionary principle to be dismissed.
- 14.1.3 The development of a more robust evidence base would, dependent on the specific studies, allow better prediction of impacts (and hence the scale of need for avoidance or mitigation measures) or a more flexible approach to be taken to specific types or location of residential development.
- 14.1.4 Until such evidence is produced, the draft Delivery Plan (and the mini-plans that derive from it) represents the available way forward. It is still open to developers and others to put forward alternative approaches but they will need to be supported by evidence and be capable of passing the stringent tests required by the Birds and Habitats Directives.

14.2 Conclusions on the review of the ecological evidence base underpinning the draft Delivery Plan

- 14.2.1 The primary conclusion is that the statistical robustness of the relationships between measures of access pressure and bird populations in the recent studies cited in the draft Delivery Plan is only weak. This in part arises inevitably from the nature of the studies and can only be resolved by repeating the studies to increase the sample size. Although weak, they are sufficient to trigger concern and mean that the application of the precautionary principle cannot be dismissed.
- 14.2.2 The modelling work on Woodlark is the only study to provide an indication of the scale of the relationship between a bird population and an increase in recreational access. Knowledge of the scale of the relationship is needed to be able to predict the significance of the effects of additional recreational access that would result from an increase in the residential population around the SPA. This sole study indicated that a very large increase in visitors was needed to produce a significant reduction in Woodlark population. It is not known if this would also apply to Nightjar and Dartford Warbler. This emphasises both the need to take a precautionary approach and the importance of further studies to build the evidence base.

- 14.2.3 There is not the weight of evidence of no significant effect from other studies (some provide contrary results, some supportive) to be able to dismiss the need to take a precautionary approach to the application of the evidence that indicates a negative impact of existing recreational access (or indirect measures of it such as proximity to housing) on Annex I birds.

14.3 Conclusions on the review of the recreation evidence base underpinning the draft Delivery Plan

On the zones

- 14.3.1 The recent classification of the SPA and the relatively recent need to address such mitigation issues that derive from the Habitats Directive mean that English Nature has, through no fault of its own, not been able to prepare and propose secure and robust mitigation zones. Further research is required, specific to the SPA, in order to provide a more secure evidence based from which to derive such zones.
- 14.3.2 The zones have been derived from the limited data available but it is considered that the precautionary principle has been applied with varying caution. The derivation of Zone A and C is considered reasonable and not overly restrictive. The boundary for Zone B may be too far from the SPA, this being dependent on how a threshold for the proportion of visitors travelling by foot and by car is applied. Further work is considered necessary to strengthen the evidence base for the outer edge of Zone B.
- 14.3.3 It is considered reasonable to use generic mitigation zones based on straight-line distances to 'flag' English Nature's concern with the LPA. However, in considering the potential effects of individual developments on the SPA, then the actual travel distance from the development site to the SPA should be considered by the LPA.

On the area standards

- 14.3.4 There is a lack of robust data from which to derive new standards for greenspace provision around the Thames Basin Heaths SPA. This arises from the recent classification of the SPA and the relatively recent need to address such mitigation issues that derive from the Habitats Directive. This paucity of the evidence severely inhibits any strong analysis or proposed alternatives.
- 14.3.5 It is not possible to test robustly the proposed 16 hectares and 8 hectares standards in the draft Delivery Plan.
- 14.3.6 The effectiveness of alternative open space in drawing new residents or existing visitors away from protected sites appears untested. Testing the effectiveness of SANGS will be an important issue for the draft Delivery Plan pilot phase.

- 14.3.7 What can be concluded from the information available however is that SANGS do have theoretical support, with evidence showing that visitors to open space are not strongly faithful to any one area.
- 14.3.8 The location of SANGS is critical, with distance clearly being a key influence in peoples' choice of open space to visit. To that extent, with the size of the open space never being the highest on some visitors' list of attributes, there is cause to consider the minimum area of land/SANGS required as mitigation is too high in some circumstances but further evidence is required to substantiate a revision.

14.4 Conclusion on the specific questions

Is development within 5km of any part of the SPA likely to have a significant impact, and therefore require mitigating measures?

- 14.4.1 It is clear from the evidence that there is a scale and location of residential development that will have an impact on the SPA. This impact arises not just from increases in visitor numbers but also due to impacts associated with the proximity of housing such as cat predation, fly-tipping and arson.
- 14.4.2 With regard to the significance of the increased visitor numbers and how this might affect the integrity of the SPA, when judged in terms of the population of Annex I birds that it is able to maintain, the evidence does not provide strong support to the concept that a small increase in visitor numbers above that already existing on many of the component SSSIs will cause a significant reduction in the population of Annex I birds. What evidence that does exist relates to Woodlark. The modelling indicated a non-significant effect on the bird population were there to be an increase in unmanaged visitor numbers below the level of a doubling in number. Had such a conclusion been derived from an appropriate assessment of a proposed development then compensatory actions would not have been required to reduce visitor numbers.

Are the zones that determine the amount of mitigation required for proposed development set at the most appropriate distance (400m, 2km and 5km of the SPA)?

- 14.4.3 As concluded from the review of the evidence base the zones have been derived from a limited information base but they lack robustness and would benefit from review following further studies. Zone's A and C are considered reasonable and not overly restrictive. The boundary for Zone B however is potentially too far from the SPA, with the evidence, when applied in the same manner as for Zones A and C, indicating it could be around 1 km and not 2 km. Further work is considered necessary to strengthen the evidence base for the outer edge of Zone B.
- 14.4.4 The zones provide a sound basis upon which to provide guidance, but only guidance, to LPAs and developers and that in case by case considerations the actual travel distance should be measured.

Are the 16 and 8 ha greenspace land mitigation standards set at the most appropriate level?

- 14.4.5 As concluded from the review of the evidence base there is a lack of robust data from which to derive new standards for greenspace provision and this paucity of the evidence severely inhibits any strong analysis or proposals for alternatives. It has proven not possible to test robustly the proposed 16 hectares and 8 hectares standards in the draft Delivery Plan. It is considered that the evidence shows that it is distance to the alternative greenspace that has a greater influence on peoples' behaviour and that this is more important than area of greenspace. There is cause to consider the minimum area of land/SANGS required as mitigation is too high in some circumstances but further evidence is required to substantiate a revision.

Could there be more flexibility in the draft Delivery Plan, including applying the standards, depending on site specific criteria as listed below?

- 14.4.6 In considering the conclusions on flexibility below, note that the legal opinion has emphasised the need for an evidence base to be provided to support any specific application that sought flexibility for its specific circumstances. This requirement should be read into each of the conclusions below.

Military land in the SPA that is permanently inaccessible to the public

- 14.4.7 Redrawing the boundary of Zone B around the western boundary of the Pirbright Ranges closed Danger Area was considered and it was concluded that the result was a very limited change and the effect of the closed Danger Area may be better considered on an application-by-application basis.

Conifer plantations in the SPA that will remain under forestry

- 14.4.8 Redrawing the zones around parts of the SPA where there are forestry plantations and there is no prospect of either heathland restoration, or rotational forestry, was considered. Should the Forestry, Commission, MoD (or other landowners) and English Nature agree that there is no prospect of heathland restoration or rotational forestry in defined areas, the draft Delivery Plan zones should be redrawn around the relevant areas.

Areas of the SPA that did not support Annex I species at designation or at present

- 14.4.9 Redrawing the zones around parts of the SPA where recent surveys indicated that Annex I species were not present at around the time of designation was considered. It was concluded that the Annex I birds were widely spread throughout the SPA and that buffers drawn around individual territory location indicated that there were few areas where additional access could be introduced without overlapping with those buffers. What few areas existed were under mature forestry plantations and would need to be addressed through defining the future for these plantations.

Areas of 'under-used' greenspace closer to the development than the SPA

- 14.4.10 It was concluded that the availability of open space of a suitable size and character that had 'spare capacity' and was more conveniently situated in relation to new development than the SPA should be considered in assessing individual planning applications.

A development of flats rather than houses

- 14.4.11 It was concluded that it was quite likely that dog ownership may be less prevalent in developments of flats rather than houses but we were not able to identify any firm evidence that confirms this. We are aware that some developers are carrying out surveys of flat owners close to proposed developments in order to support their own proposals. When produced this will provide the evidence that has so far been lacking.

A development to which restrictions on pet ownership had been applied

- 14.4.12 It was concluded that the proposal of a covenant precluding ownership of dogs should be an important consideration for planning applications within Zones B and C for apartments controlled by a management company with a power to enforce the covenant.

A development with restrictions on car parking spaces

- 14.4.13 There was no firm conclusion on the treatment of developments with restrictions on car parking spaces because no evidence was located to confirm that that no parking provision on residential developments would necessarily preclude visits to the SPA.

A development with occupation restricted to elderly people

- 14.4.14 It was concluded that developments such as hospitals and nursing homes are not considered to have a likely significant effect on the SPA. Residential care homes, where the residents have limited mobility or no residents parking is provided and the home is more than 400 m from the SPA, are considered unlikely to have an impact. If such developments include accommodation for staff, the draft Delivery Plan standards would have to be applied to the residential staff component.

Access to the SPA limited by travel routes (motorways, railways, rivers)

- 14.4.15 Redrawing the zones based on the effect of major transport infrastructure and features acting as a barrier to access to parts of the SPA was considered but it was concluded that their limited effect was not sufficient to justify a redrawing of the zones. It was concluded that such barriers could be considered on an application-by-application basis and that their effect should be reflected in the travel distance to the SPA.

14.5 The conclusion on the combination of measures that might be applied

14.5.1 It has not been possible to find a ‘radically different’ standalone alternative to the draft Delivery Plan and its local implementation through a mini-plan. This is because each alternative, considered alone, either fails some element of the Directives (particularly the decision taking steps of Article 6) or, because it lacks an evidence base, the precautionary principle.

14.5.2 There are a number of measures that if used in combination with the draft Delivery Plan, a mini-plan or the existing Habitats Regulations decision making steps in a case specific decision, would provide a package that is in compliance with the Birds and Habitats Directives and would aid the delivery of housing supply alongside the protection of the SPA.

The immediate and short term.

14.5.3 The set of measures to be applied in the next 12 months in combination with the draft Delivery Plan, a mini-plan or the existing Habitats Regulations decision making steps in a case specific decision (and hence in compliance with the Directives), is as set out below. This is a mix of measures that addresses current issues and developing the evidence base for the future.

- Start to address visitor management over the coming bird breeding season, recognising that this is the start of a medium term process (H.11 and H.13).
- Apply the options for flexibility in case specific circumstances, where it is possible to support it with an evidence base (section 8).
- Implement the mini-plan procedures where they have been agreed and encourage other LPAs to consider using this approach.
- Target the Thames Basin Heaths SPA for green infrastructure funds (H.06 and H.14).
- Develop and initiate a programme of studies to increase the evidence base on visitors, effectiveness of SANGS, defining a carrying capacity and the bird response to incremental increases in visitor pressure such that it delivers results in the medium term (see specific recommendations section 15).

14.5.4 The ‘options for flexibility’ approach above requires the specific application to be supported by the additional evidence to justify the case specific circumstance. It also requires the application to be assessed by the LPA in the step-wise manner required by the Habitats Regulations. The result is that ‘flexibility’ places additional burdens on the developer, LPA and Natural England compared to an application with SANGS in accordance the draft Delivery Plan or a mini-plan.

The medium to long term

14.5.5 The combination of measures to be applied in the medium to long term that have been found to be compliant with the Directives, is as follows.

- Continue with the production and appropriate assessment of the South East Plan and LDFs to ensure that the overall policy and process is agreed through a democratic procedure (H.02).
- Test the effectiveness of visitor management (including the twin track approach of restrictions and alternative recreation areas for those ‘pushed off’ the SPA) and develop a better evidence base on potential mitigation and compensatory actions (see specific recommendations section).
- Carry out a thorough, evidence based review of the implementation of the draft Delivery Plan and agreed mini-plans after a period of two to three years.

14.5.6 The above testing and review processes are intended to ensure that future decisions on residential development proposals are determined in a manner that is based on positive predictions of impact, or lack of it, on the integrity of the SPA. This is in contrast to the current position of having to be potentially over cautious due to the lack of knowledge resulting in the application of the precautionary principle.

14.6 What does it mean for housing supply and SPA protection should the conclusions and recommendations of this review be accepted?

14.6.1 As a result of this review we consider that the options that are available to a developer considering a residential development application around the SPA that will be compliant with the Directives’ requirements are to:

- Include an offer of SANGS (or funding for it) in their application, following the guidance provided in the draft Delivery Plan or a “mini-plan” where one has been agreed between the relevant LPA and English Nature/Natural England.
- Make a detailed case that their development proposal is of such a specific nature and location that, when applying the maximum flexibility indicated by English Nature/Natural England and the case specific factors identified in this review, there is evidence to justify with certainty that the development will have no impact on the SPA. This will require the production of such evidence. As there is certainty that it has no impact then the in-combination test will not need to be applied in this case (in the same way that it does not have to be applied for an application that results in no impact because of the provision of SANGS).
- Make a detailed case that their development proposal is of such a specific nature and location and that it has been assessed with sufficient scientific rigour that it can be predicted with confidence that the impact on the SPA results in no effect on the size of the Annex I bird population, their distribution or breeding productivity. They will need to include with their application sufficient information and evidence to enable a LPA to carry out an appropriate assessment. The rigour of the assessment would need to be sufficient to ensure that the precautionary principle would not need to be applied. It is currently not clear how such a rigorously assessed proposal would be treated when the in-combination test is applied.

- Delay their application, wait for the studies to be completed that will reduce the degree of scientific uncertainty over recreational impacts and wait for the revision to the draft Delivery Plan (or “mini-plan” where relevant). Then make their application in the knowledge that the precautionary principle will not need to be applied and that they will have the potential impact of their proposal assessed against an evidence based method to predict the significance of impact. It is currently not clear how such a rigorously assessed proposal would be treated in the future when the in-combination test is applied. It is assumed that the South East Plan and relevant LDFs would have undergone an appropriate assessment and a mechanism would have been developed to address in-combination effects.

14.6.2 Of these options, (i) is available now. This is both in principle through the draft Delivery Plan and, in some local authority areas with mini-plans, is currently leading to the approval of residential development applications. Options (ii) and (iii) are available now through the case-by-case route. They will be onerous in terms of the provision of a case specific evidence base and likely to be slow in leading to a decision. These options do not appear very cost effective in comparison with option (i).

14.6.3 There is also the option open to a developer to put forward their application in a form and manner, with mitigation offered, based on their judgement and any professional advisers that they use. They would then await the response from the LPA and Natural England with the intent, should their application be refused, of seeking to test the decision through appeal, and if appropriate, judicial review.

15 RECOMMENDATIONS FOR FURTHER RESEARCH

15.1 On the ecological issues

Increasing the robustness of the evidence base

- 15.1.1 The robustness of the evidence base is limited by the very small number of studies with very small sample sizes. A research programme is needed to increase the evidence base to provide confidence that impacts do occur, or not, and provide information on the conditions that are necessary for an impact to occur. This will require repeating the existing work on the same sites and extending it to other heathland sites across lowland England. The scale of this work needs to be seen in the light of its value to inform decision making on other heathland SPAs, some of which, it has been suggested, should be treated for development planning in the same way that the Thames Basin Heaths SPA is at present.

Developing a measure of visitor capacity

- 15.1.2 Research is needed to develop a visitor capacity figure for each Annex I bird species. This would be the visitor pressure measured in terms of, for instance, visits per day to a particular area or a peak recorded density of visitors per ha in the breeding season. The study would need to separate out the different types of visitor (walker with dog, walker without dog, horse rider etc). This would provide the evidence base for the ‘managing by capacity’ alternative proposed. It would also greatly aid the production of evidence based access management plans. At present there appears to be no evidence on which to base any visitor level target in the access management plans that English Nature is preparing.

Develop and improve predictive models

- 15.1.3 A research programme is needed to develop and improve predictive models of the relationship between Annex I bird populations on heathland and the incremental increase in visitor numbers. This is needed to place case-by-case assessments of the impact of residential developments on a firmer footing. At present there is no answer to the coupled requirements of the precautionary principle and the Habitats Directive ‘prove that there would be no significant impact’ test. Additional research may be able to validate the modelling of Woodlark by Mallord and extend the approach to other species such that there is confidence in predictions about how an increase in visitors would affect Annex I birds, if this would be significant at the population level and if site integrity would be affected.

15.2 On visitor issues

Increasing the robustness of the evidence base

- 15.2.1 Further research should be conducted on defining the area of greenspace that is required by the existing residents around the SPA and this should inform a review of the mitigation standard for SANGS.

Validating the efficacy of SANGS

- 15.2.2 Where areas of greenspace have been created or existing poorly used areas improved, research should be conducted into how these areas are now used, by whom and from how far do they travel. Particular attention should be paid to testing the predictions made in the ES or mitigation plan that was produced by the developer and agreed by the LPA and EN. This will have predicted the degree of use of that greenspace by the new residents of the development. Such research should have two foci:

- a) The visitors to the greenspace to find out how they came to know about the new/improved facility, how well it satisfies their greenspace needs and where they have travelled from.
- b) The new residents to find out where they go for open air leisure to test if they know about the greenspace that was provided for them, the extent to which they use it, the extent to which they use the SPA and the reasons for selecting between the different greenspace options.

- 15.2.3 Without such studies it will not be possible to know if greenspace provision is an effective means of avoiding damage to the SPA and it will not be known if scarce resources are being wasted on ineffective actions.

15.3 Statement on priority

- 15.3.1 The high priority that should be given to undertaking the research on increasing the robustness of the evidence base, developing a measure of visitor capacity, developing and improving predictive models and validating the efficacy of SANGS has to be recognised. Without such knowledge the decision making framework on residential development around lowland heathland SPAs (not just the Thames Basin Heaths) will continue to be fall back, by default, on the precautionary principle. The result will be decisions that, whilst protecting the SPA, may be imposing higher burdens than necessary on society or the economy. This can only be overcome by increasing the evidence base derived from sound scientific studies.

16 RECOMMENDATIONS ON SPECIFIC ISSUES

Introduction

- 16.1.1 This section sets out the recommendations on specific issues that have not already been addressed in section 15 that relates to ecological and visitor research.
- 16.1.2 These recommendations have been developed within the constraint of ensuring that they conform to the advice in the legal opinion (Appendix J) on the Birds and Habitats Directives. That legal opinion also emphasised the importance of developing the evidence base if alternatives to the draft Delivery Plan are to be proposed.

Mini-plans

- 16.1.3 In those cases where an LPA is progressing the development of a mini-plan, has developed a mini-plan or has already agreed a mini-plan with English Nature then they should continue with the process and apply that mini-plan. This will provide the mechanism to permit the approval of specific residential development applications and protect the interests of the SPA. Where an LPA has not yet considered developing an mini-plan, they should be encouraged to do so.
- 16.1.4 LPAs with agreed mini-plans should consider the recommendations below from the perspective of how they might complement the delivery of the mini-plan rather than replace it.

Visitor management and control of dog walking

- 16.1.5 We recommend that English Nature (Natural England) should ensure that the aspects of visitor and dog walking management identified in the workshops are considered in their work to produce Access Management Plans for the individual SSSIs that make up the Thames Basin Heaths SPA. In particular we consider that important considerations should be:
- The need to ensure that visitor management is coordinated across the SPA so that improved management at one site does not result in increased impacts elsewhere.
 - The use of the CRoW Act to regulate visitors on land mapped as ‘open country’, in particular the provisions under section 26 of the Act regarding exclusion or restriction of access for *inter alia* preservation of fauna.
 - Control of dogs on Public Rights of Way.
- 16.1.6 We recommend that Defra should review if there are sufficient legal mechanisms available to manage public access (with or without dogs) on “Section 15” Common

Land. In particular consideration should be given to the issue that a ‘last resort’ power may not be available to ensure that the UK Government can fulfil its requirements under the Birds and Habitats Directive. This would be for cases where voluntary management of access has failed to be effective in preventing damage to Annex I bird populations on a SPA that is “Section 15” Common Land.

- 16.1.7 English Nature (Natural England) should take the findings of the research carried out by the University of Portsmouth on behalf of the Countryside Agency, Hampshire County Council and the Kennel Club (Edwards, V and Knight, S, 2006) into account in the development of visitor management plans. Section 6.0 of that report sets out the recommendations arising from the work, including reference to measures to improve protection of ground-nesting birds.

Public awareness and education

- 16.1.8 A public awareness and education campaign should be run to raise public awareness of the importance and sensitivity of the heathlands and their breeding birds, and to explain the particular risks presented by dogs and cats to the breeding bird populations. This should be co-ordinated across the SPA and the zones around it.

- 16.1.9 There should be an SPA wide ranger service to act as a consistent and recognisable contact point with heathland visitors and as agents for the delivery of the messages of the public awareness and education campaign. They would also have an educative role in preventing other damage activities occurring on the SPA such as fires and fly-tipping. This would include the Local Authority employed countryside rangers who are in some cases associated with Country Parks in and around the SPA. The rangers could focus on visitor management during the bird breeding season, and undertake site habitat management and educational visits during the autumn and winter, and could thus be employed full-time throughout the year.

Identification, delivery and management of SANGS

- 16.1.10 There should be an integrated approach to the identification and delivery of SANGS across the SPA. The study carried out for SEERA (LUC, 2006) provides a starting point for this and this work needs to be taken forward.

- 16.1.11 The integrated approach could be facilitated by a body that has a role across the whole of the area affected by the SPA. Alternatively, specific action could be taken by smaller groups of LPAs that have common SANGS issues or needs such as a requirement for cross boundary delivery. A model has been considered for a body that would operate across the SPA and its recommended role is described below.

- 16.1.12 The Identification, delivery and management of SANGS across the SPA, crossing administrative boundaries, could be facilitated by a body independent of, but potentially accountable to, the local authorities. This body would need the resources to acquire land and the ability to collect payments from developers retrospectively. It is also considered advantageous for it to have CPO powers if it

is not to be held to ransom by existing landowners. ‘Pump priming’ funds could come from a central Government source, potentially the Growth Area Fund or the Community Infrastructure Fund that has been used in other areas. Lessons should be learnt from the greenspace provision processes of the ‘growth areas’ in the south and east of England.

- 16.1.13 This new body would need to be proactive in seeking to identify SANGS and would need to engage with major public landowners such as MoD, the Forestry Commission and the Crown Estate, as well as private landowners. In order for this to be effective it would be necessary for the approach to SANGS provision to be less tightly linked to new development than is currently the case in the draft Delivery Plan. This body should focus its attention on the larger potential sites since it is these that would attract visitors the sorts of distances that would take them across administrative boundaries. Local sites for the ‘daily dog walk’ could continue to be provided through agreement between individual developers and the LPA.
- 16.1.14 This body should be responsible for the setting and monitoring the objectives for managing these larger ‘strategic’ greenspace areas but it does not have to carry out the day to day management. That could be delegated or contracted to appropriate local public, charitable and not-for-profit community bodies.

Consideration of new open space capacity created recently

- 16.1.15 The extent to which new or recently improved open space has created some capacity for new development should be considered. For example, in considering the effects of the Bracknell Town Centre redevelopment, Bracknell Forest District Council took into account improvements to Lily Hill Park, much of which had already been completed (Bracknell Forest Borough Council, 2005). It is not clear whether other LPAs have considered to what extent such improvements that may have already been carried out, have effectively created a ‘bank’ of mitigation that can be drawn on.

Redefinition of the Development Zones

- 16.1.16 It is considered that English Nature has not, through no fault of its own, been able to prepare and propose secure and robust mitigation zones around the SPA. It is vital that further research is undertaken to gather further evidence from which the zones can be more securely identified. This research will need to address the altering and varied circumstances and context that exist throughout the Thames Basin Heaths SPA surrounding area.

Factors to be considered in specific cases

- 16.1.17 There is a need for a mechanism for introducing flexibility into the consideration of individual planning applications through the draft Delivery Plan, allowing site specific considerations to be taken into account, whilst at the same time retaining certainty regarding information requirements and outcomes which the draft Delivery Plan

seeks to deliver. We suggest a methodology that takes account of a range of factors that have been suggested as important in considering residential planning applications in the areas affected by the SPA. It is one that will need additional work to develop its evidence base before it could be applied. Such an approach should be considered by the relevant parties and if considered useful, a programme of studies initiated to develop its evidence base.

Heathland Access Management and Bird Populations

- 16.1.18 A mechanism should be established between English Nature, the LPA and any relevant SPA landowner to enable developers to contribute to the funding of the management of access on the SPA, to complement or substitute for greenspace provision, to the extent that site specific circumstances require.

Monitoring and assessment of SPA condition

- 16.1.19 Natural England should base any reporting that they make on the state of the SPA on measures that include the recreational access impact on birds rather than rely solely on measures of habitat condition that derive from the SSSI favourable condition reporting. This would provide a better evidence base for reporting on the conservation status of Annex I birds on the SPA.

Legislative change, interpretation and administration

- 16.1.20 Further or revised guidance on the interpretation and application of the Birds and Habitats Directives should be produced for the LPAs. This should clarify how the precautionary principle affects their decision making, give guidance on in-combination assessments and where they may apply flexibility in determining applications. This may contribute toward eliminating the current impression that English Nature had applied an overly strict interpretation of the Directive's provisions on lowland heathlands and that Natural England may do so in future.