

THAMES BASIN HEATHS SPECIAL PROTECTION AREA PLANNING AND CONTRIBUTIONS MONITORING

SUMMARY OF PROPOSALS AND SCOPE OF CONSULTATION

Key issues to be addressed include:

- A What needs to be monitored?
- B How often should the monitoring / reporting be done?
- C Who should do the monitoring?
- D How the monitoring should be done
- E Drawing on experience and lessons to be learned (and the ISDP adjusted as necessary)

Part A

What needs to be monitored?

We consider that monitoring should consider the following:

Compliance with ISDP 1, 2, 3, 4 and 11

The monitoring will need to analyse, for each LPA, the outcomes of planning applications and relevant appeals in terms of the following cases and analyses.

- a) Check that all relevant net developments within the 400m exclusion zone were refused planning permission or granted permission for reasons appropriate to ISDP 3 (e.g. separated from the SPA by major physical barriers)
- b) Analyse the outcome of assessments for pre-existing permissions subject to reserved matter applications, or applications for approval under conditions precedent, or for significant variation in the 400m exclusion zone (ISDP 3)
- c) Check that all Use Class C1, C2 and C3 relevant net developments provided avoidance and mitigation measures or a contribution to them in accordance with the ISDP 11 tariff, noting any exceptions because they comprised C1 excluded care establishments, or C2 and C3 proposals with no on-site staff accommodation unless compliant with the exception criteria in ISDP 1
- d) Note all cases where a proposal provided all or part of its own SANGS or other measures and therefore a reduced or nil contribution to the standard tariff, check how they were processed, how they were assessed for partial or entire relief from general contributions and whether they were subject to Appropriate Assessment or the arrangements were considered to avoid a significant effect, check that these cases were agreed by Natural England
- e) Identify the number, nature, location and reasoning for all residential developments that were subject to an appropriate assessment, including those beyond 5km
- f) Identify the number, nature, location and reasoning of all non-residential proposals that were screened under the Habitats Regulations and whether they were subject to tests for likely significant effect and / or appropriate assessment or no further assessment was made

- g) Identify and analyse any cases where tariffs were accepted at variance with ISDP 11
- h) Analyse generally trends as to the way in which tariff contributions are offered, at pre-application, application or post application stage, the vehicles used for making the contributions (usually S106 obligations); any cases where the contribution is refused or withdrawn (and whether permission was therefore refused)
- i) Check that housing delivery in terms of allocations, permissions and completions are consistent with the anticipated 20,000 dwellings to 2016 (ISDP 5)
- j) Check that all developments of 10 dwellings or more are or will be located within 2km of a SANGS site or are subject to supplementary provision in accordance with ISDP 5

Compliance with ISDP 5 / 6 and ISDP 7 / 8

Check all relevant Development Plan Documents for compliance with ISDP 5, especially as to whether the allocation of SANGS and residential developments have been made and explained in appropriate ways and at appropriate scales and timings.

Has SANGS been shown on updated Proposals Maps?

Is there an appropriate spatial distribution of SANGS by size and type to meet the requirements of ISDP 5, e.g. in respect of <10 dwellings / 10 or more dwellings, areas of exceptional need (ISDP 8) and pressure areas?

Combining the outputs of this and the other monitoring project, check that all SANGS meet standards set in the ISDP for quantity and quality relative to their spatial distribution to ensure the total suite of SANGS meets the strategic requirements of the ISDP.

The monitoring will also need to address the timescales of delivering SANGS relative to the emerging DPDs. It is likely that SANGS will need to be well advanced in terms of provision before some DPDs are started and certainly before they reach consultation / submission / examination / adoption stages. SANGS provision should not be delayed because of waiting for inclusion in a DPD, it is likely that DPDs will include some SANGS in an advanced stage of delivery on the ground, whilst other SANGS will need to be allocated ahead of requirement and provision. The 'stream' of allocations in DPDs will need to be monitored and checked against the actual delivery of housing and the promotion / allocation of housing in the LDFs.

The take up and progress towards issuing a draft TBH SPD will also be monitored, through LPA LDS and by analysing actual progress relative to intended progress. Impediments to delivery of an SPA wide suite of SPD will be checked and reported as necessary.

Audit of contributions / fund allocation

Carry out a structured audit for each LPA area of contributions received and how they are held, including a review of the method and timing of payments relative to grant of permission / commencement / completion / occupation and when and how they are expended.

Ensure that all TBH tariff receipts are identified and traceable through audit trails in each LPA. Analyse the rate of expenditure relative to dwelling completion / occupation (see further below) and delivery of SANGS.

Check whether refunds have been / need to be made to reimburse Regional Infrastructure Funding if used. Check that actual and anticipated income to enable the TBH ISDP delivery is likely to be sufficient to cover costs or excessive in order to inform tariff reviews if required.

Part B

How often should the monitoring / reporting be done?

The key options appear to be as follows:

- a) Reports to the JSPB every 6 months
- b) Reports to the JSPB every 12 months
- c) Overview report to JSPB at 5 years

The report will consider the pros and cons of the options. Our current recommended option is [a] for the first two years then [b] and [c].

The reporting could be delivered by a process of:

- a) Continuous monitoring
- b) 6 monthly monitoring audits
- c) 12 monthly monitoring audits
- d) A 5 year review

The report will consider the pros and cons of the options. Our current recommended option is for [a], but if in-house continuous monitoring (see also C below) is not feasible, we would recommend monitoring in the form of a verification check / 'audit' by external consultants [b] for the first two years and then [c] and [d].

Part C

Who should do the monitoring?

The key options here appear to be as follows:

- a) 'In-house' monitoring, a post is created on a full-time or part-time basis to continuously monitor all aspects listed in part A above
- b) External consultants are appointed (on a 12 months at a time contract) to undertake the monitoring of all aspects listed in part A above in the form of a verification check / audit every 6 months
- c) External consultants are appointed (on a one-off contract) to undertake the monitoring of all aspects listed in part A above in the form of a verification check / audit every 12 months
- d) The LPAs undertake their own monitoring of all aspects listed in part A above and report to the JSPB in accordance with the pre-determined frequency, see part B above
- e) A mix of 'in-house' monitoring and external consultant verification checks / audits
- f) A mix of LPA and external consultant verification checks / audits.

The report will consider the pros and cons of the options. Our current recommended option is for [a]; but if in-house continuous monitoring (see also B above) is not feasible, we would recommend [f]. This is because some aspects should be capable of being satisfactorily monitored and reported by the LPAs, whilst others (e.g. the audit of financial contributions), need a transparent and rigorous validation. Consultants could also help to ensure consistency of outputs from the LPAs so the JSPB has a consistent and comparable baseline between LPAs annually and from year to year.

A further reason for supporting in-house continuous monitoring is that ISDP 6 refers to a centrally based GIS recording system for housing locations and SANGS, this would best be managed by an in-house monitoring system. If there was no in-house, ongoing monitoring it is difficult to see how such a GIS (which we consider to be potentially very useful) could be operated across all LPA areas, consistently.

Part D

How the monitoring should be done

There are some issues on methodology not implicit or explicit in the above discussions.

We are seriously considering recommending that the monitoring checks dwelling 'completions' not 'occupation'. We will discuss the pros and cons but suffice to say here that completion may be more easily traced via planning department records than occupancy; that completion is the termination of any prospect of a review of the permissions when undertaken under regulations 50 and 55; and in terms of blocks of flats, for example, completion is usually a single date, first occupancy could involve multiple dates over many months, possibly years. The critical issue is the total housing stock, a proportion of which is always unoccupied. If a future analysis was to examine the differences between the pre-existing housing stock and the post ISDP housing stock, based on occupation records, it would not be comparing like with like. Monitoring completions would appear to be preferable.

Part E

Drawing on experience and lessons to be learned (and the ISDP adjusted as necessary)

The shorter timescale of reporting for the first two years should help to achieve consistency of application in the early stages, help to improve understanding of issues and problems and improve effective delivery of the ISDP. After two years we believe some lessons will be drawn from the ISDP and from the (by then) 4 monitoring reports. After that we would expect the system to 'settle in' and annual reporting will be sufficient to alert the JSPB to problems and identifying where improvements may be made.

We think that the fuller picture of the benefits and any disadvantages of the ISDP will take 5 years and that this timescale will be needed to fully appreciate the efficacy of the ISDP, how it may be improved or adjusted and what may be transferable to other situations.

Note

In reality there will be short time-lapses for reporting, so the report on the first six months of operation would be unlikely to be submitted to the JSPB until, say, month seven. The JSPB itself may not meet to consider it until month seven or eight. This is not considered to be a constraint on the effectiveness of monitoring or a reason to adjust to longer or shorter reporting timescales. We will shortly be liaising with Footprint Ecology over their timescales so that the two final draft reports are meshed in terms of recommendations as far as possible.