

Considerations and supplementary recommendations following the TBH monitoring workshop

Introduction to the update

On 13th May 2008 Natural England ran a workshop for interested parties to discuss the various options for monitoring the progress and success of the measures set out within the DISDP. In the time period between the production of this monitoring report and the workshop hosted by Natural England, the JSPB had progressed with a refinement of the measures set out within the DISDP, and have now produced a 'Thames Basin Heaths Delivery Framework.' The Delivery Framework is a succinct list of measures to be implemented, and enables more practical use by those charged with its implementation in comparison with the DISDP, which provides the detailed explanation and justification for the measures proposed. Discussions at the workshop therefore focused on the Delivery Framework rather than the DISDP.

Workshop attendees included representatives from many of the TBH local planning authorities, along with other stakeholders such as the RSPB, Wildlife Trust and the Forestry Commission. The workshop was also well attended by Natural England staff, both those experienced in work on the TBH and those who are likely to have some involvement in the near future.

The workshop incorporated presentations and discussions on the two main aspects of monitoring; the monitoring of the ecological status of the Annex I bird species and the recreational use of the SPA, and monitoring of the implementation of measures through the planning process and the developer contributions made. The outcomes of the workshop in relation to the ecological and recreational monitoring will be provided in an update to the ecological and recreational monitoring report, in the same way that this annex provides an update on the planning and developer contributions aspect of the monitoring work. This annex should be read in conjunction with the main planning and contributions monitoring report. The update below is provided under headings that correspond with the main planning and contributions monitoring report.

What needs to be monitored?

The monitoring report provides a comprehensive list of areas that need to be monitored in terms of the determination of planning applications, conformity to the DISDP, and the checking for exceptions to ensure that cases determined outside the DISPB still meet the requirements of the Habitats Regulations. The workshop confirmed that the range of monitoring areas given was generally in accordance with expectations, with emphasis placed upon the need to demonstrate that contributions money has been spent in compliance with, and in time with, the completion of development projects. Workshop attendees highlighted that where there are exceptions to the rules set out within the Delivery Framework, the monitoring needs to demonstrate why they have occurred.

It was clear that all local authorities present favoured the use of a standard monitoring form, and it was also suggested that a standard form could be developed for the screening of non-residential developments. A number of useful standard monitoring questions were suggested for the standard form, including the direct distance between the development and the SPA, and also between the development and the relevant SANG site where the contributions would be allocated. Workshop attendees welcomed the focus within the report on a transparent and auditable monitoring system.

The Delivery Framework has not taken forward the DISDP measure to create a standard tariff across all affected local planning authorities (ISDP 11). Rather it is suggested within the Delivery Framework that each local authority will continue to manage the tariff at a local level, or cross boundary level where applicable. There will not therefore be a need to monitor the application of a standard tariff, as originally suggested in the planning and contributions monitoring report in accordance with the DISDP. Discussions at the monitoring workshop did however highlight that there will still be a need to investigate and record trends in the way in which tariff contributions are offered, as this will provide valuable information to inform other planning authorities of the most effective method that ensures timely provision of the necessary SANG measures.

There is also still a need to ensure that mini-plans in each local planning authority are in place, and conform to the requirements of the Delivery Framework as a matter of urgency. Local planning authorities without mini-plans stated at the workshop that they would welcome some help and guidance to develop their mini-plans and ensure compliance with the Delivery Framework.

It was noted at the workshop that with the emerging SE plan and development of the Delivery Framework, the requirement for monitoring of new developments in relation to the allocated numbers of dwellings across the Thames Basin will need to be updated in accordance with the latest regional housing allocations and most up to date Delivery Framework.

The workshop highlighted the need to ensure that the two monitoring projects, both the planning and developer contributions and the ecology and recreational use aspects of the monitoring programme, are working closely together to maintain consistency, and also to present combined monitoring outcomes on key areas, seeking the most beneficial use of data gathered. For example, whilst one monitoring project is considering the increased recreational use of the SPA and SANG post development, the other is considering whether SANG measures have been implemented at the correct time in accordance with new development. It will be important therefore to check that increased recreational usage on the allocated SANG is in accordance with timely application of SANG measures, or whether increased recreational use on the SPA has arisen as a result of SANG provision falling behind schedule.

Checking the use and refunding of the Regional Infrastructure Fund was given as a suggestion for monitoring within the planning and contributions monitoring report. This may not be necessary if specific monitoring of the use of this fund will be set up regionally as part of the provision of the upfront funding. It appears however that this regional forward funding has not yet been made available.

Concerns were raised at the monitoring workshop that local planning authorities are being forced to use SANG money for small scale site improvements rather than larger scale SANG projects, because the forward funding has not yet been provided. This is causing considerable problems for those local planning authorities that have identified and planned larger SANG projects in order to prevent adverse effects upon the SPA.

Who should do the monitoring?

This aspect of the planning and contributions monitoring report was discussed in some detail at the workshop, and it is apparent that the local planning authorities favour in-house monitoring within each authority, adhering to a standard monitoring form. Those authorities most in favour of this system are those that have made good progress in developing their monitoring system and utilising a proportion of the developer contributions for this administrative duty, which ranged from a proportion of an officer's time to a full time post in varying authorities. Representatives at the workshop suggested that a standard form should include internal local authority monitoring requirements in addition to those elements necessary for the SPA, to reduce the number of monitoring forms required within the local authorities.

If this option is taken forward, there will still be a need for central collation of monitoring forms, the analysis of information provided, and the regular reporting of monitoring findings. As noted above, the monitoring of planning and developer contributions will also need to be analysed alongside the results of the Annex I bird monitoring and recreational use survey work. Many of the workshop attendees still wanted to see the inclusion of some external verification of the monitoring process, as originally suggested in the planning and contributions monitoring report.

The initial planning and contributions monitoring report suggested that if data was to be collected from local planning authorities as 'raw data,' i.e. without the need for additional resources at the local level, the regional collection and analysis of monitoring data would need to be undertaken by a full time regional post. If however the collection of data into a standard form is undertaken at the local level, the post will have a reduced work load, and could therefore be a part time post in the longer term, following an initial higher level of resource required to set up the monitoring system and ensure all local planning authorities are equipped and able to complete the reporting process to the regional post. It was suggested at the monitoring workshop that all local planning authorities could be invited to a meeting or workshop to develop the standard monitoring form, or alternatively that resource is allocated to the collection of information, concerns and requirements from each local authority in order to develop the form.

All workshop attendees agreed that monitoring should be developer funded, because it is part of the necessary mitigation to prevent adverse effects upon the SPA. Developer contributions within each local authority tariff will need to be allocated to the monitoring work, and this must either be split between the individual local planning authority and the regional post, or be entirely allocated to the regional post, depending upon the option chosen. It is advised that the regional post, whether full or part time, must hold a good level of experience and expertise in terms of the TBH delivery plan work, regional and local planning and development control, and also the statistical analysis of data and the reporting of complex information.

It is advised that such a post may cost in the region of £35,000 per annum on a full time basis. The cost of the post may alter slightly depending upon where the post is hosted, as the host location may be able to absorb some of the overhead costs.

The mix of local in-house collation of data, regional in-house analysis of data, and external verification of the monitoring process is therefore still to be determined. As noted in the planning and contributions monitoring report, the options need to be considered with the necessary balance between consistency and resource efficiency, and transparency and external confidence in a robust monitoring system.

The workshop highlighted the fact that monitoring system needs to be widely understood, to ensure that monitoring effort is not inadvertently duplicated elsewhere, such as part of internal monitoring systems within GOSE or within Natural England.

How often should monitoring be undertaken?

Discussions at the monitoring workshop indicated that, with a standard system in place, the local planning authorities should eventually be able to report to a regional monitoring post holder, or enable the collection of data by a regional monitoring post holder on a regular and as needed basis. It became apparent at the workshop that some authorities are already submitting information to Natural England on a monthly or even weekly basis, although the information submitted is currently varying in content.

With a standardised system and regional monitoring post holder in place, it should be possible for reports to be submitted to the JSPB each time the board meets, which is currently every six months. Whilst the current Delivery Framework suggests an annual report, which would be most suited to the collection and analysis of the ecological data, it is possible for the planning and contributions monitoring to report on a more frequent basis if greater frequency is required.

It is advised that once in place, the regional monitoring post should work closely with the Natural England TBH project team, to ensure that issues and concerns are continually identified and rectified as quickly as possible as the monitoring work progresses.

How should the monitoring be done?

The planning and contributions monitoring report sets out a range of source information for monitoring at section 2.5. These sources were not discussed in detail at the monitoring workshop, as they remain relevant irrespective of who is undertaking the actual monitoring.

Discussions at the workshop did however focus upon the availability of data in relation to when a development has commenced, when it has been completed, and when it can be considered to be occupied, with the latter being the critical point at which potential effects upon the SPA would begin to materialise if adequate measures were not in place to prevent those effects. The local planning authority representatives agreed that the provision of the relevant information from the developers would need to be a requirement that formed part of the legal agreement for each development, usually in the form of a S106 agreement.

The most reliable stage for information collection appears to be the commencement of development, which is the point at which those local authorities with mini-plans are collecting the developer contributions. Representatives at the workshop indicated that the completion of development was not a reliable data point.

Some authorities have devised a way of ensuring that developments cannot be occupied until the local planning authority has provided written authorisation, by including a clause that requires the local planning authority to inform the developer when and how the contributions collected at the commencement of development have been spent on SANG measures, and then includes authorisation to occupy the new dwellings on this basis. This does help to ensure that the SANG provision or enhancement is in place prior to occupation. There are however a number of concerns regarding this approach. It does introduce an extra burden of work for the local planning authority officers, and also perpetuates the current problem of only spending contributions money on small scale and quickly implemented SANG enhancement work in order to meet the commitment to respond to the developer, rather than focusing on some of the much needed larger scale SANG projects.

The approach outlined above is likely to be one of a number of suggestions that could be sought from local authorities in the development of a standardised monitoring process and agreement on best practice. It is therefore suggested that further discussion between stakeholders needs to take place once individual approaches and suggestions have been gathered, in order to develop the most effective standardised system that is fit for purpose whilst also minimising the extra workload for planning officers where possible.