

THAMES BASIN HEATHS SPECIAL PROTECTION AREA JOINT STRATEGIC PARTNERSHIP BOARD

12 February 2009, 10.00 - 12.00

Mandolay Hotel, Guildford

NOTE OF MEETING

Attendance:

Board Members

Cllr Mary Ballin	Bracknell Forest Borough Council
Cllr Barry Cheyne	Elmbridge Borough Council
Cllr Jenny Wicks	Guildford Borough Council
Cllr Keith Evans	Hampshire County Council (for Cllr Glen)
Cllr James Radley	Hart District Council
Cllr Moira Gibson	Regional Assembly
Cllr David Hilton	Royal Borough of Windsor and Maidenhead
Cllr Geoff Woodger	Runnymede Borough Council
Cllr Roland Dibbs	Rushmoor Borough Council
Cllr David Harmer	Surrey County Council
Cllr Keith Bush	Surrey Heath Borough Council
Cllr Carole Cockburn	Waverley Borough Council
Cllr Angus Ross	Wokingham Borough Council (for Cllr Cowan)

Advisory Board Members

Charlotte Cordy-Redden	Defence Estates
Hayley Fry	Federation of Master Builders
Matt Jackson	For Wildlife Trusts in the South East
Stan Abbot	Forestry Commission
Lesley Creedon	GOSE
Wanda Fojt	Natural England
Kate Ashbrook	Open Spaces Society
Samantha Dawes	RSPB

Apologies

Cllr Graham Cundy	Woking Borough Council
Stuart Hylton	Berkshire Joint Strategic Planning Unit

Officers/Observers

Emily Ball	Natural England
Bevis Ingram	Hampshire County Council
Cath Rose	Regional Assembly
David Payne	Regional Assembly
Phil Allen	Hampshire County Council
Andrew Hunter	Runnymede Borough Council
Jenny Rickard	Surrey Heath Borough Council
Lesley Waddell	Guildford Borough Council
Katie Bailey	Rushmoor Borough Council
Carrie Temple	RSPB
Richard Hawkey	Royal Borough of Windsor and Maidenhead
Rachel Martin	Berks, Bucks and Oxon Wildlife Trusts
Paul Druce	Surrey County Council
Lesley Underwood	Elmbridge Borough Council
Kathy O'Leary	Woking Borough Council
Geraldine Molony	Waverley Borough Council
Graham Ritchie	Wokingham Borough Council

1. Apologies

- 1.1 Apologies had been received from Cllr Cundy and Stuart Hylton. Cllr Ross was substituting for Cllr Cowan, and Cllr Evans for Cllr Glen.

2. Minutes of the last meeting and matters arising

- 2.1 The minutes were agreed. Kate Ashbrook highlighted her offer to make a presentation to the Board about the potential role of village green legislation – this was noted.

3. Election of deputy Chairman

- 3.1 The election of deputy Chairman was carried over from the last Board meeting. Cllr Woodger nominated Cllr Wicks. There were no further nominations and it was agreed that Cllr Wicks would continue as deputy Chairman for the coming year.

4. Delivery Framework – update

- 4.1 Cath Rose confirmed to the Board that the detailed wording issues discussed at the last Board meeting had been incorporated in the Delivery Framework.

- 4.2 Cath explained the context behind the recommendation to endorse the Delivery Framework without an appropriate assessment (AA), including:
- That the legal opinion commissioned by the Board had concluded that, as a non-binding recommendation, the Framework did not require an AA.
 - That the final South East Plan, when adopted, would contain a policy on the Thames Basin Heaths. The Plan will have been appropriately assessed at a strategic level.
 - That it was important to retain flexibility within the Framework to allow exceptional local circumstances to be taken into account, and it was felt that there are some issues that cannot be fully addressed or anticipated at this strategic level.
 - That good progress had been made towards a Delivery Framework that local authorities could broadly sign up to, and that it was felt that it was time for the Board now to focus on the implementation, delivery and monitoring of avoidance/mitigation measures.
 - Without an AA the Delivery Framework could not be used directly for development control purposes, and would have to be taken forward into strategies at a local authority level and tested through the relevant statutory processes (including AA) by LPAs.
 - To do an AA on the Delivery Framework would require a tightening up of the provisions within it, and (although not a determining factor) additional time and resources would need to be spent on this.

- 4.3 Members discussed the proposals, including:
- The definition of perpetuity in footnote.
 - The need for a consistent approach to assessing SANG quality.
- 4.4 Cath explained that:
- It had not proved possible to find a definitive figure for ‘perpetuity’, however it was hoped that the footnote reflected members’ views that avoidance measures should be provided ‘forever’ and that developer contributions should be used to fund those measures.
 - Natural England had published guidance on SANG quality and this was used to inform the approach to individual sites.
- 4.5 Specific points on the Delivery Framework were raised as follows:
- The Framework should acknowledge the context in which it was drafted up front – including the emerging South East Plan and forthcoming changes to regional governance arrangements.
 - For clarity, references to ‘houses’ and ‘flats’ should be amended to ‘dwellings’.
 - Consistency is needed throughout in terms of reference to significant ‘effect’ (rather than ‘impact’).
 - Further clarity is needed in the reference to habitat management in para 3.1.3, and the footnote should be revisited.
 - Footnote 8 (definition of Use Class C3) needs reinstating.
 - The second clause of para 4.7 (‘-whilst...-’) is superfluous and should be removed.
 - Avoidance strategy measures should be applied for all un-determined planning applications.
 - The final sentence of 5.6 should read ‘..SANG may be provided...’.
 - It is important to distinguish between access management on SANG (which would be funded/provided as part of the SANG tariff) and access management on the SPA (funded separately). It was recognised specific agreement may need to be sought from SPA landowners / managers in order that strategically-funded rangers could operate on those parts of the SPA.
 - The definition of ‘competent authority’ within the glossary should be revisited.
 - The glossary should make reference to the member steering group and the project board.
- 4.6 It was **agreed** that, subject to the above listed amendments:
- the Delivery Framework was endorsed as a recommendation to local authorities; and
 - that the Board encourages local authorities to use the Framework to guide the production or revision of mini-plans or SPD without delay to ensure continued progress towards implementation of a comprehensive set of measures to protect the SPA.

5. Strategic Access Management and Monitoring Arrangements

- 5.1 Emily Ball highlighted that as requested at the last Board meeting, the paper now provided more information about the financial aspects of the strategic measures contribution. She clarified that recommendation 3 should make reference to two years (not three), and that references to 'houses' should be taken to mean 'dwellings'.
- 5.2 She introduced the main principles behind the tariff:
- That part of the contribution would be to fund the provision of measures over the remaining South East Plan period (to 2026).
 - That part of the contribution would be invested to provide provision of measures in perpetuity.
 - That a financial review would be taken annually and that the tariff itself would be reviewed every two years.
 - That the number of seasonal wardens would be dependent on the number of dwellings (and thus amount of contributions) coming forward, and drawing on the capital fund would only be a last resort.
 - That - subject to the Board's agreement of the recommendations - Natural England would forward fund a project manager for a year from April 2009 to move the project forward.
- 5.3 She also explained that volunteers were being sought to sit on the project board, which would oversee the initial project set up, monitor project delivery and scrutinise procedures.
- 5.4 Cllr Harmer thanked HCC for its input into the paper.
- 5.5 Members made a number of comments in relation to the paper, including:
- The importance of robust financial monitoring and review, given the current financial climate, but a recognition that making assumptions about future financial circumstances is an integral part to financial planning.
 - Any changes to the tariff would need to be applied consistently (in terms of time, and geographically) to avoid uneven application and confusion.
 - There are risks associated with fluctuations in the numbers of dwellings being constructed, relating both to the provision of services and of payments to fund services in perpetuity.
 - There is a need for contributions to be sought for strategic access management and monitoring of the SPA, even if SANG itself is being provided by the developer.
 - There must be a clear justification of costs, and transparency about how money was spent and the value/use of the capital fund. A document should be provided clearly setting these things out.
 - The project board should include someone with expertise in assessing ecological and bird monitoring data.
 - There is a need to acknowledge that 'SPA contributions' are one of many contributions that developers are asked to provide, and that the level of contribution must be carefully justified.
 - The project board should include 50% LA member representation

- The JSP Board should see the project board terms of reference at their June meeting.
- It is important that all LPAs sign up to the tariff – the JSP Board should recommend to LPAs that they adopt the tariff within a set timeframe to ensure that it became operational as soon as possible
- It might be better to collect the tariff on a ‘per bedroom’ rather than ‘per dwelling’ basis.

5.6 Emily confirmed that:

- The Memorandum of Agreement (MoA) would clarify procedures for local authorities, including – for example – at what stage in the planning process the tariff should be collected.
- It was intended that project board members would be chosen on the basis of their credentials - this did not exclude elected members.
- Project board terms of reference could be presented to June meeting, on the understanding that the project board would need to be up and running before then to appoint the project manager.
- A MoA could also be presented to the June meeting – this would hopefully provide the required clarity and transparency. A briefing document that Members can use to communicate this approach transparently to their councils will also be drawn up.
- It was important that members sought to agree the recommendations so that NE could proceed in appointing a project manager to take the work forward.

5.7 Cllr Gibson suggested that the recommendations were amended to reflect the debate. The following (amended) recommendations were **agreed**:

- That the JSP Board accepts the principle of the calculations and budget amounts set out in the paper.
- That the JSP Board accepts tariff option 2, that is a tariff which allows for access management and monitoring measure to be provided in perpetuity (a currently calculated cost of £630 per dwelling).
- That the JSP Board agrees that two years is an appropriate period to review the payments
- That the JSP Board accepts the proposed governance and control processes, subject to 50% of the project board membership being local authority elected members; and that Board members interested in sitting on the project board submit expressions of interest to the Assembly secretariat by the end of February 2009.
- That the JSP Board asks its constituent local planning authorities to endorse the tariff and implement it by October 2009.
- That a memorandum of agreement be brought to the next Board meeting setting out - and clearly justifying - the approach proposed.

6. Items for information

6.1 Sam Dawes requested that local authorities provide further information about the timescales for adopting or updating their avoidance and mitigation

strategies now the Delivery Framework has been endorsed. It was agreed that this information should be presented to the next Board meeting.

6.2 Cllr Ross updated the Board that the outcome of the joint Wokingham/Hart bid to the Regional Infrastructure Fund was still awaited.

6.3 The items for information were **noted**.

7. Any other business

7.1 Charlotte Cordy Redden asked whether information about the levels of contributions being sought for SANG across the affected LPAs was available. It was agreed that this information should be presented to the next Board meeting.

8. Date of next meeting

8.1 The next Board meeting will be held on 18 June at 10am at the Mandolay Hotel in Guildford.