

Thames Basin Heaths Technical Session I South East England Regional Assembly



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Overview

1. The Assembly contributed to the Peer Review of evidence underpinning the draft Delivery Plan¹ (financially and through membership of the study steering group).
2. The review and the associated legal opinion includes consideration of the majority of the questions raised in the Background Paper concerning different aspects of the approach proposed in the draft Delivery Plan and the evidence underpinning this. Therefore the Assembly does not intend to provide additional written evidence on these issues but will refer to the Peer Review where necessary.
3. The Regional Assembly's contribution majors on addressing the issues raised in Questions 8 and 9 of the Background Paper. These concern the availability of potential recreational space as mitigation for the effects of additional housing (SANGS) and our submission focuses on the research undertaken on its behalf in preparing and audit and assessment of the availability of such land.

¹RPS for DCLG (October 2006) Review of Evidence Underpinning the English Nature Thames Basin Heaths Delivery Plan.

Question 8

Is it possible to deliver sufficient alternative open space (SANGS) of suitable quality in appropriate and accessible locations at an acceptable cost and within the necessary time frame?

The recent study on mitigation land suggests that sufficient alternative open space exists. However:

- *Is this readily available?*
- *It is located in places where it would meet the needs of future populations and be sufficiently attractive to divert people from using the SPA for recreation.*
- *Has adequate consideration been given to all potential alternative sites?*
- *What is the likely level of work that would be required to make the alternative sites suitable and how much would it cost?*
- *Can the land be provided within the necessary time frame?*

1. The research undertaken on behalf of the Regional Assembly, English Nature (as was) and DCLG² provides an overview of land that could potentially be available to mitigate for the effects of recreation on the SPA resulting from new housing development.

Process

2. The Regional Assembly commissioned Land Use Consultants to conduct an audit and assessment of the potential availability of land that could be used as alternative recreation space to mitigate further disturbance to the Thames Basin Heaths SPA brought about by development within proximity to the SPA. The project was overseen by a steering group of representatives from the sponsoring organisations (above) plus the Government Office for the South East (GOSE), and Department of the Environment, Food and Rural Affairs (DEFRA). The research commenced in April and was completed in July 2006.
3. The audit 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, within 10km of the SPA's boundaries.
4. All of these organisations were consulted to identify land that is currently, or could in future, be suitable for increased recreational use and function as Sustainable Accessible Natural Greenspace (SANGS) required by the Delivery Plan. A 10km radius from the SPA was used in order to reflect the zones set out in the Delivery Plan using the rationale that visitors may travel away from the SPA to use alternative recreational space and so SANGS within 10km may mitigate for housing that is 5km from the SPA. Only sites larger than 2 hectares have been included in the assessment.

²EiP Library reference TBH I

5. Consultees were asked to identify land with potential for use as SANGS that include:
 - 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.
6. Local authorities were asked to identify “key sites” that are most suitable for use as SANGS (based on the Delivery Plan’s criteria) and have most potential to be brought forward in the short term.
7. Potential SANGS identified in the area between 5-10km from the SPA were identified through consultation with major landowners including government agencies (e.g. Forestry Commission) and Crown Estate, rather than through consulting the local authorities. This was due to time constraints but also the need to focus on larger sites to act as “magnets” for visitors who may otherwise travel in the opposite direction towards the SPA for recreation.
8. Potential SANGS do not include areas within the Thames Basin Heaths SPA. On the advice of English Nature other SPAs, Ramsar sites and Special Areas of Conservation (SACs) were generally excluded, although sites where increased access was not considered to have an adverse effect were included. In addition, children’s play areas, allotments, gardens, church yards and civic space were excluded.
9. The initial audit involved a large amount of consultation and verification to ensure that only land with genuine potential to be used as SANGS was included in the audit. Developers were also 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 were also consulted on sites to ensure that potential conflicts between enhanced recreational use and nature conservation are avoided.
10. 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 ransom values being attached to it as it is linked to delivery of planning permission.
11. On completion of the project, all of the local authorities affected by the Delivery Plan (x 11) and those additional local authorities in whose area SANGS were identified (8) were informed by letter on 25 July that the study was complete and were advised to use its findings as a starting point in identifying potential SANGS to help enable delivery of housing while

protecting the SPA. The full database of sites and associated map has been provided to any organisation on request.

Results

12. The audit identifies a large number of sites that are judged could be used as SANGS, with 615 individual sites totalling around 16,335 hectares. The “key sites” identified total 2,468 hectares, 1,427 of which are in the area covered by the “core” local authorities – those affected by the provisions of the Delivery Plan.
13. In identifying potential SANGS, the consultants, with advice of the steering group, took into account the views of a range of organisations on their suitability. In some cases, opinions differed, including that of the landowner and the relevant local authority. Following publication of the report in July 2006, a number of authorities further queried the inclusion of specific sites in the report as potential SANGS, citing reasons they believed these would not be suitable. Removing these sites from the final list in the July 2006 report would result in what may be termed a more “pessimistic” list of potential SANGS.
14. Removal of all of the sites on which local authorities and in some cases, individual landowners have raised additional concerns reduces the total amount of potential SANGS to 396 sites covering approximately 12,006 hectares (a reduction of 219 sites covering 4,329 hectares). This breaks down to 387 sites covering 9,842 hectares within the core local authority areas, of which 55 (1,352 ha) are “key sites”, and an additional 9 sites (2,164 ha) in the additional local authority areas up to 10km from the SPA, of which 4 (1,041 ha) are “key sites”. As described above, this pessimistic list of potential SANGS was developed after publication of the audit and assessment report. The steering group for the project did not agree to removal of all sites on which such reservations were raised as some may have long term potential in that they are not immediately suitable as SANGS and would require more management works to make them suitable. It does however, provide a useful yardstick to compare against the full database included in the audit report.
15. The distribution and distance from the SPA of potential SANGS is critical, given the different standards applied by the Delivery Plan and the different roles that SANGS can potentially play depending on their size (as “interceptor” or “magnet” sites). The audit identifies a total of 251 sites (6,827 ha) within zones A and B (within 2km of the SPA), a further 182 sites (4,292 ha) in Zone C between 2 and 5km from the SPA, and an additional 182 sites (5,217 ha) between 5 and 10km from the SPA.
16. The overall amount of potential SANGS identified provides a degree of optimism over delivery of Natural England’s mitigation standards, particularly as it has largely been limited to land in public ownership and/or management. However, the location of the potential SANGS identified in this exercise is

not evenly distributed across the area and there is no guarantee that all of the potential sites will be deliverable.

Delivery

17. A series of case studies was developed as part of the project in order to illustrate the range of potential delivery mechanisms that may be used, and the potential costs of delivery. These cover a range of scenarios relating to size, distance from the SPA, ownership, access and potential mechanisms used in securing appropriate management.
18. 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) perhaps involving delivery of large areas in one location that may be some distance from the SPA and new development (including in a different local authority area) which could nonetheless provide recreational space for the new occupants. 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, including judgement on the potential of SANGS rather than strict adherence to exact size and location standards (that themselves do not have a totally robust evidential basis).
19. 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. The most advanced are believed to be Guildford Borough Council and Woking Borough Council. Others are undertaking appropriate assessments of core strategies and identifying measures required to mitigate the effects of development (Bracknell Forest BC), or developing Supplementary Planning Documents.

Conclusions

20. The audit has been undertaken so as to be comprehensive and inclusive, and was subject to extensive consultation, review, refinement and verification to ensure that it provides a database of sites that is as accurate and useful as possible.
21. However, it only provides an indication of the potential land that is in public ownership and available for use as SANGS at a point in time. It does not provide a guarantee that all of these sites, even the "key sites" will be delivered to the standard required by English Nature. It provides a valuable assessment of the potential based on comprehensive consultation and assessment, drawing on information provided by the local authorities and other major landowners and managers.
22. Despite these caveats, the results of the audit and assessment are encouraging. Across the entire study area there appear to be a large number of potential sites already within public ownership with a large collective area

that have the potential to be used as SANGS, even if a “pessimistic” list of sites is used. 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 potentially unblock the current situation where permission is not being granted for even small-scale residential development.

23. However, the distribution is not even and there are some areas where there is limited potential for SANGS. Natural England’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 as long as suitable delivery mechanisms and monitoring arrangements can be found and agreed. Where no publicly-owned or managed land is brought forward, there may have to be an expectation on developers to bring forward private land.

Question 9

What mechanisms could be used to ensure such open space is provided? Should it be provided before development takes place or within a specified time span of development commencing?

- *How will the alternative land be acquired, particularly where landowners are not willing to sell it?*
 - *Who will be responsible for its improvement and subsequent maintenance?*
 - *When should the land be made available and in what condition?*
 - *Should it be in place before development takes place or when building works start on site or before the first residents move in or within a specified period of completion of the development?*
1. The audit and assessment referred to above illustrate that a large area of SANGS could be delivered through use of publicly owned or managed land that would not necessarily involve purchase or change in ownership. In many cases, it may instead involve improved management that may be achieved through agreement or a change in practice of the owner. Privately owned land may become available as SANGS through management agreement or through funding of access management through Environmental Stewardship.
 2. As described above, a number of local planning authorities have already made progress on delivery of SANGS, or at least the planning for this. We understand that this has been sufficient to overcome Natural England's objections to development through satisfying the requirements of the delivery Plan.
 3. The "mini-delivery plan" approach involves the identification of potential SANGS together with the measures necessary to deliver increased recreational opportunities and the associated costs. This approach appears to have merits as it has been demonstrated that it can be used to enable development to proceed, and that such plans can be developed independently of the lengthy development plan process, and so enabling delivery of housing in the short term.
 4. Despite the audit and assessment identifying potential SANGS throughout the area up to 10km from the SPA, some local authorities have expressed concern that there is very little potential for SANGS in their area. In such cases, cooperation between a number of adjacent authorities in development and implementation of "mini-plans" may provide a mechanism for delivery of SANGS serving cross-border requirements. Mechanisms and legislation exists to support such collaboration, including pooling of section 106 agreement payments to deliver enabling infrastructure (including green infrastructure such as SANGS), and so this could proceed in the short term with the right degree of will. This is acknowledged in the peer review of the Delivery Plan.

5. If a strategic approach to delivery of SANGS is agreed, there will need to be a comparatively strategic approach to monitoring, to ensure that the necessary quality and area of SANGS are delivered to mitigate for a given number of houses in each zone. English Nature (as the statutory advisor) and the local authorities (granting planning permissions) would need to lead this.
6. Some SANGS may be delivered independently of the planning process and local authority areas. For example, improvement of access and recreational use of major estates, such as those owned and managed by the Forestry Commission, could provide large-scale SANGS but would not necessarily be dependent on the need to mitigate for increase population or on receipt of section 106 payments (or similar). Depending on scale and location, such measures could effectively provide mitigation across a number of local authority boundaries for a large number of new dwellings. Again, monitoring of such “windfall” increases in recreational space need to be monitored to ensure they are taken into account in implementing the Delivery Plan.