



## **Woking Borough Council**

### **Local Development Documents**

#### **Updated Thames Basin Heath Avoidance Strategy**

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**Produced by the Planning Policy Team**

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Paper copies of the document can be obtained from the Planning Policy Team. The document is also published on Woking Borough Council's website [Woking2027](#).

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## 1.0 Introduction

- 1.1 This Avoidance Strategy supersedes the former strategy dated 2010-2015. It provides guidance for the avoidance and mitigation measures that are in place to prevent the impacts of residential development on the Thames Basins Heaths (TBH) Special Protection Areas (SPA).
- 1.2 The European Council Directive<sup>1</sup> on the conservation of wild birds (2009/147/EC) (the 'Birds Directive') requires member states to identify and designate Special Protection Areas for the conservation of rare and vulnerable species of birds. These birds are vulnerable to specific changes in their habitat and rare because of small populations or restricted local distribution that require special attention for reason of the specific nature of their habitat. The Thames Basin Heaths Special Protection Areas was designated on 9 March 2005 under the EU Directive to specifically protect nightjars, woodlarks and Dartford warblers, which are listed to be protected in the Birds Directive. All three are ground nested birds or at low level and are easily disturbed by human activity, in particular, recreational activity such as dog walking. Also predation by domestic cats and fly tipping into the heathland are potential threats. The Birds Directive requires member states to take appropriate steps to avoid the deterioration of their habitats and any disturbance to the protected birds. Accordingly, the TBHSPA is considered as sites of European significance. The Conservation of Habitats and Species Regulation 2017 provides for the adaptation of planning and other controls for the protection of such European significant sites.
- 1.3 The TBH SPA extends over 11 Local Authorities in Surrey, Berkshire and Hampshire and comprises a network of 13 sites. There are two European sites which fall within Woking Borough – the Thames Basin Heaths SPA (TBHSPA) and Thursley, Ash, Pirbright and Chobham Special Area of Conservation (which overlaps with the SPA). As the Special Area of Conservation (SAC) component is entirely contained within the TBHSPA, effects on the SAC will essentially be the same as those on the SPA.
- 1.4 The SAC and TBHSPA consist of a number of fragments of lowland heathland. The predominant habitats are dry and wet heath but the designations also include areas of deciduous woodland, gorse scrub, acid grassland and mire, as well as associated conifer plantations. Around 75% of the SPA has open public access being either common land or designated as open country under the Countryside and Rights of Way Act 2000. The component Site of Special Scientific Interest (SSSI) of the SPA, Horsell Common SSSI, and Ash to Brookwood Heaths SSSI lie within or partly within Woking Borough, whilst Whitmoor Common SSSI, Colony Bog and Bagshot Heaths SSSI and Ockham and Wisley Commons SSSI lie adjacent to it. Ash to Brookwood Heaths SSSI and Colony Bog and Bagshot Heaths SSSI also form part of the SAC designation. The designated SPAs zones within Woking are shown on Map 1 on page 7.

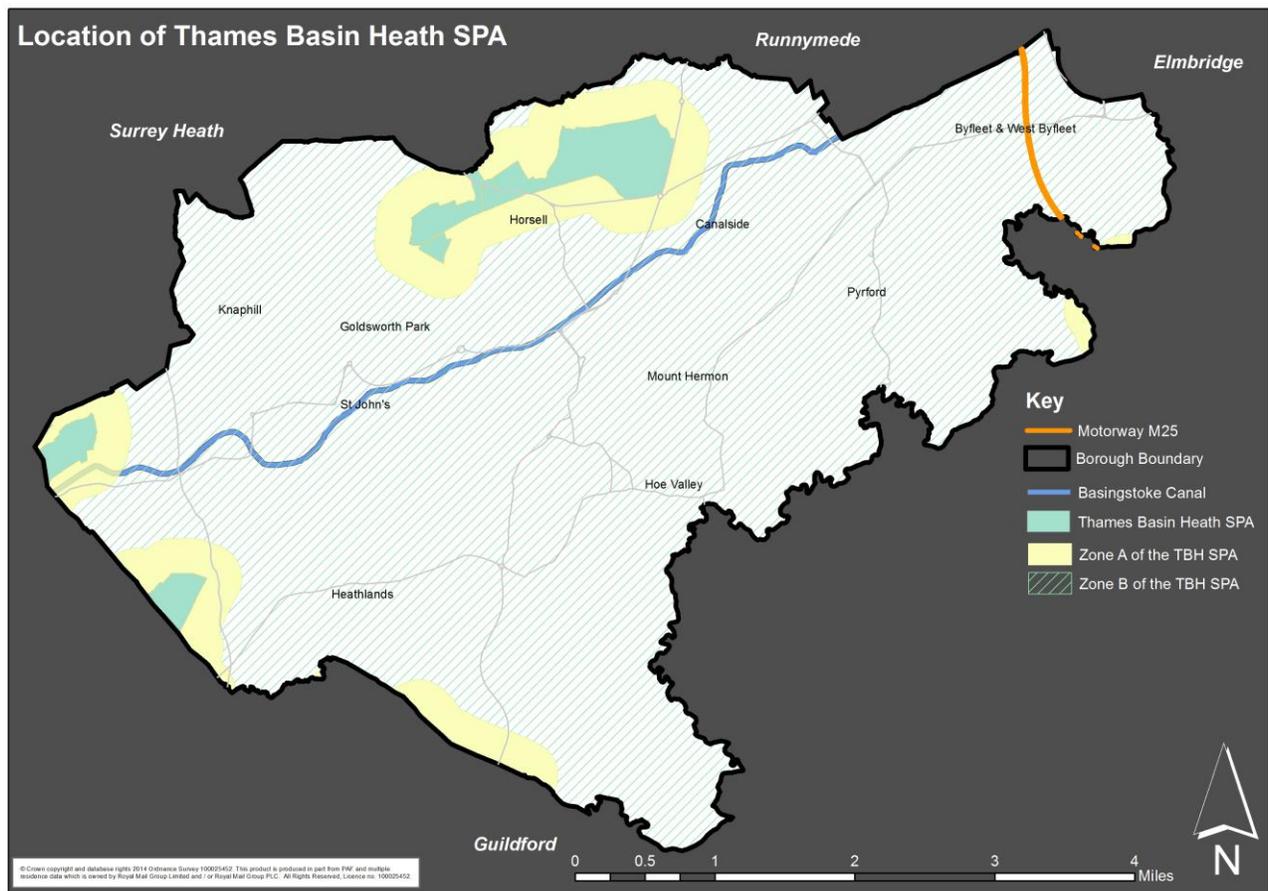
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<sup>1</sup> The EU Referendum took place on 23 June 2016, resulting in the decision to leave. The EU provides a number of strong legislative protections to the UK environment including the Birds Directive. The Environment Audit Committee has recommended that the Government should introduce a new Environmental Protection Act to maintain and enforce environmental standards after we leave ('The Future of the Natural Environment after the EU referendum' published in December 2016).

- 1.5 After extensive research, Natural England and its partners produced the Thames Basin Heaths Special Protection Area Delivery Framework which made recommendations for accommodating development while also protecting the interest features of the European site. This included the recommendation of implementing a series of zones within which varying constraints would be placed upon development. The zones relating to recreational pressure extended to 5km from a SPA (as this was determined from visitor surveys to be the principal recreational catchment for this European site).
- 1.6 The geography of Woking means that recreational pressure presents a significant potential pathway of impact. Given the proximity of the majority of Woking Borough to the TBHSPA, all development would occur within 5km of the SPA. The Thames Basin Heaths SPA Avoidance Strategy developed by Woking Borough in accordance with the Thames Basin Heaths Delivery Framework has identified that between 400m and 5km of the SPA boundary, development will only be possible if it can demonstrate adequate avoidance or mitigation of significant adverse effects. In accordance with recent European Court ruling 'People Over Wind' (2018) an Appropriate Assessment will be required for relevant development in this zone.
- 1.7 The location of the TBHSPA means that levels of development in surrounding authorities has led to potential for recreational pressure and disturbance arising from other authorities. Therefore the implications of this are possible cross boundary impacts of surrounding authorities' development on the SPA. An Appropriate Assessment of the implications for a site, in view of the site's conservation objectives will be taken into account in combination with other plans or projects. Natural England published a Draft Delivery Plan for the SPA in May 2006, partly in response to the European Court of Justice ruling of October 2005<sup>2</sup>. This is updated by the 'Thames Basin Heaths Special Protection Delivery Framework' published by the Thames Basin Heaths Joint Strategy Partnership Board in January 2009. These documents aim to allow a strategic approach to accommodating development by providing a method through which local authorities can meet the requirements of the Habitats Regulations through avoidance and mitigation measures. Natural England is preparing a revised Guidance for the provision and management of SANGs. Its provisions should be taken into account when it is approved.
- 1.8 In the United Kingdom the Conservation of Habitats and Species Regulation 2017 (the Habitats Regulations) implements the EU Directives by providing protection to the European sites. The Habitats Regulations require Local Planning Authorities to satisfy themselves that before granting planning permission, the proposed development will not adversely impact on the integrity of the SPA.

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<sup>2</sup> In 2005, the European Court of Justice ruled that the UK had failed to correctly transpose the provision of Articles 6(3) and (4) of the Habitats Directive into national law.



Map 1 showing the location of the SPAs within Woking

**Background**

1.9 Natural England considers that the impact of net new residential development within 5 kilometres of the SPA may harm the protected bird populations in the TBHSPA unless objective evidence establishes that there is no risk that new development within 5 kilometres of the SPA will have a significant effect. Appropriate avoidance and mitigation is therefore required of any net increase in housing development within 5 kilometres of the TBHSPA. Developers are therefore required to address their development impacts by contributing towards the measures in the Delivery Framework to avoid harm to the SPA.

1.10 Natural England has advised of the measures that may be used to avoid any significant effect of new residential development on the SPA. This approach is supported by the Joint Strategic Partnership Board<sup>3</sup> (JSPB). The three pronged approach include:

<sup>3</sup> The JSPB are a board comprising of the TBH local authorities and other relevant partners including Natural England and Surrey Wildlife Trust, established to plan for the long term protection of the SPA

- The provision and maintenance of Suitable Alternative Natural Green Space (SANG) to attract people away from the SPA;
- Strategic Access Management and Monitoring (SAMM) to monitor and manage the impact of people using the SPA; and
- Habitat management of the SPA to improve the habitats of the protected birds.

This document focusses on the SANG and SAMM, the third measure relates to longer term management of the SPA and is the duty of the landowner. Where the SPA is on local authority owned land, the Council will continue to have a duty of care to effectively manage and maintain the land. It will also proactively work with its partners and other landowners to manage and maintain other land which are not in its ownership.

- 1.11 Whilst the Council already has an established Avoidance strategy, which has been in operation since June 2006, this updated strategy reflects current circumstances and provides a most up to date policy position. In particular, the updated National Planning Policy Framework (2019), Case Law of The European Court of Justice judgement in 'People Over Wind' (2018) and 'Crandall Parish Council V Secretary of state and Others' (2019) in terms of Appropriate Assessment and Wealden Judgement and Dutch Nitrogen judgment in terms of air quality, also the Council's adoption of its Community Infrastructure Levy (CIL).
- 1.12 The Council has also sought to clarify its approach to the avoidance and mitigation of the SPA for other uses where the occupants are likely to have similar level of recreational access need to those in conventional housing (those that fall under the C3 use class) for example Houses of multiple occupation (HMOs) or elderly accommodation. See table 7.
- 1.13 In general, the level of recreational access need for non-residential developments is not likely to be significant, however each proposal will be treated on their individual merits. An Appropriate Assessment will be required of any development which is perceived to have potential impacts on the SPA and adequate mitigation put in place to deal with any potential adverse impacts.

### Policy Context

- 1.14 The South East Plan (2009) was partially revoked in 2013. Policy NRM6 Thames Basin Heaths Special Protection Area remains in place as a saved policy. This sets out the principle of the protection of the Thames Basin Heaths SPA in the South East. The Delivery Plan and planning issues affecting the Special Protection Area (SPA) have been integrated into Woking's Local Development Documents (LDD). The Core Strategy contains Policy CS8 Thames Basin Heaths SPA which is in general conformity with the requirements of Policy NRM6 of the South East Plan. Policy CS8 of the Woking Core Strategy (2012) states, 'that any proposal with potential significant impacts (alone or in combination with other relevant developments) on the TBHSPA will be subject to Habitats Regulations Assessment to determine the need for Appropriate Assessment'.
- 1.15 Following recent European Court of Justice rulings, 'People Over Wind' there is now an established legal principle that 'it is not appropriate, at the screening stage, to take account of pre-determined measures intended to avoid or reduce the harmful effects of the plan or project on designated sites.' This is supported by a most recent Crandall ruling which the Parish Council challenged the decision of the inspector not to subject the proposals to an appropriate

assessment of potentially effects under Article 6 (3) of the Habitats directive. The Secretary of State conceded that the Inspector had unlawfully screened out an Appropriate Assessment on the basis of pre-determined mitigation measures, namely the SANG and SAMM contributions. The Council is therefore now required to carry out a full Appropriate Assessment of relevant plans and projects which are likely to have a significant effect on a European site. A significant effect is likely to undermine the conservation objectives. The Habitats Regulations state that appropriate assessments of plans and projects must be undertaken 'in the view of that site's conservation objectives.' These objectives differ depending on the site. For SACs the conservation objectives are to 'ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the favourable conservation status of its qualifying feature'. SPAs are different, the qualifying features are the bird population for which the site has been classified. The conservation objectives are to 'ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directives'. The SPA and the SACs has a long list of core attributes which form part of the sites integrity, the attribute most likely to be undermined is the 'structure and function of the habitats of the qualifying species'. In the aforementioned legal case the Advocate General's opinion indicated that, a plan or project involving 'some strictly temporary loss of amenity which is capable of being fully undone' would not be an adverse effect on integrity. By comparison, the 'lasting and irreparable loss' was ruled to be an adverse effect on integrity. A full and precise analysis of the measures capable of avoiding or reducing any significant effects on European sites must be carried out at an 'Appropriate Assessment' stage rather than taken into consideration at screening stage, for the purposes of the Habitats Directive. Furthermore, there is a statutory requirement for the Council to formally consult Natural England for the purposes of an appropriate assessment.

- 1.16 Policy CS8 of Woking Core Strategy (2012) requires new residential development beyond a 400m threshold, but within 5 kilometres of the TBHSPA boundary to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM), to avoid impacts of such development on the SPA. The SANG and landowner payment elements of the SPA tariff are encompassed within the Community Infrastructure Levy (CIL), however the SAMM element of the SPA tariff is collected outside of CIL. The relevant proportions of the CIL contribution is ring fenced for the provision and maintenance of SANGs.
- 1.17 Government policy in the form of the National Planning Policy Framework (NPPF 2019) has been updated and states in Para 177 "The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined". The Council will take a precautionary approach to the protection and conservation of the SPA and development will only be permitted where the Council is satisfied that this will not give rise to a significant adverse effects upon the integrity of the SPA. New residential development will not be permitted within the inner 400m exclusion zone. Net new residential development beyond the 400m zone will be required to make appropriate contribution towards SANG<sup>4</sup> and SAMM.
- 1.18 Under the Habitats regulations it is a statutory requirement for local authorities to undertake an assessment of land use plans to ensure the protection of the integrity of sites designated as Special Protection Areas (SPA) and Special Areas of Conservation (SAC). In order to meet the requirements of the Habitats Regulation, the Council undertook Habitats Regulation

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<sup>4</sup> SANG contributions now collected through CIL liable schemes, where the contributions are ring fenced.

Assessment (HRA) to screen the Core Strategy policies to evaluate whether they have any significant effect on the SPA and/or SAC. The HRA found there to be no significant effect on the SAC or SPA.

- 1.19 The emerging Site Allocations DPD has been subject to Appropriate Assessment in accordance with Article 6(3) of the Habitats Directive. The HRA report concluded, in consultation with Natural England, that no likely significant effects would occur on the Thames Basin Heaths SPA or other European sites under consideration as a result of the policies (proposal sites) in the DPD, as appropriate measures have been incorporated into the Development Plan to avoid or mitigate adverse effects. The HRA considered recreational pressure, proximity effects (urbanisation), effects on hydrology/hydrogeology, invasive species introductions, reduction in air quality and trans-boundary/cumulative effects in reaching this conclusion. As clarified earlier, all relevant proposals will be subject to an Appropriate Assessment to determine the specific effects and the appropriate measures of mitigation.
- 1.20 It is important to note that the Avoidance Strategy does not address all possible effects of development on the SPA but only those resulting from recreational visits arising from residential development (including unconventional residential). Therefore any development not directly connected with or necessary for the conservation management of the SPA, which could have other (non-recreational) likely significant effects upon the SPA would still require an Appropriate Assessment. This will be determined on a case by case basis.
- 1.21 The Thames Basin Heaths Special Protection Area (TBHSPA) consists of nutrient poor heathland, which is vulnerable to the effects of a number of air pollutants such as nitrogen oxides (NO<sub>x</sub>), ammonia (NH<sub>3</sub>) and sulphur dioxide (SO<sub>2</sub>). Deposition of pollutants can damage the interest features in protected sites which are notified for their plant communities. Road traffic is a significant source of NO<sub>x</sub> emissions, meaning that increases in traffic can contribute to the exceedance of critical levels for sensitive vegetation. Road traffic emissions can have an effect up to 200m from the road side.
- 1.22 The Wealden Judgement (Wealden District Council v. Secretary of State for Communities and Local Government and others (2017), related to the assessment of nitrogen deposition impacts from increased traffic flows on European Nature Conservation sites and the potential for in-combination effects. The implication of this judgement is that assessments of the air quality effects on European Sites will need to take account of plans and projects within as well as outside of Woking Borough. The developer will be required to submit air quality information where relevant to determine the development impact on the Thames Basin Heath Special Protection Areas and the SAC.
- 1.23 The Dutch Nitrogen Judgement (Coöperatie Mobilisatie voor het Milieu v. Staat and Vereniging Leefmilieu v. College van Gedeputeerde Staten van Limburg and others) (2018) states “it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm to the integrity of the site concerned, by guaranteeing beyond all reasonable doubt that the plan or project at issue will not adversely affect the integrity of that site, that such a measure may be taken into consideration in the ‘Appropriate Assessment’ within the meaning of Article 6(3) of the Habitats Directive”. Therefore the assessment must be complete, precise and definitive findings with conclusions capable of removing all reasonable scientific doubt as to the effects of the plans or the projects proposed on the protected site concerned.

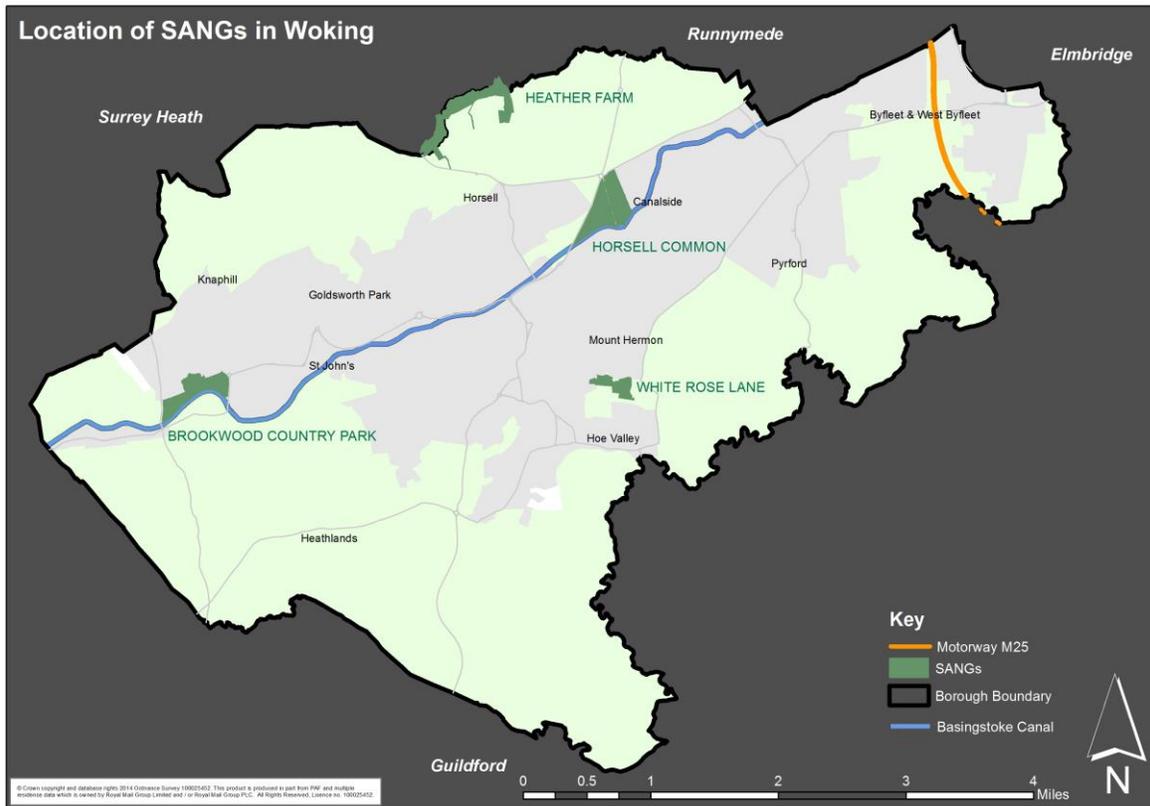
- 1.24 The Development Management Policies DPD also contains measures that aim to maintain good air quality associated with new development. Policy DM6 'Air and water quality' states that appropriate avoidance and mitigation measures must be provided where an assessment of impacts demonstrates that an SPA and/or SAC is likely to be affected through deteriorating air quality. These should include measures which will assist in reducing overall emissions and increase the use of sustainable transport measures to combat any impacts on air quality on the roads within close proximity to the SPA and/or SAC, including integration of new development with local facilities and opportunities.
- 1.25 Natural England has produced detailed advice on the procedure for air quality assessment. Should the developer wish to explore options for avoiding or mitigating the effects described above we advise they seek advice with Natural England.

## 2.0 The Avoidance Strategy - Suitable Alternative Greenspace (SANG)

- 2.1 Natural England considers that any net new residential development within 5km of the SPA could have a likely significant effect upon it, either alone or in combination with other plans or projects, especially because of the potential impact of additional recreational use of the land in the SPA.
- 2.2 Within 400m of a designated site, Natural England considers that it is not possible to avoid the possibility of adverse effects of residential development on the SPA, therefore there should be a presumption against development within Zone A, as shown on the Proposal Map. In the case of applications within 400m, this means that, other than in exceptional circumstances, they should be refused.
- 2.3 In the case of proposals for development between 400m and 5km from the SPA, Zone B, an Appropriate Assessment is required to determine the potential effects under Article 6(3) of the Habitats Directive. The avoidance strategy requires the developer to make a contribution towards the provision of a SANG or provide a bespoke SANG and in addition contribute to SAMM to mitigate against the potential recreational pressures of residents of the scheme, causing disturbance and deterioration to the SPA.
- 2.4 The Council has a number of identified SANG sites, the provision of these sites form part of the avoidance measures for the SPA. These Council owned/managed sites are capable of providing avoidance measures to a substantial quantum of residential development. The capacity of SANGs is calculated based on the standard of a minimum of 8 hectares per 1000 population.
- 2.5 The existing operating SANG sites are listed in Table 1 and shown spatially in Map 2. The Heather Farm SANG and Horsell Common SANG are owned by Horsell Common Preservation Society and the remaining SANG sites are owned by the Council.

Site	Size (ha)
Brookwood Country Park	20
White Rose Lane	8.2
Horsell Common, Monument Road	28
Heather Farm	24.63

Table 1 List all the operating SANGs in Woking



Map 2 The location of SANGs located within the borough

- 2.6 Some of these sites have been operating for several years now and therefore had provided avoidance measures for a number of completed residential schemes and current residential schemes under construction, thereby reducing their capacity to provide avoidance for new residential schemes. The capacity figures in Table 2 does not take into account capacity that has already been used.
- 2.7 The total capacity<sup>5</sup> of each of the SANGS are as follows:

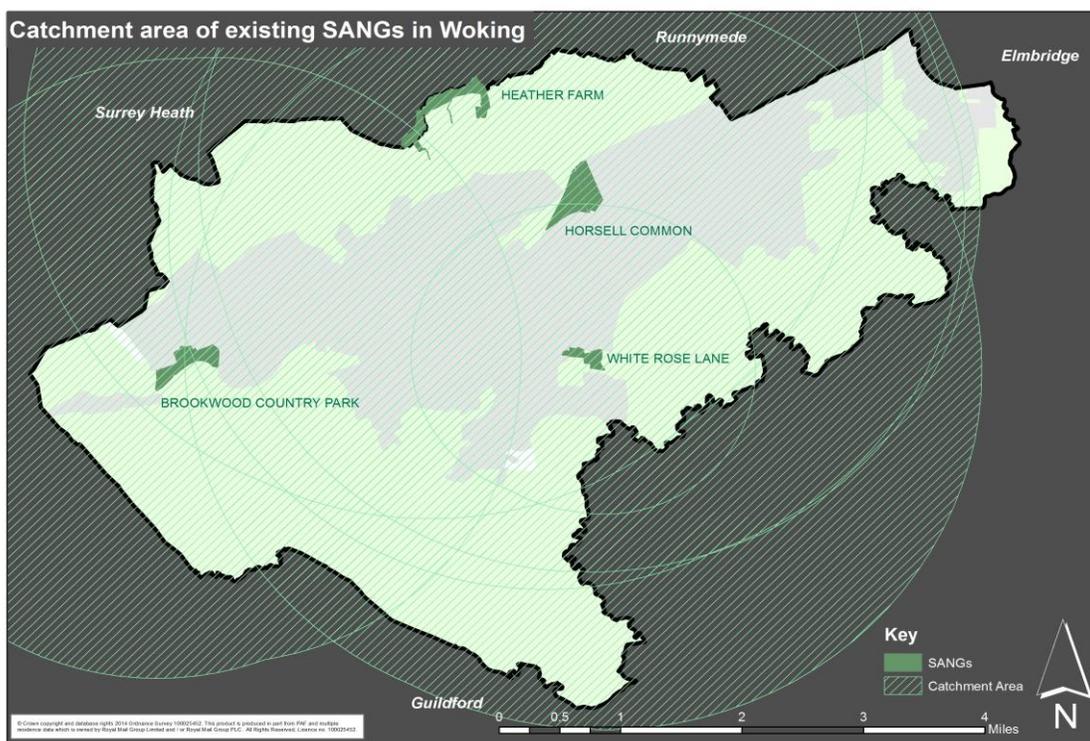
Site	Capacity to provide avoidance (No of dwellings)
Brookwood Country Park	1036
White Rose Lane	425
Horsell Common, Monument Road	1451
Heather Farm	1276

Table 2 showing the capacity of each SANG site

<sup>5</sup> See page 28 to see how SANG capacity is worked out

2.8 The established SANG sites are well distributed within the Borough. They are as follows:

- *Brookwood Country Park* - This site is to the west of the Borough. It was a former hospital grounds transformed into a semi-natural open space. The SANG has been operational since 2011. The extent of its catchment is 5km.
- *White Rose Lane* - This site is owned by the Council and is part of a Local Nature Reserve. It is one of the busiest SANGS in the Thames Basin Heath area. The SANG has been operational since 2008. The extent of its catchment is 2 km.
- *Horsell Common, Monument Road* – This SANG site comprises of two parcels of land, intersected by Monument Road. It is registered Common Land owned by Horsell Common Preservation Society (HCPS). HCPS receive payments from the Council to carry out maintenance on the site. The SANG has been operational since around 2007. The extent of its catchment is 5 km.
- *Heather Farm*- This is the newest established SANG site in the Borough which opened on 9 Jan 2016. It is located to the northern part of the Borough, where part of the land falls outside the Borough boundary into Surrey Heath. It was a former mushroom production facility. The site is owned by Horsell Common Preservation Society (HCPS) but has been leased to the Council for a minimum of 125 years for the purpose of using the land as a SANG. The Council has leased back the SANG to HCPS to manage on its behalf. HCPS received payments from the Council to carry out capital works and will continue to receive annual maintenance payments to manage and maintain the site on behalf of the Council. The extent of its catchment is 5 km



Map 3 The location of SANGs and the extent of their catchment area within the Borough.

2.9 The TBH Delivery Framework states that the catchment of SANG will depend on the individual site characteristics and location, and their location within a wider green infrastructure network. As a guide, it is assumed that:

- SANG of 2-12ha will have a catchment of 2km
- SANG of 12-20ha will have a catchment of 4km
- SANG of 20ha+ will have a catchment of 5km

2.10 Map 3 (page 13) and map 4 (page 15) shows each of the SANG sites and the extent of their catchments across the Borough. As can be noted, the catchment zones extend beyond the Borough boundary into neighbouring local authorities. The Council will assign development proposals to a relevant SANG according to the catchment zones.

2.11 Some areas of the Borough fall within a number of catchment zones. This means that proposals for residential developments located in any of the overlapping catchment zones can make a financial contributions to works at any of the sites as avoidance/mitigation measure provided there is available capacity on the SANG site. It is also important to note that development proposals of fewer than 10 dwellings are not required to be within a specified distance of a SANG land (i.e. within a catchment area of a SANG) but avoidance can be assigned to any operational SANG provided there is sufficient capacity for that site to cater for the consequence of the dwellings upon the SPA.

Proposed new SANG sites

2.12 The Council is in the process of identifying potential new SANG sites in its emerging Site Allocation DPD. Sites being considered in the Site allocations DPD include:

- Land south of Parvis Road in Byfleet
- Brookwood Farm
- Gresham Mill
- Westfield Common

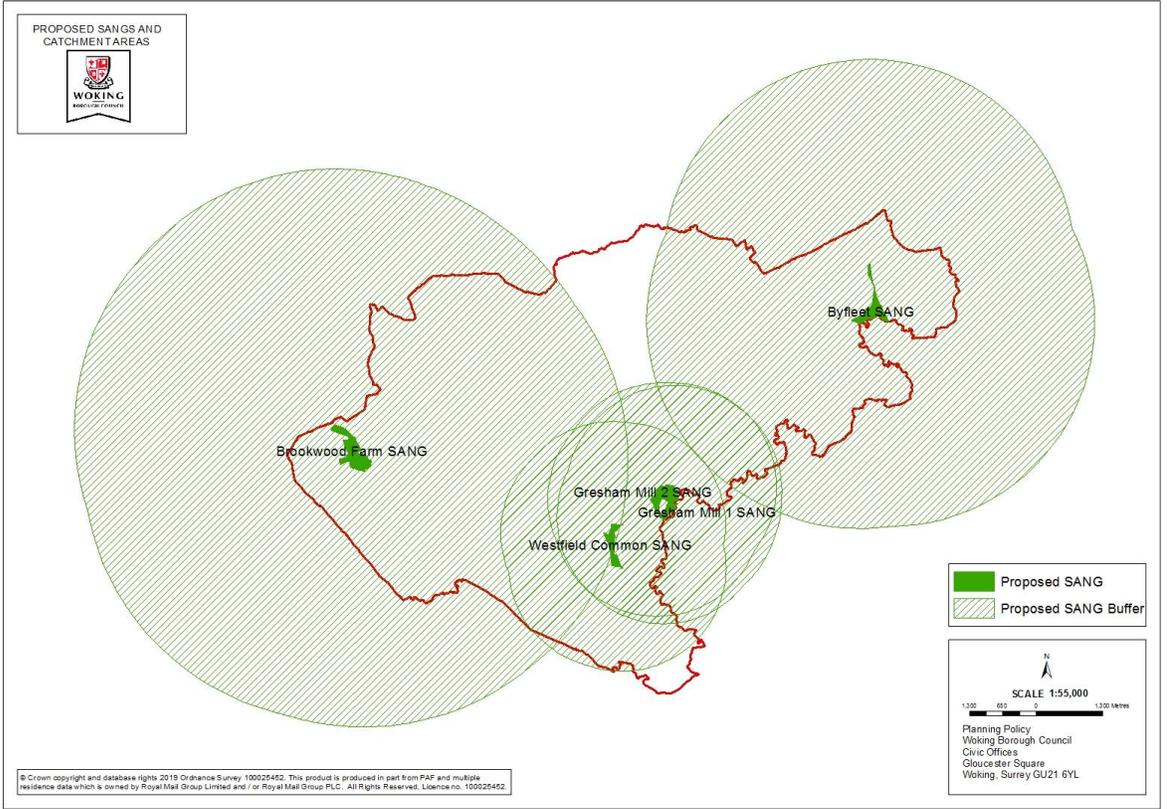
The Site Allocations DPD is going through Independent Examination. The Council is waiting for the Inspector’s Final Report. The DPD is given significant weight for the purposes of managing development. The capacity and size of the sites are shown in Table 3 below. This demonstrates that sufficient sites have been identified to meet the projected housing requirement over the Core Strategy period.

Site	Size	Capacity (No of dwellings)
Land south of Parvis Road in Byfleet	15.43	799
Brookwood Farm	24.8	987
Gresham Mill 1	9.9	425
Gresham Mill 2	9.52	493
Westfield Common	10.59	570

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Table 3 The size and capacity of proposed SANG sites

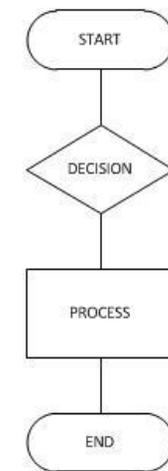
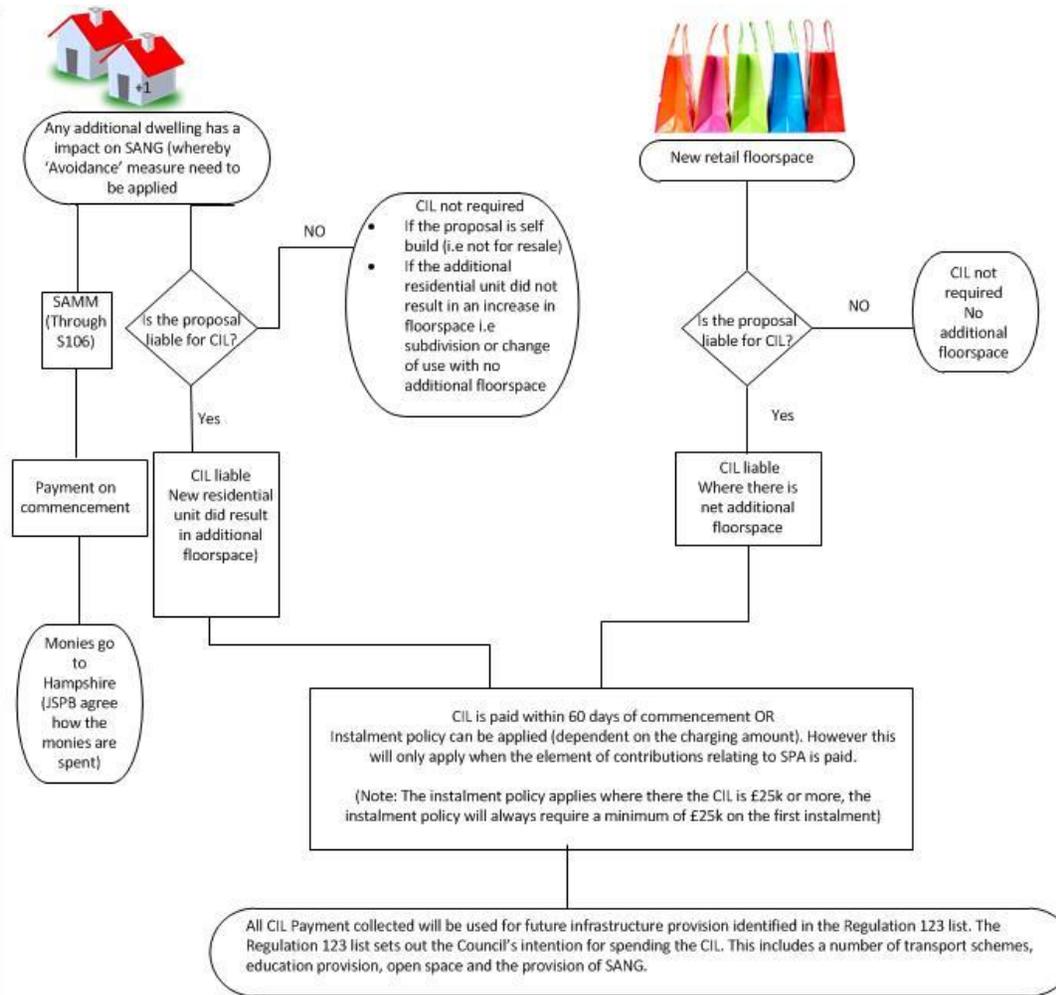
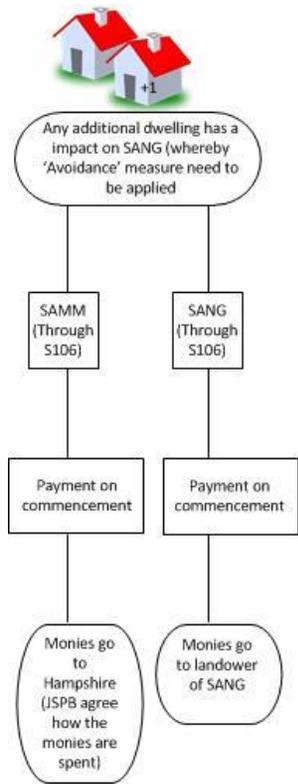
2.13 Map 4 below shows each of the proposed SANG sites and the extent of their catchments areas within the Borough.



Map 4 The location of proposed SANGs and the extent of their catchment area within the Borough.

### How will contributions be made towards the provision of SANG?

- 2.14 As set out in this Strategy, any development that will result in a net additional dwelling within 400m-5km of the SPA is likely to have a significant effect on the purpose and the integrity of the SPA and therefore avoidance/mitigation measures need to be put in place to account for each additional dwelling. The avoidance measures identified in this Strategy includes contribution towards SANG provision and maintenance and contribution towards SAMM. In the majority of cases applicants have made/will make a contribution towards Council operating SANGs rather than providing their own.
- 2.15 Prior to April 2015, the Council applied a tariff for SANG and SAMM for any scheme which resulted in a net additional dwelling. The council has introduced CIL as the primary mechanism for securing developers contributions. Given that SANGs are deemed as a form of infrastructure contributions are now secured as part of CIL. These changes are reflected diagrammatically in Figure 1.
- 2.16 It is important to note that whilst CIL was introduced on 1 April 2015, outstanding permissions with signed legal agreements securing contributions towards SANG will be honoured until such time that permissions lapse without commencement. Therefore there will be a transitional period in which monies will continue to be received via the old SANG tariff shown diagrammatically in Figure 2.



**Previous approach**

(Pre April 2015)

- All liable schemes have to make a payment for SANG and SAMM through a legal agreement

**Current approach**

(Following the introduction of CIL, Post April 2015)

- All liable schemes (net additional residential unit) have to make a payment to SAMM through a S106
- All CIL liable schemes have to pay the levy (SANG is ring fenced from the CIL revenues)

**Key**

Figure 1 Process map showing how contributions towards SANG and SAMM are collected before and after the adoption of CIL by Woking Borough Council. (Please refer to current CIL Legislation to determine whether a proposal is CIL liable or not.)

**Pre April 2015.  
Separate SMM and SANG Tariff  
(inc outstanding permissions with legal agreement)**

**Post April 2015.  
SMM Tariff and the introduction of CIL**

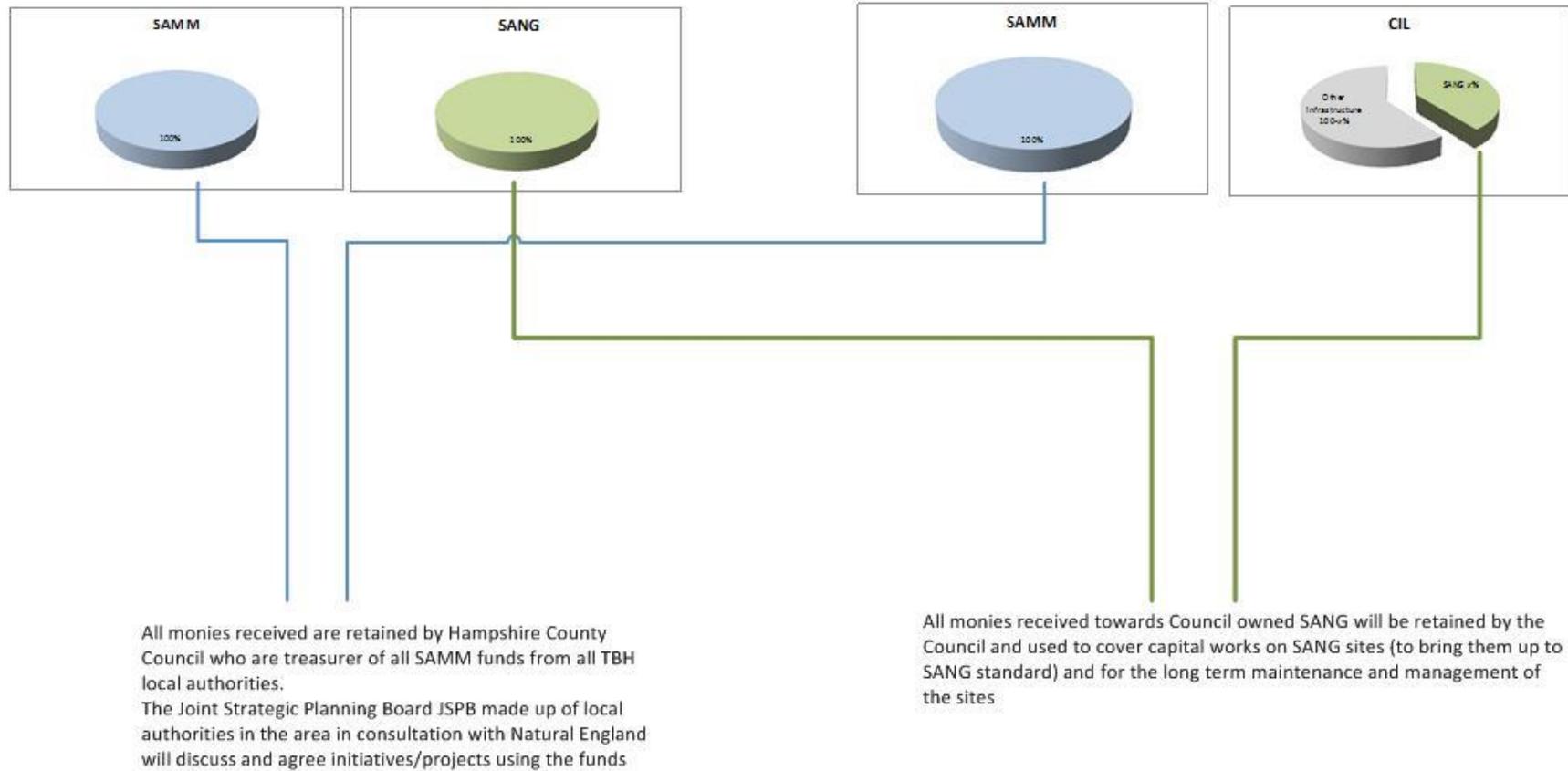


Figure 2. Diagram to show the source of funds for SANG and SMM collected by the Council pre and post April 2015. Note there will be a transitional period in which SANG is still collected through the SANG tariff on outstanding permissions with legal agreements.

### 3.0 The Community Infrastructure Levy

- 3.1 Contribution towards SANG provision will need to be addressed regardless of the method by which contributions are collected. The Council had set out in its Regulation 123 List and currently in its Infrastructure Funding Statement and the CIL Charging Schedule that the provision of SANGs is a priority infrastructure and critical to support future residential development.
- 3.2 The Community Infrastructure Levy (CIL) was introduced by The Planning Act 2008 as a new mechanism to enable infrastructure requirements arising from growth to be funded through developer contributions. It is a standardised, non-negotiable charge applied to all qualifying schemes and offers a clear and consistent mechanism to pool multiple infrastructure contributions. The Council's Community Infrastructure Levy came into effect from 1 April 2015. The charge is applied by pounds per square meter on net additional floor space. The charging schedule is as follows:

Type of development	Charging Schedule
Residential (Town Centre, Sheerwater and Maybury)	£75 per m <sup>2</sup>
Residential (rest of the Borough)	£125 per m <sup>2</sup>
Retail (all types)	£75 per m <sup>2</sup>
All other commercial and non-residential uses	Nil (£0 per m <sup>2</sup> )

Table 4. Community Infrastructure Levy charging schedule

- 3.3 Not all types of development are subject to the charge. Proposals for commercial use (not including retail) and non-residential use is subject to a nil charge. There are also exemptions including residential extensions of less than 100 m<sup>2</sup> of net internal floorspace (unless this will comprise of one or more dwellings), self build dwellings and new affordable housing (for more info see the Council's webpage: <https://www.woking.gov.uk/planning/service/contributions>). The charging schedule is index linked to the BCIS CIL Index, which is applied annually.
- 3.4 In establishing the charging schedule for the CIL the Council had to comply with relevant legislation and set a charge at a level that it considered to be a reasonable charging schedule that reached an appropriate balance between helping to fund necessary new infrastructure and the potential effects on economic viability.
- 3.5 The Council prepared a Regulation 123 List which is essentially a list of types of infrastructure/projects that the Council intends to be funded in whole or partly by CIL. This has been replaced by the Infrastructure Funding Statement, but with the same infrastructure priorities. The list has been summarised in table 5 and shows the funding gap for SANG infrastructure. The list was informed by various documents including the Council's Infrastructure Delivery Plan (IDP).

<b>Infrastructure</b>	<b>Funding gap</b>
<i>Thames Basin Heath SPA avoidance (SANG)</i> Future Improvements to green areas to deliver SANG for future growth (excluding existing Planning permission)	5,492,090
<i>Transport</i> New roads, improved junctions, crossings, cycle improvements	25,250,000
<i>Education</i> 19 primary school classrooms and ancillary spaces. 13 secondary school classrooms and ancillary spaces Early year provision	16,088,227
<i>Open Space</i> Outdoor Sports	5,474,000
<i>Allotments</i>	151,304
<i>Child Play Space and Teenage Play Space</i>	1,120,000
	<b>53,575,621</b>

Table 5 Summary of the Council's priority infrastructure contained in the Regulation 123 list

### How will CIL income be ring-fenced for the provision and maintenance of SANG?

3.6 The Council has calculated the SANG element based on an overall percentage, taking into consideration all potential development schemes coming forward. This has already been estimated for the next 10 years in the Regulation 123 list, therefore using the proportion of estimated income from SANG over the estimated income of CIL. The calculations are as follows:

$$\frac{\text{Estimated income SANG}}{\text{Total estimated Income CIL}} \times 100 = \text{Proportion of SANG income against the CIL income}$$

$$\frac{\pounds 5,492,090}{\pounds 13,900,175} \times 100 = \mathbf{39.5\%}$$

3.7 Therefore the Council will set aside about 39.5% of all CIL contributions to be paid upfront<sup>6</sup> to cover provision towards SANG. At the end of each financial year the Council will calculate all the income collected from CIL and ring fence 39.5% of this towards the provision of SANG. Normally, the Council will forward fund the provision of SANGs and secure contributions over time to recover the cost.

<sup>6</sup> In relation to CIL qualifying schemes that wish to take advantage of the CIL instalment policy. The SANG element needs to be paid upfront.

3.8 The diagram below (Figure 3) shows how CIL income can be broken down into sections and SANG ring fenced.

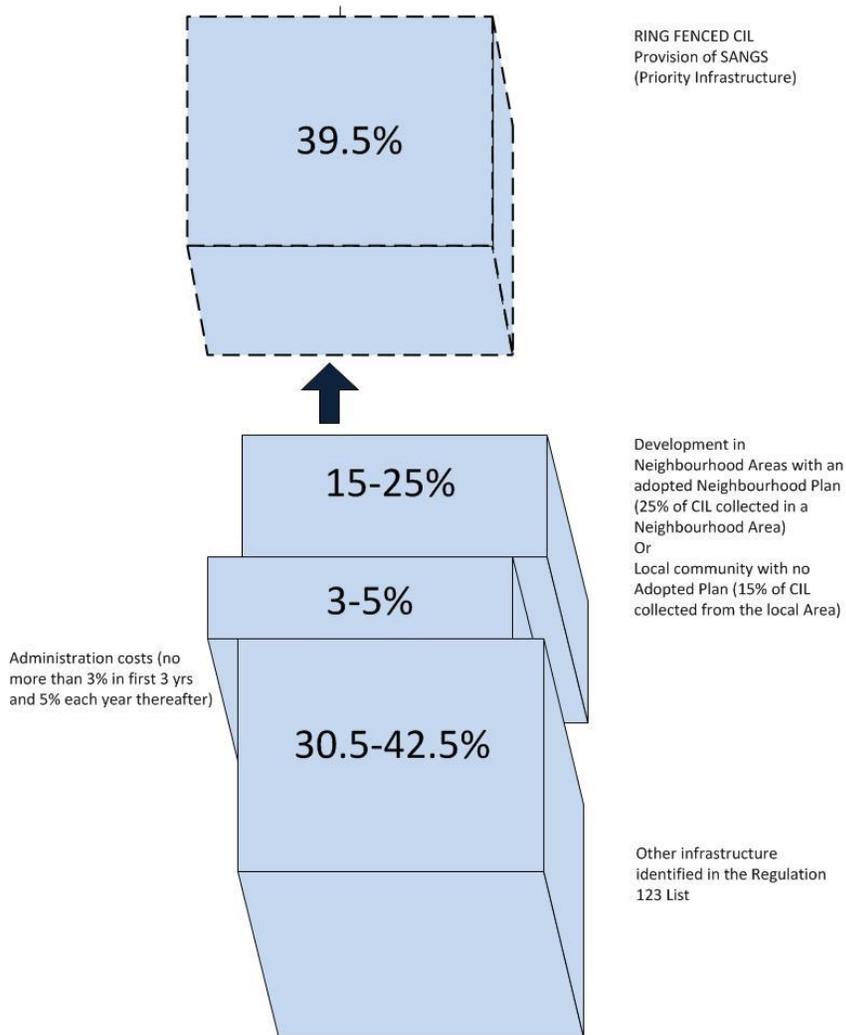


Figure 3 Diagram showing how CIL income can be broken down and SANG ring fenced

3.9 The Council has formed an internal project team to make sure that there is sufficient SANG capacity to meet housing provision and SANGs are appropriately maintained.

### The provision of bespoke SANGs

- 3.10 Developers can provide their own bespoke SANGs for their development. The Council may receive offers of land and avoidance measures accompanying a development proposal. In such cases the applicant should refer to the SANG criteria by Natural England (Appendix 2) and consult with Natural England at an early stage in the development process. It is not likely that many schemes will provide their own SANG land but there is always a possibility. CIL Regulation allows payment in kind by way of a land payment. This will be looked at on a case by case basis depending on the proposal. The Council may use a Grampian condition to secure the SANG (to ensure SANG is provided prior to first occupation). However, this is dependent on Natural England agreeing to the SANG site, ensuring the SANG site has sufficient capacity to address the impacts of the development, meets all SANG criteria, the right size, the SANG has planning permission in its own right and has written permission from the land owners.

#### **4.0 Strategic Access Management and Monitoring (SAMM)**

- 4.1 In addition to contribution towards SANG, Natural England requires that all Local Authorities affected by the SPA designation collect a Tariff (per dwelling) to implement an identified programme of works to manage and monitor visitors use of the SPA. This is the Strategic Access Management and Monitoring Tariff (SAMM).
- 4.2 Strategic Access Management and Monitoring (SAMM) project involves a wardening scheme, which monitors and manages access to the SPAs and encourage people to use the Suitable Alternative Natural Green Space SANG (avoidance/mitigation land) rather than Special Protection Areas. SAMM measures include management projects of these sensitive sites such as warden patrols, leaflets, signage and educational material. Bird and visitor surveys are regularly undertaken and the information used to monitor the effectiveness of the avoidance/mitigation measures.
- 4.3 SAMM funds are collected and paid directly to Hampshire County Council who act as treasurer of all the SAMM funds from all the TBH local authorities. The Joint Strategic Partnership Board (made of a member from each authority) work closely with Natural England to determine how the SAMM funds should be spent.
- 4.4 The SAMM tariff is a separate payment from CIL which is secured by a S106 Agreement. This approach was agreed by Council on 15 July 2010. The basic SAMM tariff remains unchanged although is indexed linked year on year in accordance to the Retail Price Index (RPI)<sup>7</sup>, Table 6 shows what the tariff is as of April 2021.
- 4.5 When calculating the number of bedrooms in a dwellinghouse, any room at first floor level and above with an external window (excluding bathrooms) and with a floor area greater than 6.5 square metres that can realistically be used as a bedroom will be counted as a bedroom for the purposes of calculating the tariff. To clarify any room shown as a study, nursery or other name, but which could effectively be considered as a bedroom shall be regarded as a bedroom.
- 4.6 All qualifying schemes (development proposals that will result in a net additional dwelling) will be subject to a SAMM charge. The contributions will be secured by a legal agreement. Under the General Permitted Development Order 2015 (as amended) any development which is likely to have a significant effect upon a Special Protection Area cannot proceed unless the Council has given written approval under the Habitats Regulations 2017. This is particularly relevant in relation to applications for Prior Approval. To clarify, a Prior Approval notice does not constitute approval under the Habitats Regulations and a separate application under Regulation 75 of the Habitats Regulations is required. Therefore, before development can proceed the owners of the land will need to enter into a unilateral undertaking/legal agreement to make these contributions.

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<sup>7</sup> The RPI is published by ONS

<https://www.ons.gov.uk/economy/inflationandpriceindices/timeseries/czbh/mm23>

<b>Size of dwelling (number of bedrooms)</b>	<b>Average Occupancy rate</b>	<b>SAMM contributions per dwelling (£)</b>
Studio	1.4	552
1	1.4	552
2	1.9	748
3	2.5	985
4 +	2.9	1143

Table 6 SAMM tariff contribution as of 1 April 2021 – 30 March 2022. Occupancy rates based on Census 2001 data.

## 5.0 Types of Development Covered

5.1 Whilst this Strategy focuses on the impacts of conventional housing on the SPA, there are other types of development that are likely to have a similar recreational access needs to residents in C3 dwellings and therefore, where relevant, these should contribute towards the avoidance and mitigation measures.

Development type	Explanation for contributions
Dwellings (C3)	<p>Proposals for one or more net units should provide avoidance/mitigation in the form of contributions towards SANG- however as SANG is now part of CIL, contributions will be ring fenced from CIL income (derived from CIL qualifying schemes).</p> <p>Proposals for one or more net units including affordable housing will be required to contribute to the SAMM.</p>
Replacement dwellings	Replacement dwellings are not considered to increase recreational pressure on the SPA and therefore no contributions are required.
Change of use/ redevelopment of dwelling to Houses of Multiple Occupancy (HMO)	<p>If the facilities have individual lockable rooms, and have the ability to house a family, then each individual room should be treated as a separate dwelling and mitigated accordingly. If however, the rooms are small and can only fit a single bed (this could be conditioned). Then the number of rooms can be compared to the average occupancy rate of a dwelling to calculate the contributions required.</p> <p>Example Conversion: Conversion to 6 bedroom HMO from a 3 bedroom house. The average occupancy rate is 2.5 people per dwelling.</p> <p>Proposed Occupancy rate of the HMO = 6 people</p> <p>Net Occupancy Rate requiring mitigation is <math>6 - 2.5 = 3.5</math> additional people to mitigate. <math>2 \times 2.5</math> contributions covers the 3.5 requirement and this is what the developer would pay.</p> <p>If there is any net increase in residents or residential units within 400m, then Natural England would continue to object.</p>
Gypsy or Traveller pitches (including temporary planning permission)  Camping and Caravans	<p>If the proposal results in the net increase of residential dwellings mitigation is required as usual.</p> <p>It does depend on the permanency of the pitch. If it will be someone's permanent address then the usual contributions will be required. However, if it is more a holiday caravan park/pitch, then no contribution is required.</p> <p>In terms of the amount of SAMM contributions this will be based upon the number of bedrooms of each caravan. This will determine on a case by case basis.</p>

Residential institutions (C2)	<p>Developments within Use Class C2 (Residential Institutions) may need to provide avoidance/mitigation as they may be considered to give rise to likely significant effect to the SPA. Applications for C2 development will be considered on a case-by-case basis and in reaching a decision the Council will take into consideration how the development will be used, the likely activity levels of the residents and the level of care and the likelihood of pet ownership. For example:</p> <p>Residents which will never or very rarely visit the SPA such as residents who are blind, in a coma or limited mobility and do not leave the compound. Mitigation would not be required for these residents.</p> <p>One key indicator on how mobile the residents would be relates to the facilities on site such as swimming pool, gym, car parking and bike stores. This would also be assumed in facilities where residents are in self-contained accommodation and therefore live reasonably independently, even if there is a level of care required. In these cases avoidance and mitigation will be required.</p> <p>Natural England will normally be consulted on such applications.</p>
Hotels (C1)	<p>It is unlikely that C1 development (hotels, boarding and guest houses) would have a significant adverse effect on the SPA in the absence of a significant long-stay tourist economy in the borough. However, residential staff in such establishments will need to be considered as being likely to have a significant adverse effect in combination with other long term residents and will be required to contribute to avoidance measures. For example if the hotel was to become the full time address for a person then contributions would be required.</p> <p>Proposals will be assessed on a case by case basis under advice from Natural England.</p>
Student Housing (Sui Generis)	<p>Developments which are considered students accommodation may need to provide avoidance/mitigation as they may be considered to give rise to likely significant effect to the SPA. Applications for student accommodation will be considered on a case-by-case basis and in reaching a decision the Council will take a number of factors into consideration such as: how the development will be used and the likely activity levels of the residents, size of the development, what type of students undergraduates for a year or postgraduates for a number of years with family? Car provision and pets, will the dwelling be sold on the open market at a later date?</p> <p>Natural England will normally be consulted on such applications.</p>

Staff Accommodation	<p>Applications for staff accommodation will be considered on a case-by-case basis and in reaching a decision the Council will take into consideration how the development will be used i.e. will it be their permanent full time address for that staff member. For example if it is a dwelling attached to a pub for a landlord to live permanently then it should be considered a new dwelling and treated accordingly. If it is a nursing facility and the staff only sleeps whilst completing their shift, before going home, then no contributions will be required.</p> <p>Natural England will normally be consulted on such applications.</p>
Permitted Development	<p>Permitted Development applications are not exempt from the Habitats Regulations. Avoidance and mitigation will still be required in the form of SAMM as per usual.</p>

Table 7: Types of development and the required contributions towards SAMM.

The scenarios outlined above explain the general approach of the Council to SPA avoidance/mitigation in relation to certain types of development. However there will be circumstances where schemes will be considered on a case by case basis of the advice of Natural England.

#### Other Forms of Development

Other applications for planning permission for developments in the vicinity of the SPA for example significant commercial developments can also negatively impact on the SPA. This is on account of the proposed use, scale, location and nature of the proposal. The proposal will be screened to assess whether they will have a likely significant effect (individually or in combination with other plans or projects) and where necessary a full Habitats Regulations Assessment will be undertaken. Where it is deemed that a development will have a potential impact on the SPA, Woking Borough Council will work with Natural England to agree the appropriate measures of mitigation/avoidance.

## 6.0 The Council's Monitoring Procedures

### SANG Capacity

- 6.1 The Council has a number of existing SANG sites and have identified new sites in the emerging Site Allocations DPD to address future housing needs. The standard for SANG is a minimum of 8 ha per 1000 population. Using this as a baseline and applying a simple formula the Council calculates the capacity of each SANG site to provide avoidance/mitigation.

8 ha of SANG per 1000 people is the equivalent of 0.008ha of SANG for 1 person

The average household size is 2.41 (based on 2001 census)

Therefore, on average each new household will need to make provision for 0.0193 ha of SANG.

$$\text{SANG Capacity} = \text{Area} / 0.0193$$

- 6.2 If the site is a new open space (i.e. there are no existing users) then no further adjustment is needed. For upgraded sites the existing users must be taken into account and discounted from the overall capacity in order to establish the true capacity of the SANG site. For sites with minimal use and substantial improvement programmes the whole site can potentially be counted towards the SANG area, however for sites which are used more frequently the additional number of people who can be accommodated is limited. It may be necessary for visitor survey to be undertaken to establish the current level of use of the site.

### Monitoring SANG Capacity

- 6.3 The Council will monitor the SANG capacity every quarter to ensure that there is sufficient capacity to meet the housing delivery identified in the Core Strategy. Recent calculations of operational SANGs demonstrate that there is still capacity to provide avoidance/mitigation for 818 dwellings (March 2021). This is the equivalent of just under 3 years supply (based on an average of 292 per annum). This takes the Council up to 2023-2024. After which, the Council will require additional SANG sites if it is to deliver the housing need towards the end of the plan period. Therefore the Council is in the process of identifying potential new SANG sites in its emerging Site Allocations DPD. See section 2.8 for more information.
- 6.4 The Council monitors when development schemes commence and are occupied as this is when contributions towards CIL (including SANG) and SAMM are triggered. The Council then adjusts the SANG capacity accordingly to ensure it has an up to date understanding of the supply of SANG land and its capacity to address SPA avoidance/mitigation.

### Monitoring of SAMM

- 6.5 SAMM funds are collected and paid directly to Hampshire County Council who act as treasurer of all the SAMM funds from all the TBH local authorities. JSPB meetings are held regularly to consider how SAMM funds should be appropriately spent to achieve the best outcomes and to report back on ongoing measures/projects that have been agreed. This would involve a wardening scheme, to monitor and manage access to the SPAs and encourage people to use SANGS land rather than the SPA's. It would include bird and visitor surveys to be undertaken to monitor the effectiveness of the mitigation measures.

## 7.0 The process of identifying SANG Sites

### Step 1: Initial identification of Appropriate Sites for Avoidance Measures

- 7.1 Natural England has produced guidance for the creation of SANG sites, please see Appendix 2 (p34) for more information on identifying suitable sites. The Guidance is being reviewed, and should be taken into account when approved.

### Step 2: Identification of a Programme of Works

- 7.2 Each SANG will be required to prepare a SANG Proposal and SANG Management Plan, which should be prepared in consultation with Natural England. This is to demonstrate that the proposed SANG meets the required criteria and can provide avoidance/mitigation. In order for sites to meet the specified criteria set out by Natural England they will most likely have to undergo a substantial programme of works. This will include capital works to get the site to an appropriate SANG standard and then further phased works to manage and maintain the site in perpetuity<sup>8</sup>. The costs of each improvement should be estimated to allow a calculation of total capital costs and future maintenance costs, for example see the Heather Farm SANG Proposal (taken to the 18 July 2013 Executive meeting)- Appendix 1.
- 7.3 The work programmes also include some non-ecological work to ensure people are attracted to these alternative sites. For example, the promotion of sites through leaflets sent to occupants of new dwellings to ensure they are aware that they have a quality open space to use close by.
- 7.4 Although visitor surveys have no direct mitigating responsibility they are necessary to monitor the success of the proposed access improvements, and therefore, a visitor survey before and after completion of work should be undertaken to show current use of the site and to monitor the impacts of improvements, or new provision.
- 7.5 The maintenance and management of the sites should be considered and a breakdown of the costs of maintenance and replacement of assets for each site is included. Calculations are based on estimates that assets will need to be replaced due to wear and tear.
- 7.6 This information will also inform any future reviews of the CIL Charging Schedule and any ring fencing towards SANG.

### Step 3: Calculation of the capacity (number of dwellings the SANG can provide avoidance to)

- 7.7 The calculation to determine the capacity of a SANG site to provide avoidance/mitigation is necessary to estimate how much SANG land would be needed to support planned development.

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<sup>8</sup> In perpetuity is recognised as the lifetime of the development to ensure the SANG is maintained and remains attractive to the public to act as a sufficient draw away from the SPA to achieve avoidance and mitigation.

7.8 The capacity of the potential new SANG sites identified in the draft Site Allocation DPD has been calculated based on the site area. The actual capacity may be reduced to discount the existing level of use. SANG sites should be operational before any residential development is assigned to it to provide avoidance measure. This means that any capital works to bring the site to SANG standard needs to be undertaken before occupation of assigned dwellings.

Step 4: Community Infrastructure Levy (CIL) and SAMM contributions

7.9 When submitting an application for residential development the applicant will be required to make a contribution towards SAMM through a legal agreement and payment towards CIL on qualifying sites (this will then be ring fenced).

Step 5: Allocate capacity to the SANG site

7.10 Once work on the site has commenced (as per Building Control notification) the SANG capacity is allocated for that proposal and is monitored.

## Glossary

**Appropriate Assessment:** An assessment under the Conservation of Habitats and Species Regulations 2017 of the implications of a development proposal on the SPA.

**Delivery Framework:** Guidance on Thames Basin Heaths SPA avoidance and mitigation methods, produced and endorsed by the Thames Basin Heaths Joint Strategic Partnership Board.

**Habitats Regulations:** The legal instrument that translates the obligations of the European Directives into UK law. Plans or projects, including planning applications that may adversely affect a European Site must pass a series of tests under the Habitats Regulations before they can proceed.

**Avoidance Strategy:** Woking Borough Council's strategy that identifies how new residential development within the borough can avoid potential effects upon the SPA, through financial contributions to provide either new open space or improvements to existing open space.

**Local Development Framework (LDF):** A portfolio of documents that provides the framework for delivering the spatial strategy of the area. The LDF will replace the existing Local Plan.

**Local Development Scheme (LDS):** Three-year project plan for the production of Local Development Documents.

**Strategic Access Management and Monitoring (SAMM):** tariff, where the monies are used to monitor access and management projects of these sensitive sites. Natural England are co-ordinating the project.

**Site of Special Scientific Interest (SSSI):** An area of land or water notified by statutory conservation agency under the Wildlife and Countryside Act 1981 as being of national importance for nature or geological conservation.

**South East Plan:** Regional Spatial Strategy, revoked July 2010.

**Special Protection Area (SPA):** A statutory protected habitat for wild birds under EC Regulations.

**Suitable Alternative Natural Greenspaces (SANGS):** land that is accessible for public recreation and meets the requirements of visitors who would use the SPA.

**Supplementary Planning Document (SPD):** To replace Supplementary Planning Guidance. Non-statutory documents that expand upon policies and proposals in the Local Development Framework.

**Thames Basin Heaths Special Protection Area:** It covers an area of some 8400ha, consisting of 13 Sites of Special Scientific Interest (SSSI) scattered from Hampshire in the West, to Berkshire in the North through to Surrey.

**APPENDIX 1: Heather Farm Proposal- Work Programme Costs (extract from the SANG Proposal)**

Set Up Costs – Year 1

Description	Unit Cost (£)	Quantity	Cost	Replacement Period	Cost in year
Land Value	696,000	1	696,000	n/a	1
SDLT on land	41,683	1	41,683	n/a	1
Site survey – ecology and access management	2229	1	2229	n/a	1
Design of path and landscaping scheme	5,000	1	5,000	n/a	1
Additional land	137,650	1	137,650	n/a	1
Enhancement work to HF land	340,000	1	340,000	n/a	1
Heather Farm Car Park – tarmac cap and edging kerbs	34,100	1	34,100	20 (see separate section below)	1
Layout of new unsurfaced routes		1	22,000	n/a	1
Topsoil and seeding of Heather Farm landscaped area	96,923	1	96,923	n/a	1
Heather Farm Footbridge Foundations	4,800	1	4,800	n/a	1
Footbridge from HF car park	54,158	1	54,158	20 (see separate section)	1
Fencing to SPA boundary	16.5 (per linear meter)	376mx2	12,408	10 (see separate section)	1
Tree clearance	1830	1	1830	n/a	1
Western Boundary Clearance	1915	1	1915	n/a	1
Ditch Clearance	1375	1	1375	n/a	1
Recycled plastic boardwalk in wettest areas	150,000	1	150,000	27 years	1
Additional raised paths and river crossing	79,275	1	79,275	n/a	1
Tractor and mower	24,000	1	24,000	15 years	1
Fencing for dog training area	4,500	1	4,500	10 years	1
Year 5 works to be done in year 1	10,010	1	10,010	5 years	1
<b>TOTAL SET UP COSTS</b>			<b>1,719,856</b>		

Maintenance Costs – Annual

Description	Unit Cost (£)	Qty	Cost	Replacement Period	Cost in year
Bridge inspection & maintenance	1100	1	1,100	1	Year 1 and every 1 year
Path Maintenance	2.2 /lm	3,000	6,600	1	Year 1 and every 1 year
Litter/ dog waste bins servicing	550	3	1,650	1	Year 1 and every 1 year
Biodiversity monitoring	1,650	1	1,650	1	Year 1 and every 1 year
Wardening salary & on costs of ½ ranger	22,000	1	22,000	1	Year 1 and every 1 year
Transport costs for ranger (vehicle & fuel)	4,400	1	4,400	1	Year 1 and every 1 year
Car Park Maintenance	550	1	550	1	Year 1 and every 1 year
Land maintenance	9,000	1	9,000	1	Year 1 and every 1 year
Contingency fund	2000	1	2000	1	Year 1 and every 1 year
			<b>48,950</b>		

Replacement Costs – Various

Description	Unit Cost (£)	Quantity	Cost	Replacement Period	Cost in year
Waymarking	55	6	330	5	Year 5 and every 5 years
Litter/Dog waste bins	660	3	1,980	5	Year 5 and every 5 years
Improvements to entrances including off site signage	1,100	1	1,100	5	Year 5 and every 5 years
Site leaflet	3,300	1	3,300	5	Year 5 and every 5 years
Visitor Survey	3,300	1	3,300	5	Year 5 and every 5 years
Gates	550	3	1,650	10	Year 10 and every 10 years
Signage & interpretation panels	4,950	3	4,950	10	Year 10 and every 10 years
Fencing for dog control	24,310	1	24,310	10	Year 10 and every 10 years
Fencing to SPA boundary	12,408	1	12,408	10	Year 10 and every 10 years
Fencing to dog training area	4500	1	4,500	10	Year 10 and every 10 years
Tractor and mower replacement	24,000	1	24,000	15	Year 15 and every 15 years
HF car park re-surface	34,100	1	34,100	20	Year 20 and every 20 years
New footbridge from Heather Farm car park	59,574	1	59,574	20	Year 20 and every 20 years
Recycled plastic boardwalk in wettest areas	165,000	1	165,000	27	Year 1, 27 and every 27years thereafter
Bourne Field Footbridge Foundations	4,800	1	4,800	n/a	Year 5
Bourne Field Footbridge	15,224	1	15,224	20	Year 5 and every 20 years thereafter

Horsell Common Preservation Society



**Heather Farm**

Suitable Alternative Natural Greenspace Proposal

Horsell Common Preservation Society  
Woking Borough Council



August 2014

## **APPENDIX 2: Natural England SANG guidance**

### **Guidelines for the creation of Suitable Accessible Natural Green Space (SANGS)**

#### **Introduction**

'Suitable Accessible Natural Green Space' (SANGS) is the name given to green space that is of a quality and type suitable to be used as mitigation within the Thames Basin Heaths Planning Zone.

Its role is to provide alternative green space to divert visitors from visiting the Thames Basin Heaths Special Protection Area (SPA). SANGS are intended to provide mitigation for the potential impact of residential development on the SPA by preventing an increase in visitor pressure on the SPA. The effectiveness of SANGS as mitigation will depend upon the location and design. These must be such that the SANGS is more attractive than the SPA to users of the kind that currently visit the SPA.

This document describes the features which have been found to draw visitors to the SPA, which should be replicated in SANGS. It provides guidelines on

- the type of site which should be identified as SANGS
- measures which can be taken to enhance sites so that they may be used as SANGS

These guidelines relate specifically to the means to provide mitigation for housing within the Thames Basin Heaths Planning Zone. They do not address nor preclude the other functions of green space (e.g. provision of disabled access). Other functions may be provided within SANGS, as long as this does not conflict with the specific function of mitigating visitor impacts on the SPA.

SANGS may be created from:

- 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 changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SPA
- land in other uses which could be converted into SANGS

The identification of SANGS should seek to avoid sites of high nature conservation value which are likely to be damaged by increased visitor numbers. Such damage may arise, for example, from increased disturbance, erosion, input of nutrients from dog faeces, and increased incidence of fires. Where sites of high nature conservation value are considered as SANGS, the impact on their nature conservation value should be assessed and considered alongside relevant policy in the development plan.

## The Character of the SPA and its Visitors

The Thames Basin Heaths SPA is made up of 13 Sites of Special Scientific Interest, and consists of a mixture of heathland, mire, and woodland habitats. They are essentially 'heathy' in character. The topography is varied and most sites have a large component of trees and some contain streams, ponds and small lakes. Some are freely accessible to the public and most have a degree of public access, though in some areas this is restricted by army, forestry or other operations.

A recent survey showed that more than 83% of visitors to the SPA arrive by car, though access points adjacent to housing estates showed a greater proportion arriving on foot (up to 100% in one case). 70% of those who visited by car had come from within 5km of the access point onto the SPA. A very large proportion of the SPA visitors are dog walkers, many of whom visit the particular site on a regular (more or less daily) basis and spend less than an hour there, walking on average about 2.5km. Almost 50% are retired or part-time workers and the majority are women. Further detailed information on visitors can be found in the reports referenced at the end of this document.

## Guidelines for the Quality of SANGS

The quality guidelines have been sub-divided into different aspects of site fabric and structure. They have been compiled from a variety of sources but principally from visitor surveys carried out at heathland sites within the Thames Basin Heaths area or within the Dorset heathlands. These are listed as references at the end of this document.

The principle criteria contained in the Guidelines have also been put into a checklist format which are contained in Appendix 1.

## **Accessibility**

**Most visitors come by car and want the site to be fairly close to home.** Unless SANGS are provided for the sole use of a local population living within a 400 metre catchment around the site, then **the availability of adequate car parking at sites larger than 10 ha is essential.** The amount and nature of parking provision should reflect the anticipated use of the site by visitors and the catchment size of the SANGS. It should provide an attractive alternative to parking by the part of SPA for which it is mitigation. **Car parks should be clearly signposted and easily accessed.**

New parking provision for SANGS should be advertised as necessary to ensure that it is known of by potential visitors.

## Target groups of Visitors

This should be viewed from two perspectives, the local use of a site where it is accessed on foot from the visitor's place of residence, and a wider catchment use where it is accessed by car. **Most of the visitors to the SPA come by car and therefore should be considered as a pool of users from beyond the immediate vicinity of the site.** All but the smallest SANGS should therefore target this type of visitor.

It is apparent from access surveys that a significant proportion of those people who visit the sites on foot, also visit alternative sites on foot and so this smaller but significant group look for local sites. **Where large populations are close to the SPA, the provision of SANGS should be attractive to visitors on foot.**

## Networks of sites

**The provision of longer routes within larger SANGS is important in determining the effectiveness of the authorities' network of SANGS as mitigation, because a large proportion of visitors to the SPA have long walks or run or bicycle rides.** The design of routes within sites at the smaller than about 40 ha will be critical to providing routes of sufficient length and attractiveness for mitigation purposes.

Where long routes cannot be accommodated within individual SANGS it may be possible to provide them through a network of sites. However, networks are inherently likely to be less attractive to users of the type that visit the SPA, and the more fragmented they are, the less attractive they will be, though this is dependent on the land use which separates each component. For example, visitors are likely to be less put off by green areas between SANGS than by urban areas, even if they restrict access to rights of way and require dogs to be kept on leads.

**Though networks of SANGS may accommodate long visitor routes and this is desirable, they should not be solely relied upon to provide long routes.**

**Specific guidance on individual SANGS is summarised in Appendix 2. An information sheet for individual SANGS can also be found in Appendix 4.**

### **Paths, Roads and Tracks**

The findings suggest **that SANGS should aim to supply a choice of routes of around 2.5km in length** with both shorter and longer routes of at least 5km as part of the choice, where space permits. The fact that a considerable proportion of visitors were walking up to 5km and beyond suggests **the provision of longer routes should be regarded as a standard**, either on-site or through the connection of sites along green corridors.

Paths do not have to be of any particular width, and both vehicular-sized tracks and narrow PRow type paths are acceptable to visitors.

The majority of visitors are female and safety is one of the primary concerns of site visitors. **Paths should be routed so that they are perceived as safe by the users**, with some routes being through relatively open (visible) terrain (with no trees or scrub, or well spaced mature trees, or wide rides with vegetation back from the path), especially those routes which are 1-3 km long.

The routing of tracks along hill tops and ridges where there are views is valued by the majority of visitors.

A substantial number of visitors like to have surfaced but not tarmac paths, particularly where these blend in well with the landscape. This is not necessary for all paths but **there should be some more visitor-friendly routes built into the structure of a SANGS, particularly those routes which are 1-3 km long.**

### **Artificial Infrastructure**

Little or no artificial infrastructure is found within the SPA at present apart from the provision of some surfaced tracks and car parks. Generally an urban influence is not what people are looking for when they visit the SPA and some people undoubtedly visit the SPA because it has a naturalness about it that would be marred by such features.

However, **SANGS would be expected to have adequate car parking with good information about the site and the routes** available. Some subtle waymarking would also be expected for those visitors not acquainted with the layout of the site.

Other infrastructure would not be expected and should generally be restricted to the vicinity of car parking areas where good information and signs of welcome should be the norm, though discretely placed benches or information boards along some routes would be acceptable.

## Landscape and Vegetation

**SANGS do not have to contain heathland or heathy vegetation to provide an effective alternative to the SPA.**

Surveys clearly show that **woodland or a semi-wooded landscape is a key feature** that people appreciate in the sites they visit, particularly those who use the SPA. This is considered to be more attractive than open landscapes or parkland with scattered trees.

A **semi-natural looking landscape with plenty of variation** was regarded as most desirable by visitors and some paths through quite enclosed woodland scored highly. There is clearly a balance to be struck between what is regarded as an exciting landscape and a safe one and so some element of choice between the two would be highly desirable. The semi-wooded and undulating nature of most of the SPA sites gives them an air of relative wildness, even when there are significant numbers of visitors on site. SANGS should aim to reproduce this quality.

**Hills do not put people off visiting a site**, particularly where these are associated with good views, but steep hills are not appreciated. **An undulating landscape is preferred to a flat one.**

Water features, particularly ponds and lakes, act as a focus for visitors for their visit, but are not essential.

### Restrictions on usage

The majority of the people using most of the SPA sites come to walk, with or without dogs. At two or three sites there were also a significant number of cyclists and joggers. A small amount of horse riding also occurs at some sites.

The bulk of visitors to the SPA came to exercise their dogs and so it is imperative that **SANGS allow for pet owners to let dogs run freely over a significant part of the walk. Access on SANGS should be largely unrestricted, with both people and their pets being able to freely roam along the majority of routes.** This means that sites where freely roaming dogs will cause a nuisance or where they might be in danger (from traffic or such like) should not be considered for SANGS.

It may be that in some areas where dog ownership is low or where the cultural mix includes significant numbers of people sensitive to pets, then the provision of areas where dogs are unrestricted can be reduced. It should also be possible to vary restriction over time according to the specific needs of a community, providing effective mitigation is maintained. SANGS proposals which incorporate restrictions on dogs should be in the minority of SANGS and would need to be considered on a case by case basis in relation to the need for restrictions.

## **Assessment of site enhancement as mitigation**

SANGS may be provided by the enhancement of existing sites, including those already accessible to the public that have a low level of use and could be enhanced to attract more visitors. The extent of enhancement and the number of extra visitors to be attracted would vary from site to site. Those sites which are enhanced only slightly would be expected to provide less of a mitigation effect than those enhanced greatly, in terms of the number of people they would divert away from the SPA. In order to assess the contribution of enhancement sites in relation to the hectare standards of the Delivery Plan, it is necessary to distinguish between slight and great enhancement.

Methods of enhancement for the purposes of this guidance could include enhanced access through guaranteed long-term availability of the land, creation of a car park or a network of paths.

SANGS which have not previously been open to the public count in full to the standard of providing 8ha of SANGS per 1000 people in new development in zone B. SANGS which have an appreciable but clearly low level of public use and can be substantially enhanced to greatly increase the number of visitors also count in full. The identification of these sites should arise from evidence of low current use. This could be in a variety of forms, for example:

- Experience of managing the site, which gives a clear qualitative picture that few visitors are present
- Quantitative surveys of visitor numbers
- Identified constraints on access, such as lack of gateways at convenient points and lack of parking
- Lack of easily usable routes through the site
- Evidence that the available routes through the site are little used (paths may show little wear, be narrow and encroached on by vegetation)

SANGS with no evidence of a low level of use should not count in full towards the Delivery Plan standards. Information should be collected by the local planning authority to enable assessment of the level of increased use which can be made of the SANGS. The area of the site which is counted towards the Delivery Plan standards should be proportional to the increase in use of the site. For example, a site already used to half of its expected capacity should count as half of its area towards the standards.

### **Staging of enhancement works**

Where it is proposed to separate the enhancement works on a site into separate stages, to deliver incremental increases in visitor use, the proportion of the increase in visitor use arising from each stage should be estimated. This would enable the granting of planning permission for residential development to be staged in parallel to ensure that the amount of housing permitted does not exceed the capacity of SANGS to mitigate its effects on the SPA.

### **Practicality of enhancement works**

The selection of sites for enhancement to be SANGS should take into account the variety of stakeholder interests in each site. Consideration should be given to whether any existing use of the site which may continue is compatible with the function of SANGS in attracting recreational use that would otherwise take place on the SPA. The enhancement should not result in moving current users off the SANGS and onto the SPA. The specific enhancement works proposed should also be considered in relation not only to their effects on the SANGS mitigation function but also in relation to their effects on other user groups.

### **References**

CLARKE, R.T., LILEY, D., UNDERHILL-DAY, J.C., & ROSE, R.J. (2005). Visitor access patterns on the Dorset Heaths. *English Nature Research Report*.

LILEY, D., JACKSON, D., & UNDERHILL-DAY, J. C. (2006) Visitor access patterns on the Thames Basin Heaths. *English Nature Research Report*.

LILEY, D., MALLORD, J., & LOBLEY, M. (2006) The "Quality" of Green Space: features that attract people to open spaces in the Thames Basin Heaths area. *English Nature Research Report*.

## Appendix 1: Site Quality Checklist – for a suite of SANGS

This guidance is designed as an Appendix to the full guidance on Suitable Accessible Natural Greenspaces (SANGS) to be used as mitigation (or avoidance) land to reduce recreational use of the Thames Basin Heaths SPA.

The wording in the list below is precise and has the following meaning:

- Requirements referred to as “must” are essential in **all** SANGS
- Those requirements referred to as “should have” should all be represented **within the suite** of SANGS, but do not all have to be represented in every site.
- All SANGS should have at least one of the “desirable” features.

### Must have

- For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANGS and the SPA.
  - It should be possible to complete a circular walk of 2.3-2.5km around the SANGS.
  - Car parks must be easily and safely accessible by car and should be clearly sign posted.
  - The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
  - The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s
  - All SANGS with car parks must have a circular walk which starts and finishes at the car park.
  - SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub cover along parts of the walking routes
  - Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming too urban in feel.
  - SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
  - All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
  - Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
  - SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).
-

### **Should have**

- SANGS should be clearly sign-posted or advertised in some way.
- SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.

### **Desirable**

- It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.
- Where possible it is desirable to choose sites with a gently undulating topography for SANGS
- It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.
- It is desirable that SANGS provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.
- Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.

## Appendix 2: Site Quality Checklist – for an individual SANGS

The wording in the list below is precise and has the following meaning:

- Requirements referred to as “must” or “should have” are essential
- The SANGS should have at least one of the “desirable” features.

### Must/ Should have

- For all sites larger than 4ha there must be adequate parking for visitors, unless the site is intended for local use, i.e. within easy walking distance (400m) of the developments linked to it. The amount of car parking space should be determined by the anticipated use of the site and reflect the visitor catchment of both the SANGS and the SPA.
- It should be possible to complete a circular walk of 2.3-2.5km around the SANGS.
- Car parks must be easily and safely accessible by car and should be clearly sign posted.
- The accessibility of the site must include access points appropriate for the particular visitor use the SANGS is intended to cater for.
- The SANGS must have a safe route of access on foot from the nearest car park and/or footpath/s.
- All SANGS with car parks must have a circular walk which starts and finishes at the car park.
- SANGS must be designed so that they are perceived to be safe by users; they must not have tree and scrub covering parts of the walking routes.
- Paths must be easily used and well maintained but most should remain unsurfaced to avoid the site becoming to urban in feel.
- SANGS must be perceived as semi-natural spaces with little intrusion of artificial structures, except in the immediate vicinity of car parks. Visually-sensitive way-markers and some benches are acceptable.
- All SANGS larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANGS must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANGS must be free from unpleasant intrusions (e.g. sewage treatment works smells etc).
- SANGS should be clearly sign-posted or advertised in some way.
- SANGS should have leaflets and/or websites advertising their location to potential users. It would be desirable for leaflets to be distributed to new homes in the area and be made available at entrance points and car parks.

## **Desirable**

- It would be desirable for an owner to be able to take dogs from the car park to the SANGS safely off the lead.
- Where possible it is desirable to choose sites with a gently undulating topography for SANGS
- It is desirable for access points to have signage outlining the layout of the SANGS and the routes available to visitors.
- It is desirable that SANGS provide a naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. The provision of open water on part, but not the majority of sites is desirable.
- Where possible it is desirable to have a focal point such as a view point, monument etc within the SANGS.

### **Appendix 3: Background**

The Thames Basin Heaths SPA was designated in 2005 under the Habitats Regulations 1994 to protect the populations of three internationally-threatened bird species that use the heathlands: woodlark, nightjar and Dartford warbler. One of the principle threats to these species is disturbance during their breeding period which collectively extends from February to August. Freely roaming dogs hugely exacerbate the disturbance caused by people visiting the sites.

The Thames Basin Heaths area is much urbanised with little green space available to people apart from the designated areas of heathland. The whole area is also under pressure for more housing.

The Habitats Regulations require an 'appropriate assessment' to be carried out for any plan or project (including housing developments) which may affect the designated interest, either alone or in combination with other plans or projects. The result is that each new planning application within the Thames Basin Heaths Planning Zone would have to be assessed in combination with all the other extant applications. A solution to this situation (which would cause a log jam in the planning system) is the Thames Basin Heaths Delivery Plan.

The Thames Basin Heaths Delivery Framework, which is monitored by the TBH Joint Strategic Partnership Board, provides the framework for addressing new residential development in the Thames Basin Heaths Planning Zone.

The need to provide green space for the community was incorporated into planning policy through PPG 17, originally published in 1991 and revised in 2003. It requires local authorities to set green space standards locally but that these should include aspects of quantity, quality and accessibility. PPG17 illustrates the breadth of type and use of public open spaces that are encompassed by the guidelines. SANGS fit into a small proportion of these. Local authorities may look at provision of SANGS in relation to other public open space provision within their area and identify potential SANGS as part of their audit of green space.

#### Appendix 4: SANGS Information Form

This form is designed to help you gather information about any potential SANGS. For more guidance on the creation of SANGS, please also refer to the relevant Borough Council's Thames Basin Heaths SPA Interim Avoidance Plan.

Natural England, Local Planning Authorities, and other organisations will then be able to consider the potential suitability of the proposed SANGS based on this initial information.

#### Background information

<b>Name and location of proposed SANGS</b>	<b>Name:</b>  <b>Address:</b>   <b>Grid reference:</b>  <b>(Please attach a map of the site with the boundaries clearly marked)</b>
<b>Size of the proposed SANGS (hectares), excluding water features</b>	
<b>Any current designations on land - e.g. LNR / SNCI</b>	
<b>Current owners name and address. (If there is more than one owner then please attach a map)</b>	
<b>Who manages the land?</b>	
<b>Legal arrangements for the land – e.g. how long is the lease?</b>	
<b>Is there a management plan for the site? (if so, please attach)</b>	

**Current visitor arrangements**

<p><b>Is the site currently accessible to the public?</b></p>	
<p><b>Does the site have open access?</b></p>	
<p><b>Has there been a visitor survey of the site? (If so, please attach)</b></p>	
<p><b>If there has been no visitor survey, please give an indication of the current visitor levels on site</b></p>	<p>High / Medium / Low</p>
<p><b>Does the site have existing car parking?</b></p>	<p>Yes / No</p> <p><b>How many car parks?</b></p> <p><b>How many car parking spaces?</b></p> <p><b>(Please mark car parks and numbers of car parking spaces on the site map)</b></p>
<p><b>Are there any existing routes or paths on the site?</b></p>	<p>Yes / No</p> <p><b>(Please mark these on the map)</b></p>
<p><b>Are there signs to direct people to the site? (Please indicate where and what type of sign)</b></p>	

**Site quality checklist**

This checklist is intended to help identify what is already present on the site and what needs to be developed for the SANGS to be suitable. This information is taken from Appendix 2 – please refer to Appendix 2 for more details.

<b>Must/should have – these criteria are essential for all SANGS</b>			
	<b>Criteria</b>	<b>Current</b>	<b>Future</b>
1	Parking on all sites larger than 4ha (unless the site is intended for use within 400m only)		
2	Circular walk of 2.3-2.5km		
3	Car parks easily and safely accessible by car and clearly sign posted		
4	Access points appropriate for particular visitor use the SANGS is intended to cater for		
5	Safe access route on foot from nearest car park and/or footpath		
6	Circular walk which starts and finishes at the car park		
7	Perceived as safe – no tree and scrub cover along part of walking routes		
8	Paths easily used and well maintained but mostly unsurfaced		
9	Perceived as semi-natural with little intrusion of artificial structures		
10	If larger than 12 ha then a range of habitats should be present		
11	Access unrestricted – plenty of space for dogs to exercise freely and safely off the lead		
12	No unpleasant intrusions (e.g. sewage treatment smells etc)		
13	Clearly sign posted or advertised in some way		

14	Leaflets or website advertising their location to potential users (distributed to homes and made available at entrance points and car parks)		
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<b>Desirable features</b>			
	<b>Criteria</b>	<b>Current</b>	<b>Future</b>
15	Can dog owners take dogs from the car park to the SANGS safely off the lead		
16	Gently undulating topography		
17	Access points with signage outlining the layout of the SANGS and routes available to visitors		
18	Naturalistic space with areas of open (non-wooded) countryside and areas of dense and scattered trees and shrubs. Provision of open water is desirable		
19	Focal point such as a view point or monument within the SANGS		