
Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy

May 2022



Elmbridge

Borough Council

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Acronyms

AMR – Authority Monitoring Report

EBC – Elmbridge Borough Council

JSPB – Joint Strategic Partnership Board

NE – Natural England

PPG - Planning Practice Guidance

SANG – Suitable Alternative Green Space

SAMM – Strategic Access Management and Monitoring

SPA – Special Protection Area

SSSI – Site of Scientific Special Interest

TBHs – Thames Basin Heaths

TBHSPA – Thames Basin Heaths Special Protection Area

1. Introduction

- 1.1 Elmbridge Borough Council (EBC) is preparing its new Local Plan. The new Local Plan will set out the spatial strategy for the borough for a 15-year period, to deliver the council's vision for how our places and communities will grow. It will include borough-wide strategic and detailed development management policies to deliver sustainable growth. In addition, the Plan will allocate sites for development to meet the borough's identified development needs.
- 1.2 In preparing the Plan, the council has undertaken several evidence-gathering studies to identify the borough's development needs, and what land is available to meet these needs. This includes looking at land, which is constrained and should be protected from development, as well as what mitigation might be needed to accommodate development in certain locations. It is the purpose of this Strategy to set out the council's approach to mitigating development which is proposed near to a network of heathland sites known as the Thames Basin Heaths Special Protection Area.
- 1.3 The TBHSPA was designated on 9 March 2005 and forms part of a European-wide network of sites of international importance for nature conservation. It supports important populations of three vulnerable and rare ground-nesting species of birds:
- Nightjar *Caprimulgus europaeus*;
 - Woodlark *Lullula arborea*; and
 - Dartford warbler *Sylvia undata*.
- 1.4 The council has a responsibility (under The Conservation of Habitats and Species Regulations 2017, as amended) to ensure that development within the borough does not adversely affect the integrity of the TBHSPA.
- 1.5 In total, land within eleven local authorities (across Surrey, Hampshire and Berkshire) is within proximity of the SPA. The need for cross-boundary co-operation to address the cumulative impact of development within the affected area necessitated the creation of the Joint Strategic Partnership Board (JSPB), which endorsed a [Delivery Framework](#) in 2009. Three key measures were set out within the document:
- The establishment of a 400 metre buffer around the SPA within which no new residential units can be permitted;

- Within a 400 metre to 5km zone around the SPA, new residential development must provide mitigation in the form of:
 - Suitable Alternative Natural Greenspace (SANG);
 - Financial contribution towards Strategic Access Management and Monitoring (SAMM) measures to co-ordinate visitor management across the whole of the publicly accessible land within the SPA.
 - Within a 5km to 7km zone around the SPA, the impact of major residential developments of more than 50 units is assessed on a case-by-case basis with Natural England
- 1.6 Within Elmbridge, the Chatley Heath Site of Special Scientific Importance (SSSI) forms part of the TBHSPA. This heathland is located in the south of the borough, at the convergence of the M25, the A3 and the boundary with Guildford Borough Council and is shown at Appendix 1. The map at Appendix 2 shows those parts of Elmbridge lying within 400m of the TBHSPA, which comprises a relatively narrow band of Green Belt land immediately north of the M25. It also shows those parts of the borough lying within 5km of the SPA, which includes the urban area of Cobham and the Green Belt settlement of Downside, as well as parts of Weybridge including St. George's Hill, Brooklands and Whiteley Village. The 5km – 7km zone takes in the remainder of Weybridge, as well as Hersham, Oxshott and the southern and western parts of Esher.
- 1.7 In order to comply with the Conservation of Habitats and Species Regulations ('Habitat Regulations') and demonstrate that the quantum of development planned is deliverable without giving rise to an adverse effect on the integrity of the SPA, the council has commissioned a Habitat Regulations Assessment to support the new Local Plan.

The need for this Avoidance and Mitigation Strategy

- 1.8 Without an Avoidance and Mitigation Strategy, the council would be unable to grant planning permission for development within the zones of influence as it would not be possible to conclude that development would not result in an adverse effect on the TBHSPA. A proportion of development expected within the new Local Plan is located within the zones of influence.
- 1.9 This Avoidance and Mitigation Strategy considers development planned within the borough between 2022 and 2037, to ensure that the potential impacts arising from development close to the SPA are addressed. This document relates only to proposals for new residential development. It may be that some

types of non-residential development which come forward during the plan period could have an impact on the SPA, in which case a separate assessment, carried out with the guidance of Natural England, may be required.

2. Legal, Policy and Guidance Context

Legal context

- 2.1 The Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations) implements the requirements of the European Union Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (the Habitats Directive) (Council Directive 92/43/ECC) in the United Kingdom. The Habitats Regulations also protect areas classified under Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the Birds Directive). The Regulations provide a legal framework to protect a network of sites that have rare or important habitats and species in order to safeguard biodiversity.
- 2.2 Following the United Kingdom's departure from the European Union, the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 retains all current environmental regulations originally underpinned by EU law.
- 2.3 The Habitats Regulations require that special measures are undertaken to conserve the habitats of certain rare species of birds (listed in Annex I of the Birds Directive). At the time of implementing the Habitats Directive, Special Protection Areas (SPAs) were designated in order to protect the habitats of these birds and to maintain their populations. All of these SPAs are part of the Natura 2000 network.
- 2.4 The Habitats Regulations require that competent authorities ensure that the activities they regulate do not have any adverse effect on the integrity of the Natura 2000 sites. In exercising its planning function, the council must assess the possible effect of a plan or project (including applications for planning permission or prior approval) on the SPA by conducting a Habitats Regulations Assessment. Such an assessment identifies any likely significant effects on the SPA arising from the plan or project, whether alone or in combination with other plans and projects.
- 2.5 Where the potential for a likely significant effect cannot be excluded, an Appropriate Assessment of the impact of the plan or project on the SPA must be undertaken. Having carried out an Appropriate Assessment, the council will be able to agree to the plan or project only once any adverse effect on the integrity of the SPA can be ruled out. If the potential for an adverse effect cannot be excluded, the plan or project is only permissible where there is an

overriding public interest and compensatory measures can be secured.

- 2.6 The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' (2018) established the legal principle that mitigation measures cannot be taken into account at the Habitats Assessment stage. In effect, this means that a full Appropriate Assessment must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA.

Policy context

- 2.7 The National Planning Policy Framework (NPPF) (2021) advises at paragraph 179 that plan-makers must safeguard wildlife-rich habitats.
- 2.8 Paragraph 181 advises that sites identified as providing compensation for adverse effects on habitats sites should be afforded protection. The following paragraph advises that the presumption in favour of sustainable development (outlined at paragraph 11 of the NPPF) does not apply where a proposal is likely to result in a significant effect on a habitats site, unless it can be demonstrated that the proposal will not adversely affect the integrity of the site.
- 2.9 The South East Plan was partially revoked on 25 March 2013. However, Policy NRM6, which deals specifically with residential development in proximity of the TBHSPA, remains in place. The policy advises that development should be directed to areas in which adverse effects can be avoided without mitigation measures, but where mitigation measures are required local planning authorities should adopt a strategic approach. The full policy wording can be found at Appendix 3 to this document.
- 2.10 Within the draft Local Plan, draft Policy ENV5 (Thames Basin Heaths Special Protection Area) requires that new residential development likely to have a significant effect on the TBHSPA must demonstrate that measures are put in place to avoid or mitigate these effects.

Supplementary guidance context

- 2.11 The Interim Mitigation Strategy for Elmbridge (April 2007) was produced to address the potential effects on the TBHSPA arising from residential development within the vicinity. It was superseded by the [Delivery Framework](#), which was endorsed by the TBHSPA Joint Strategic Partnership Board in 2009. The Delivery Framework comprises recommendations on measures to enable residential development in the vicinity of the SPA to continue, without resulting in a significant impact on the SPA. Local authorities are directed to

refer to the Framework when producing their local plans and supplementary guidance.

- 2.12 The Government's [Planning Practice Guidance \(PPG\)](#) advises that planning authorities must consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications.
- 2.13 Separate guidance is provided on [Appropriate Assessment](#) under the Conservation of Habitats and Species Regulations 2017 (as amended).
- 2.14 The '[Guidelines for the creation of Suitable Accessible Natural Green Space](#)' (SANG) were produced by Natural England and address green spaces of a quality and type suitable to divert recreational visitors away from the land designated as the TBHSPA. The document includes a quality checklist which has been used in the [SANG Options Assessment](#) to identify future SANG capacity within the borough.
- 2.15 The '[Strategic Access Management and Monitoring Project Tariff Guidance](#)', also produced by Natural England, advises local planning authorities on the process of setting, collecting and reviewing the tariff levied on residential development to secure the delivery of access management and monitoring measures coordinated strategically by Natural England on behalf of the affected authorities.

3. Development in proximity of the TBHSPA

- 3.1 All development proposed in proximity to the SPA will be subject to an Appropriate Assessment to consider whether it is likely to give rise to a significant effect on the integrity of the SPA (whether individually, or in combination with other plans or projects). Natural England will be consulted on all such applications, and on the Appropriate Assessments produced by the council.

The potential for adverse impacts

- 3.2 An increase in residential development close to the SPA is likely to result in a disturbance arising from urbanisation and resultant increased fly-tipping, predation by domestic cats and uncontrolled fires.
- 3.3 An increase in the population within the borough would potentially add to the recreational pressure on the SPA, by way of increasing the number of visitors. This could lead to disturbance to the ground-nesting birds for which the SPA is designated, prevent the appropriate management of the habitats, erode the surface of the SPA and affect the soil quality as a result of dog fouling.
- 3.4 Development within Elmbridge may precipitate an increase in vehicle journeys, with a resultant negative impact on air pollution. Dependent on the type and scale of development proposed and the distance between it and the SPA, there is also the potential for noise and light disturbance. These factors are considered within the site-specific Appropriate Assessment carried out by the council during its consideration of development proposals.

Types of development covered

- 3.5 This Avoidance and Mitigation Strategy concerns itself primarily with the effects arising from any net gain in residential units (Use Class C3) within the zones of influence. Replacement dwellings will not lead to increased recreational pressure; therefore, they will have no likely significant effect on the SPA and will not be required to provide avoidance and mitigation measures.
- 3.6 It must be noted that mitigation is required for a net gain in residential units no matter how this is achieved: whether express planning permission is granted, or whether permitted development rights are utilised.
- 3.7 Developments falling within Use Class C2 (residential institutions) could result

in a negative impact on the SPA, depending on how they are used and occupied. Where a residential institution has permanent residents, such as nursing or care homes, the likely level of activity generated by the residents and any on-site staff accommodation will be taken into account in considering whether or not mitigation will be required.

- 3.8 Where there is a proposal for Houses in Multiple Occupation (HMOs), where the facilities have individually lockable rooms and could accommodate more than one occupant in each room, then each of the rooms should be treated as a separate dwelling and the requirement for mitigation applied accordingly. Where the rooms could accommodate no more than a single bed, mitigation on a per person basis will be considered.
- 3.9 Applications for staff accommodation, for hotels and for camping and caravanning sites may result in an impact on the SPA and will be assessed on a case-by-case basis. In general, it will be necessary to consider whether the proposed development is likely to become a permanent full-time address: if it is, then mitigation will be required.
- 3.10 The consideration of proposals for student accommodation will be on a case-by-case basis. Factors to be taken into account will include whether it is occupied year-round or only during term-time, the type of student housed, whether or not vehicles and/or pets are permitted, the provision of car parking and the potential for sale on the open market in future.

4. Avoidance and Mitigation

- 4.1 A proportion of new residential development expected within the new Local Plan is likely to be located within zones of influence of the SPA. This section provides guidance on the measures which will be implemented in Elmbridge to avoid likely significant effects on the integrity of the SPA from development over the plan period.

Zones of influence

- 4.2 There are three zones of influence shown in Table 1. The distances are measured as the crow flies, from the SPA perimeter to the point of access on the curtilage of the dwellings.

Table 1 – SPA Buffer Zones

Zone of Influence	Distance from the SPA
A	From 0m to 400m straight line distance from the SPA
B	From 400m to 5km straight line distance from the SPA
C	From 5km to 7km straight line distance from the SPA

Zone of Influence A - 0 to 400m

- 4.3 It is not considered possible to mitigate the potential adverse effects arising from new residential development within 400m of the SPA, and as such there is a presumption against a net gain in residential units within this zone of influence.
- 4.4 Applications for non-residential development within this zone will have their potential for adverse impacts on the SPA assessed on a case-by-case basis, in consultation with Natural England.

Zone of Influence B - 400m to 5km

- 4.5 Any net increase in residential dwellings within 5km of the SPA is considered likely to have a significant adverse effect on the SPA either alone, or in combination with other plans or projects. Consequently, every proposal resulting in a net gain in residential units must provide mitigation for the

additional recreational pressure arising from new residents.

4.6 In accordance with the Delivery Framework, there will be a two-pronged approach to avoiding likely significant effects arising from development within 5km of the SPA:

- Provision of Suitable Alternative Natural Greenspace (SANG) to attract people away from the SPA, thereby reducing the recreational pressure on it; and
- Strategic Access Management and Monitoring (SAMM) measures to reduce the negative impacts arising from visits the SPA, and to promote SANGs.

Zone of Influence C - 5km to 7km

4.7 Within the 5 – 7km zone, the potential impact arising from residential developments result in a net gain of 50 or more units is assessed on a case-by-case basis, in consultation with Natural England. It is not considered necessary to provide mitigation for smaller development proposals.

Suitable Alternative Natural Greenspace (SANG)

4.8 The purpose of SANG is to attract informal recreation users, such as walkers, away from the SPA. This is done by providing new open space, or improved existing open space, with capacity for informal recreation.

4.9 There are three types of SANG:

- Strategic SANGs are owned and maintained by the council and provide mitigation for residential units on smaller schemes or on urban sites within the zones of influence and which cannot provide their own land as SANG.
- Bespoke SANGs provide mitigation for a specific development, usually on larger sites. Usually, these are provided by the developer and transferred to the council, but step-in rights can be agreed.
- Third-party private SANGs are privately provided and owned. Developers can purchase SANG capacity directly from the owners by private contract agreement. Long term management is sometimes provided by the owners or the land is transferred to public ownership with maintenance sums to fund its long-term management.

4.10 Elmburgh currently only has strategic SANGs. Whilst the council would welcome discussions with landowners who wish to provide bespoke or private SANGs, due to the limitations on land availability within the borough and the small scale of the sites expected to be delivered during the Plan period it is considered unlikely that such SANGs will come forward.

SANG identification and suitability

4.11 Table 2 sets out the amount of SANG to be provided for development falling within each of the zones of influence.

Table 2 – SANG standards for net increase in dwellings

Zone of influence	SANG Standard
A – from 0m to 400m straight line distance from the SPA	No standard – presumption against a net gain in residential units in this zone
B – from 400m to 5km straight line distance from the SPA	At least 8 hectares per 1000 people
C – Beyond 5km to 7km straight line distance from the SPA	At least 2 hectares per 1000 people

SANG Catchments

4.12 SANGs have a catchment area, dependent on their size and the availability of car parking facilities. The catchment is the area in which new development will be attributable to the SANG in question. The catchment areas are as follows:

- A SANG of 2-12 ha will have a catchment of 2km
- A SANG of 12-20 ha will have a catchment of 4km
- A SANG of 20 ha plus will have a catchment of 5km
- SANGs without parking facilities will have a catchment of 400m, regardless of their size

4.13 Each SANG also has a finite capacity for mitigating residential development, based on its size and the level of existing use prior to designation (where the site is already publicly accessible). Capacity is expressed in terms of the number of people that can be mitigated, rather than the number of residential

units as larger units are likely to have a greater potential impact on the SPA than smaller units. Where there are proposals for a net gain of at least ten residential units on a site, the units will be allocated to a SANG based on the average occupancy of each dwelling to be mitigated.

- 4.14 The council has previously used an average occupancy rate of 2.4 people per dwelling to allocate capacity at SANGs, as advised within the Delivery Framework. However, to standardise the council’s approach with the other local planning authorities affected by the SPA, a differential rate based on dwelling size will be used for permissions granted once the new Local Plan is adopted. The occupancy rates to be used are shown in Table 3 below.

Table 3: Occupancy rates by dwelling size

Dwelling size	Occupancy
1 bedroom	1.31 people
2 bedrooms	1.76 people
3 bedrooms	2.51 people
4 bedrooms	2.86 people
5+ bedrooms	3.73 people

- 4.15 As well as using the new occupancy rates detailed in table 3, more analysis will be undertaken to assess dwelling size. For the purposes of ascertaining the dwelling size, and thus the SANG capacity exhausted by a particular dwelling, additional habitable rooms capable of conversion to become a bedroom will be included. This will include, for a dwelling house with more than a single-storey, any room above ground floor level with an external window and a floor area greater than 6.5sqm.
- 4.16 In terms of allocating residential units to a particular SANG, a proposal for a net increase of less than 10 dwellings will not be allocated to a specific SANG. The impact of these smaller-scale proposals is considered acceptable provided that, overall, there remains sufficient SANG capacity within the borough.
- 4.17 Within the 5km – 7km zone of influence, only schemes of more than fifty units require mitigation. For most schemes within this zone, SANG capacity will be

exhausted at a rate of 25%, i.e. for a scheme of 100 residential units, 25 units of capacity will be used.

- 4.18 Elbridge currently has two strategic SANGs, which are owned and operated by the borough council. These are located at Brooklands Community Park and at Esher Commons. Development on sites which cannot provide their own bespoke on-site SANG will continue to be allocated to the strategic SANGs, for as long as capacity remains.
- 4.19 Some areas of the borough fall within the catchment area of more than one SANG, as there is overlap. This means that the impact of developments proposed in any of the overlapping catchment areas can be mitigated through allocation to either of the existing SANG. The borough council will choose which SANG to allocate the units to and deduct from that SANG's remaining capacity accordingly.

Existing SANG capacity

- 4.20 The capacity of existing SANG sites in Elbridge, correct at 31 March 2022, is set out in Table 4 below.

Table 4 – Existing SANG capacity

SANG	Types of site	Area (ha)	Catchment	Original capacity (units)	Exhausted capacity (units)	Remaining capacity (units)
Esher Commons	Strategic	38 ha ^[1]	5km	1021	785	236
Brooklands Community Park	Strategic	24 ha ^[2]	5km	1104	1073	31

- 4.21 There is capacity for approximately 267 (net homes) remaining on the two existing SANG sites. Moving forward (and as described in paragraph 4.14 above), remaining capacity will be expressed in persons. Using the assumed occupancy rate of 2.4 persons per dwelling, the existing sites have the capacity to accommodate a further 641 persons which equates to **5ha** (using 8ha per 1000 people) of existing SANG provision.

Emerging SANG capacity

- 4.22 Over the new Plan period, the council's local housing target is for 6785 new residential units. A proportion of these are likely to be located within zones of influence of the SPA, meaning that new SANG capacity will need to be identified.
- 4.23 Based on the list of sites included within the 2022 Land Availability Assessment, it is anticipated that 607 homes will be delivered within the 400m – 5km zone during the Plan period, and 445 homes delivered on sites of more than 50 units within the 5km – 7km zone. The amount of capacity required to mitigate this development has been derived by converting the number of units into persons based on the dwelling size split contained within the [Local Housing Needs Assessment](#) and assuming delivery of 40% affordable housing, in accordance with existing policy. The anticipated capacity required is shown in Table 6.
- 4.24 The requirements shown in Table 6 also includes a windfall calculation. In order to identify the most realistic windfall site allowance, the total number of completed units falling within 400m – 5km zone have been identified over a 5-year period.

Table 5: Windfall allowance

Year	Total Windfalls units completed	Total Windfalls units that fall within Zone B- 400m to 5km
1 st April 2016 – 31 st March 2017	88	12
1 st April 2017 – 31 st March 2018	73	22
1 st April 2018 – 31 st March 2019	149	16
1 st April 2019 – 31 st March 2020	47	5
1 st April 2020 – 31 st March 2021	84	13
Total	872	68
Average	87	14

- 4.25 The evidence in table 5 shows that there is an average of 14 units per annum of windfall sites falling within Zone B – 400m to 5km completed for the period

between April 2016 and March 2021. To prevent double counting, 10 years of windfall is applied to the later years as the first 5 years include windfalls in sites under construction and with planning permission. This results in 140 units which is only applied to the 400m -5km buffer as only sites over 50 units are relevant to the 5km-7km buffer. An average occupancy rate of 2.4 is then applied to identify the number of persons to be mitigated from windfall units. This is considered a reasonable approach to estimating windfall.

- 4.26 Based on the remaining capacity of 641 persons on the existing SANG sites, which is the equivalent to 5ha (at 8ha per 1000 people) and the development forecast over the Plan period including windfall, it is anticipated that an additional **7.5ha** of SANG will be required in total (Table 6).
- 4.27 Considering the anticipated delivery trajectory and an estimate on windfall development as explained at paragraph 4.25, it is expected that the borough's remaining existing SANG capacity will be exhausted during the 11 to 15-year period (Table 7).
- 4.28 In planning to meet future development needs within the Plan period, it is likely that additional SANG capacity will be required. A [SANG Options Assessment](#) has been prepared to identify and assess additional SANG capacity to mitigate the impact of new development.
- 4.29 There is potential in the long term for neighbouring authorities to provide SANG. This is most apparent at Effingham Common, which does have remaining capacity but would need to provide a car park to increase the catchment area. Discussions will continue with Guildford Borough Council.
- 4.30 The only remaining option for a SANG site within the borough is to extend SANG at Esher Common (Site B Oxshott Heath). This may conflict with its designation as a Site of Special Scientific Interest and will require further investigation into the capacity due to the site's existing recreational use. A visitor survey and environmental sensitivity assessment will be commissioned in order to provide further information. Depending on the results, it could be that this SANG is extended in the later years of the plan.

Table 6 – Anticipated residential units within the zones of influence and required provision of mitigation land

Zone of Influence	Anticipated net units in Plan period	Anticipated number of persons to be mitigated	Windfall units	Persons to be mitigated from windfall units	Natural England standard of provision	SANG Required
400m – 5km	607	1212	140	336	8 ha / 1000 population	12.3ha
5km – 7km	445	143	0	0	2 ha / 1000 population	0.2ha

Table 7 – Anticipated residential units by timeframe and zone of influence

Timeframe	Number of units expected in the 400m – 5km zone	Windfall allowance (units)	Persons to be mitigated in 400m – 5km zone + windfalls	Number of units expected in the 5km – 7km zone	Persons to be mitigated in 5km – 7km zone	Total persons to be mitigated	Mitigation land required
1 to 5 years	55	0	106	200	88	194	1.0ha
6 to 10 years	141	70	435	0	0	435	3.4ha
11 – 15 years	411	70	1007	245	55	1062	8.1ha

SANG contributions

- 4.31 For developments that must provide avoidance measures, and which are not providing a bespoke on-site SANG solution, contributions must be made to the council for the use of the capacity at one of the strategic SANGs the council allocates to. These contributions go towards a programme of works to improve the overall quality of the SANG sites. As the SANGs improve in quality, they become more attractive to potential users and reduce the likelihood of those users choosing to visit the SPA.
- 4.32 SANG falls within the definition of infrastructure, and as such the financial contribution towards the cost of enhancing and maintaining the required amount and quality of SANG in perpetuity is sought via the Community Infrastructure Levy (CIL). In order to ensure that SANG is delivered and maintained in a favourable condition, it must be treated as an item of essential infrastructure within the council's [Infrastructure Delivery Plan](#).
- 4.33 The council will ring-fence the required amount of funding for SANG from all CIL-eligible development delivered within the 400m-5km zone. Money for other infrastructure within this zone is allocated only once the amount set-aside for SANG has been deducted.

Strategic Access Management and Monitoring

- 4.34 Strategic Access Management and Monitoring (hereafter referred to as SAMM) is a separate mitigation measure, funded by financial contributions levied on development located within the zones of influence. In order to ensure that access management implemented in one area does not simply displace visitors onto another part of the SPA, it is necessary to take a strategic approach to visitor access management.
- 4.35 SAMM comprises a programme of strategic visitor access management measures designed to mitigate the effects of new development on the SPA, by:
- Promoting awareness and usage of SANGs, and particularly during the breeding bird season
 - Providing wardening services
 - Providing an education programme
 - Creating new volunteering opportunities

- Monitoring visitor usage of SANGs and the SPA
- Monitoring the number of birds on the SPA

4.36 SMM contributions are sought by way of a legal agreement prior to the granting of planning permission. Whilst levied by the individual local planning authorities, SMM funds are collected by a central administrative body (Hampshire County Council) and managed by Natural England. As the SMM measures are strategic, not all of the contributions collected from development within the borough will necessarily be spent within Elmbridge. The amount of SMM collected and transferred for strategic allocation is published annual in the council's [Authority Monitoring Report](#).

4.37 The SMM tariff is calculated using the average occupancy of each dwelling to be mitigated. At the time of writing, the charges are as set out in Table 7 below.

Table 7: SMM tariff by dwelling size

Dwelling size	Average occupancy	Tariff per dwelling @ £496.00 per person
1 bedroom	1.31	£650.00
2 bedrooms	1.76	£873.00
3 bedrooms	2.51	£1,245.00
4 bedrooms	2.86	£1,418.00
5+ bedrooms	3.73	£1,850.00

4.38 In the interest of consistency with the CIL Charging Schedule and in recognition of the importance of affordable housing provision in the borough, the SMM tariff is not levied on affordable homes. A 34% supplement is applied to all other residential units to compensate for the exclusion of affordable housing. This has been reflected in the tariff shown in Table 7 above.

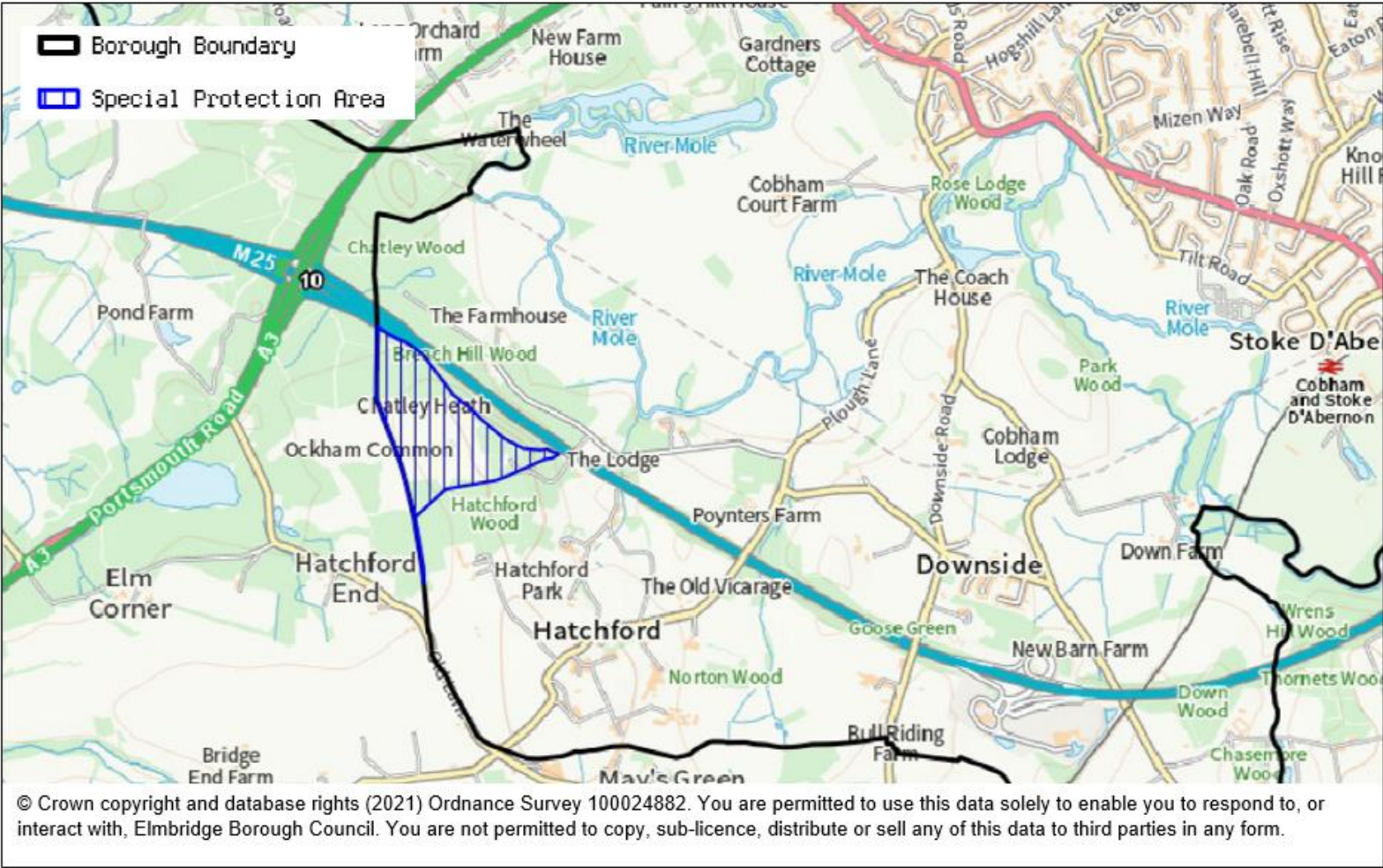
4.39 Within the 5km – 7km zone of influence, only schemes of more than fifty units require mitigation. For most schemes within this zone, SMM contributions will be charged at 25% of the standard rate.

- 4.40 The contribution payable may be updated from time to time to reflect increased costs in which case the amendments will be published on the council's website. Any uplift will not affect contributions already paid or committed.
- 4.41 In the event that development comes forward which provides its own on-site bespoke SANG, the SAMM contributions will still be payable.
- 4.42 In all but the most exceptional cases, the provision of SAMM will be sought by way of a planning obligation. The council will use legal remedies to enforce these obligations, in the event that this becomes necessary.

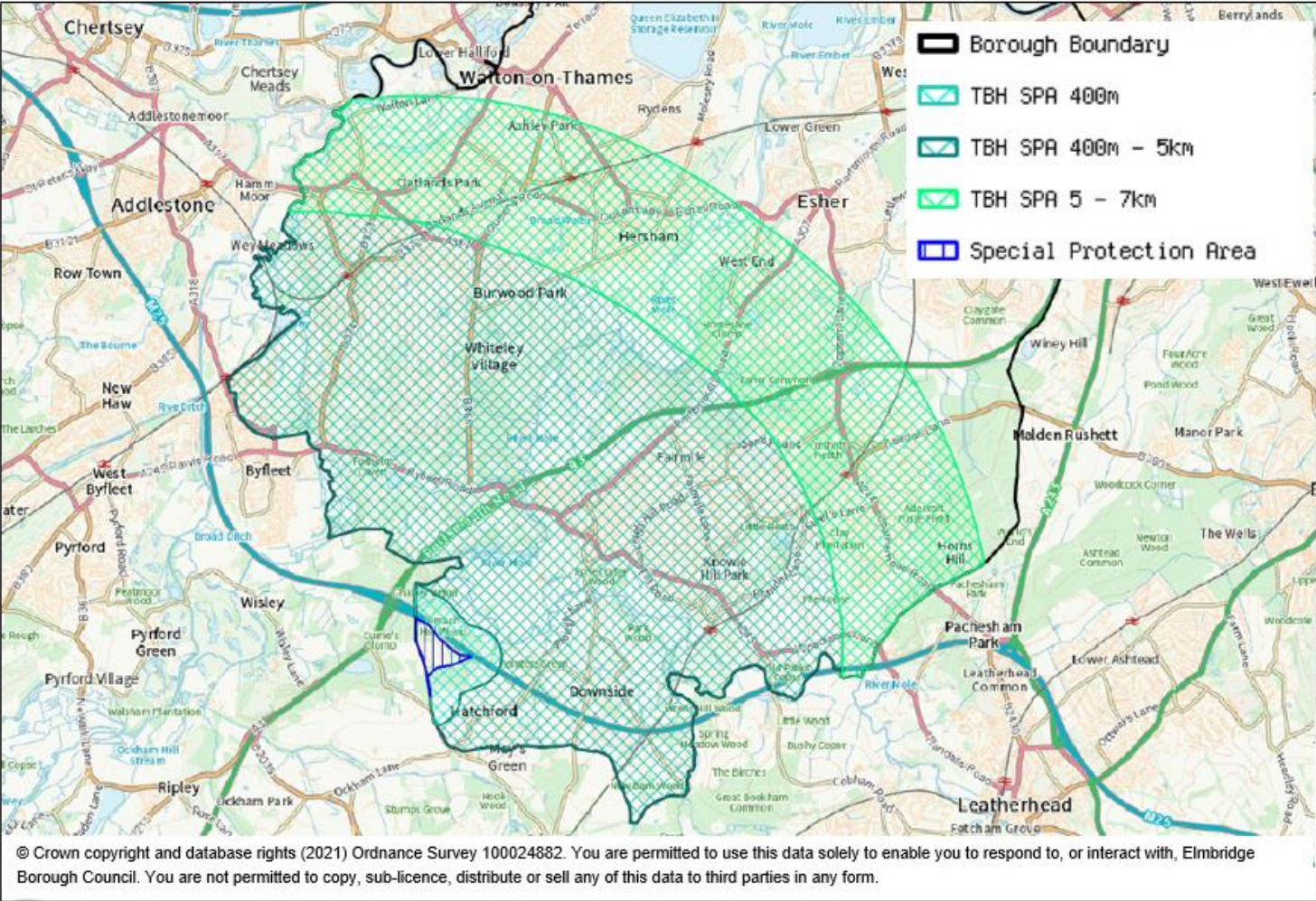
5. Monitoring and Review

- 5.1 Monitoring will be carried out by both the council and by Natural England.
- 5.2 The council will undertake its own monitoring, reporting regularly to the JSPB on SANG capacity within the borough and submitting monitoring data relating to SAMM contributions quarterly to the JSPB. The council will monitor the availability of SANG in the borough to ensure that there is sufficient capacity in the right places to provide mitigation for new dwellings. This needs to take account of current need, but also expected future development. The council will review this Avoidance and Mitigation Strategy at appropriate points as needed.
- 5.3 The JSPB will review the results of the monitoring work undertaken on an annual basis and amendments will be recommended by the board to address identified problems. Amendments may be made to this Avoidance and Mitigation Strategy in accordance with the above if considered necessary.
- 5.4 The SAMM Project Officer (hosted by Natural England) will monitor the visitor usage of the SPA and SANGs and the relevant bird populations on SPA sites.
- 5.5 Where contributions are secured and paid, the use of the contributions can be tracked and information on spending will, on request from a contributing developer, be made available (subject to the reasonable costs of the compilation of this information) being met.

Appendix 1 – The Special Protection Area (SPA) in Elmbridge



Appendix 2 – Zones of Influence in Elmbridge



Appendix 3 – South East Plan Policy NRM6

New residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England.

Priority should be given to directing development to those areas where potential adverse effects can be avoided without the need for mitigation measures. Where mitigation measures are required, local planning authorities, as Competent Authorities, should work in partnership to set out clearly and deliver a consistent approach to mitigation, based on the following principles:

- i. A zone of influence set at 5km linear distance from the SPA boundary will be established here measures must be taken to ensure that the integrity of the SPA is protected.
- ii. Within this zone of influence, there will be a 400m “exclusion zone” where mitigation measures are unlikely to be capable of protecting the integrity of the SPA. In exceptional circumstances, this may vary with the provision of evidence that demonstrates the extent of the area within which it is considered that mitigation measures will be capable of protecting the integrity of the SPA. These small locally determined zones will be set out in local development frameworks (LDFs) and SPA avoidance strategies and agreed with Natural England.
- iii. Where development is proposed outside the exclusion zone but within the zone of influence, mitigation measures will be delivered prior to occupation and in perpetuity. Measures will be based on a combination of access management, and the provision of Suitable Accessible Natural Greenspace (SANG).

Where mitigation takes the form of provision of SANG the following standards and arrangements will apply:

- iv. A minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.
- v. Developments of fewer than 10 dwellings should not be required to be within a specified distance of SANG land provided it is ensured that a sufficient quantity of SANG land is in place to cater for the consequent increase in residents prior to occupation of the dwellings.
- vi. Access management measures will be provided strategically to ensure that adverse impacts on the SPA are avoided and that SANG functions effectively.

- vii. Authorities should co-operate and work jointly to implement mitigation measures. These may include, inter alia, assistance to those authorities with insufficient SANG land within their own boundaries, co-operation on access management and joint development plan documents.
- viii. Relevant parties will co-operate with Natural England and landowners and stakeholders in monitoring the effectiveness of avoidance and mitigation measures and monitoring visitor pressure on the SPA and review/amend the approach set out in this policy, as necessary.
- ix. Local authorities will collect developer contributions towards mitigation measures, including the provision of SANG land and joint contributions to the funding of access management and monitoring the effects of mitigation measures across the SPA.
- x. Large developments may be expected to provide bespoke mitigation that provides a combination of benefits including SANG, biodiversity enhancement, green infrastructure and, potentially, new recreational facilities.

Where further evidence demonstrates that the integrity of the SPA can be protected using different linear thresholds or with alternative mitigation measures (including standards of SANG provision different to those set out in this policy) these must be agreed with Natural England.

The mechanism for this policy is set out in the TBH Delivery Framework by the TBH Joint Strategic Partnership and partners and stakeholders, the principles of which should be incorporated into local authorities' LDFs.