

Rushmoor Borough Council

**Thames Basin Heaths Special Protection Area
Avoidance and Mitigation Strategy**

April 2023

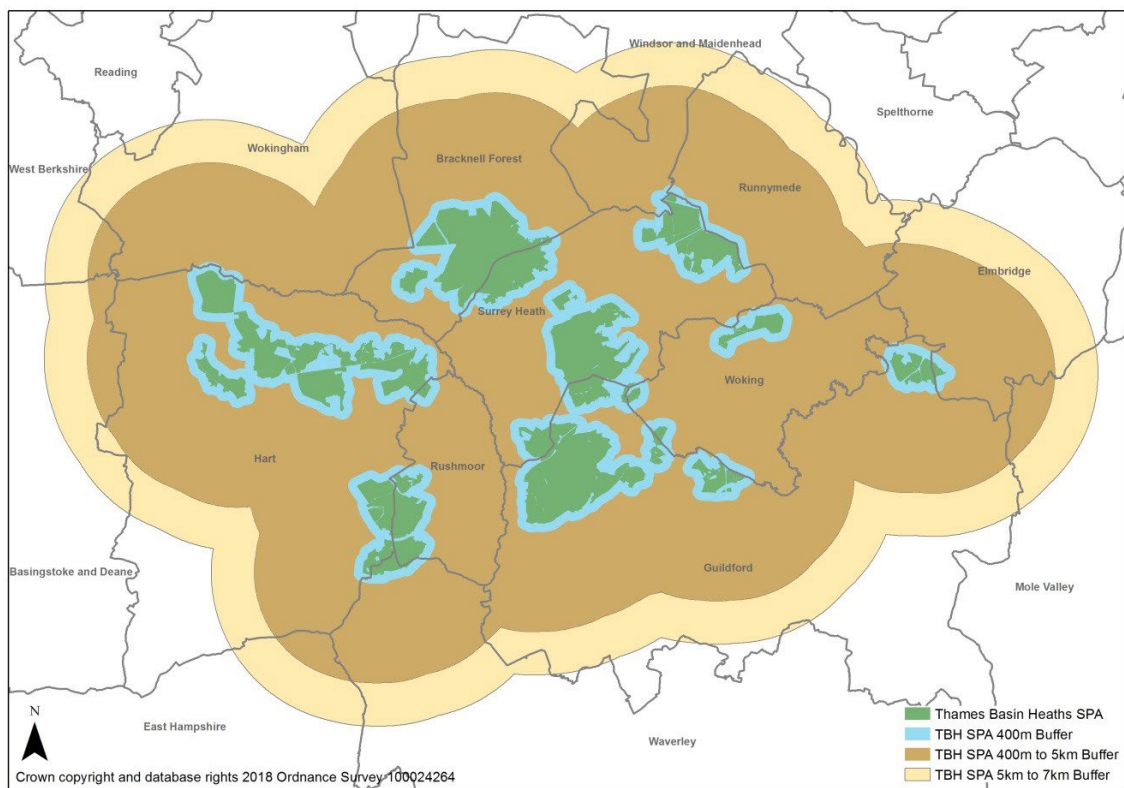
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1. Introduction

- 1.1 The Thames Basin Heaths Special Protection Area (TBH SPA) was designated in March 2005 and is protected from adverse impact under European and UK law. The TBH SPA is a network of heathland sites which are designated for their ability to provide a habitat for the internationally important bird species of woodlark, nightjar and Dartford warbler.
- 1.2 The TBH SPA impacts eleven local authorities across Hampshire, Berkshire and Surrey and is fragmented by urban development and other land uses.¹ It consists of thirteen Sites of Special Scientific Interest (SSSI) scattered across these counties and as shown below. The whole of Rushmoor lies within 5 km of the TBH SPA.

Figure 1: Location of the Thames Basin Heaths Special Protection Area



- 1.3 Important SPA sites within Rushmoor are Eelmoor Marsh SSSI, part of Bourley and Long Valley SSSI and part of Castle Bottom to Yateley and Hawley Commons SSSI. An additional site, Ash to Brookwood SSSI, lies outside, but close to, the Rushmoor boundary.
- 1.4 The TBH SPA consists of both dry and wet heathland, mire, oak, birch acid woodland, gorse scrub and acid grassland, with areas of rotational conifer plantation. The sites support breeding populations of a number of birds of lowland heathland, namely Nightjar (*Caprimulgus europaeus*), Woodlark (*Lullula arborea*) (both of which nest on the ground, often at the woodland/heathland edge), and Dartford Warbler (*Sylvia undata*) (which often nests in gorse).
- 1.5 A Joint Strategic Partnership Board (JSPB) was established in 2007 to provide a vehicle for joint

¹ The Thames Basin Heaths are found in the local authority areas of Waverley, Guildford, Hart, Rushmoor, Bracknell Forest, Surrey Heath, Woking and Elmbridge.

working, liaison and exchange of information between local authorities and other organisations affected by the TBH SPA. In 2009, the JSPB adopted the [Thames Basin Heaths Special Protection Area Delivery Framework](#) to ensure that development progresses in accordance with policy and statutory obligations towards the protection of the TBH SPA. Rushmoor Borough Council is a signatory to the Framework, which forms the basis of the approach adopted in this Avoidance and Mitigation Strategy.

Purpose of this Strategy

1.6 The purpose of this Strategy is to set out the approach that the Council will follow to seek to avoid harm arising from additional residential development. As set out later in this Strategy, this involves two elements in areas outside of the 400 m buffer zone:

- The provision of Suitable Alternative Natural Greenspace (SANG) in order to divert additional recreational pressure away from the TBH SPA; and
- The provision of a range of Strategic Access Management and Monitoring measures (SAMM) to avoid displacing visitors from one part of the SPA to another, and to minimise the impact of visitors on the SPA.

2. Why Do We Need an Avoidance and Mitigation Strategy?

- 2.1 European law includes two pieces of legislation that deal with the protection of rare species and habitats. These are generally referred to as the Birds Directive and the Habitats Directive. The Birds Directive requires the identification and classification of Special Protection Areas (SPAs) for species listed in Annex 1 of the Directive, as well as for all regularly occurring migratory species. The Habitats Directive introduces a further requirement to designate a network of sites which are important for other wildlife, known as Special Areas for Conservation (SACs). Importantly, it established a framework for the protection of both SACs and SPAs.
- 2.2 The legislation has been transposed into UK law as [The Conservation of Habitats and Species Regulations 2017 \(as amended\)](#). The Regulations deal with the impact of development and development plans (such as the Rushmoor Local Plan) on designated sites, which include SPAs.
- 2.3 Local planning authorities are identified as a ‘competent authority’ for the purposes of determining whether or not a proposed development scheme or development plan document is likely to have a significant effect upon the SPA. The effect of the Regulations is to require local planning authorities to ensure that no adverse effect on the integrity of designated sites arises from any proposed development scheme or development plan document.
- 2.4 The effect of this legislation, together with the [Natural Environment and Rural Communities Act 2006](#), is to impose on local authorities a legal duty of care to protect biodiversity. If a proposed plan or project is considered likely to have a significant effect on the designated site’s conservation objectives alone or in combination with other plans or projects, then an Appropriate Assessment of those likely effects is required to be undertaken by the competent authority.
- 2.5 If the competent authority concludes that an ‘adverse effect’ could occur, it is under a legal obligation not to approve the proposed plan or project unless appropriate avoidance and mitigation measures can be put in place.
- 2.6 Natural England, the government’s advisor for the natural environment in England, considers that any increase in residential human population within 5 km of the designated site may have an adverse impact on the SPA.² Natural England bases this on research identifying a cause-and-effect relationship between recreational use and Annex 1 heathland bird populations which constitute the Thames Basin Heaths conservation objectives. This research indicates several mechanisms which can impact on breeding success, from direct mortality (such as people trampling on nests) to nest abandonment or predation (largely by corvids) due to frequent flushing of birds (by people and dogs), or avoidance of disturbed areas. A whole range of wider effects are also associated with more general urban pressures, including uncontrolled heathland fires, fragmentation and pollution of the heaths, and cat predation.³
- 2.7 The Council’s duty to consider the impact of development on the SPA may also apply to non-residential development applications, which will need to be considered on their individual merits.

² Natural England is a statutory consultee and statutory advisor under the Habitats Directive.

³ Underhill-Day, J (2005), A Literature Review of Urban Effects on Lowland Heaths and their Wildlife, English Nature Research No. 623, English Nature, Peterborough, <http://publications.naturalengland.org.uk/publication/61024>.

However, this Avoidance and Mitigation Strategy is directed specifically towards residential proposals and the measures which can be taken to enable them to proceed without harm to the integrity of the SPA. It will therefore not assist in applications for non-residential development.

3. Planning Policy

3.1 The following planning policy documents are relevant to this Avoidance and Mitigation Strategy.

National Planning Policy Framework (2021)

3.2 Chapter 2 (Achieving Sustainable Development) of the [National Planning Policy Framework](#) (NPPF) sets out the Presumption in Favour of Sustainable Development. Paragraph 11 makes it clear that the principle of sustainable development does not apply to protected areas, which includes a range of habitats sites, including Special Protection Areas.

South East Plan (2009)

3.3 Although the South East Plan has now been [revoked](#), Policy NRM6 on the Thames Basin Heaths Special Protection Area, as set out in Appendix 1, has been 'saved' and still constitutes part of the development plan.

Rushmoor Local Plan (2019)

3.4 The Council adopted the [Rushmoor Local Plan](#) in February 2019. The Plan sets a target for the delivery of at least 7,850 new dwellings in Rushmoor between 2014 and 2032 and allocates a number of sites to achieve this. However, it is estimated that capacity exists for the delivery of about 8,900 dwellings over this period.

3.5 In light of this scale of development and the fact that the entire Borough lies within the Zone of Influence, the Plan includes an overarching policy relating to the protection of the Thames Basin Heaths Special Protection Area, as set out below:

Policy NE1 - Thames Basin Heaths Special Protection Area

New development which is likely to have a significant effect on the ecological integrity of the Thames Basin Heaths Special Protection Area (SPA), including all net new dwellings, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. The mechanism for delivering this policy is set out in the Council's Thames Basin Heaths Special Protection Area Avoidance and Mitigation Strategy (2014), supported by the Thames Basin Heaths Delivery Framework prepared by the Thames Basin Heaths Joint Strategic Partnership.

Residential development that would result in a net gain of units will not be permitted within 400 m of the SPA boundary unless, in exceptional circumstances and in agreement with Natural England, an appropriate assessment demonstrates that there will be no adverse effect on the SPA.

In all instances where mitigation measures are applicable, as set out in the Delivery Framework, the following standards will apply, unless an evidence-based alternative strategy has been agreed with Natural England:

- a. A minimum of 8 ha of SANG land (after discounting to account for current access and capacity) should be provided in perpetuity per 1,000 new occupants, either through contributions towards the provision of SANG identified by the Borough Council, or through on-site SANG, agreed with Natural England; and
- b. Contributions towards Strategic Access Management and Monitoring measures.

4. Principles for Avoidance and Mitigation

Uses

- 4.1 Reflecting the precautionary principle and the need to consider the in-combination effects of development, this Avoidance and Mitigation Strategy applies to all proposals for new net residential development in the following classes of development:
- Proposals for one or more net new dwelling units falling within use classes C3 and C4 (residential development); and
 - Proposals for one or more net new units of ancillary staff residential accommodation.
- 4.2 Replacement dwellings will not generally lead to increased recreational pressure and, therefore, will have no likely significant effect on the SPA and will not be required to make a contribution to the provision of avoidance measures.
- 4.3 All other applications for planning permission in the vicinity of the SPA will need to be subject to a full Appropriate Assessment.
- 4.4 It is important to note that:
- Permitted development (such as the conversion of retail or office space to residential units) is not exempt from the Habitats Regulations, and avoidance and mitigation measures will therefore be required.
 - All housing-led development in the Borough is considered 'habitats development'. This means that the ability to seek permission in principle, introduced in June 2018, does not apply.
- 4.5 This Strategy applies to applications for full and outline planning permission (which, in order to address the Habitats Regulations, must include the number of proposed dwellings and provision for mitigating their impact). Where potential effects on the SPA were not fully considered when an existing permission was granted, or where there is more up-to-date information available, applications for approval of reserved matters, discharge of conditions, renewals or amendments to existing planning permissions will be subject to the approach set out within this Strategy.

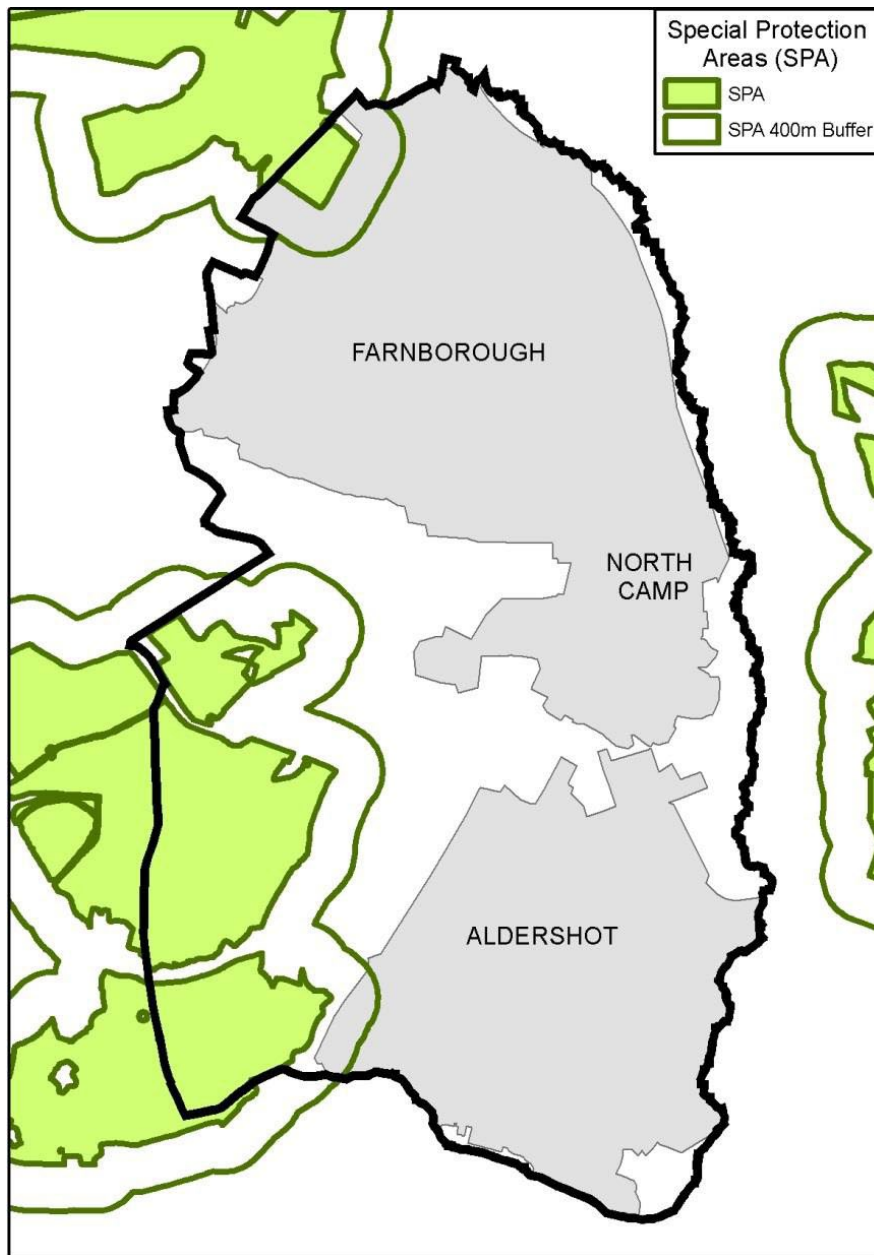
Zones

- 4.6 In accordance with Saved Policy NRM6 of the South East Plan, the Thames Basin Heaths Special Protection Area Delivery Framework and Policy NE1 of the Rushmoor Local Plan, the Avoidance and Mitigation Strategy identifies two zones around the SPA.

Within 400 m

- 4.7 Within 400 m of the SPA (measured from the SPA perimeter to the point of access on the curtilage of the dwellings), the impact of net new residential development on the SPA is likely to be such that it is not possible to conclude no adverse effect.

Figure 2: Indicative 400 m Buffer



- 4.8 As set out in Policy NE1 of the Local Plan, residential development that would result in a net gain of units will not be permitted within 400 m of the SPA boundary unless, in exceptional circumstances and in agreement with Natural England, an Appropriate Assessment demonstrates that there will be no adverse effect on the SPA.
- 4.9 In line with Saved Policy NRM6 of the South East Plan, the Thames Basin Heaths Special Protection Area Delivery Framework, Policy NE1 of the Rushmoor Local Plan and to reflect a European Court of Justice ruling,⁴ unless full Appropriate Assessment demonstrates that there will be no adverse effect on the SPA, development in the use classes identified in Paragraph 4.1 is unlikely to be permitted within this zone, as no effective avoidance and mitigation measures are considered to be available which could avoid it. The Council will consult Natural England on proposals within this zone.

⁴ The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17'.

Zone of Influence (400 m to 5 km)

- 4.10 The Thames Basin Heaths Special Protection Area Delivery Framework defines the Zone of Influence as the area 400 m from the perimeter of the SPA (measured to the nearest part of the curtilage of the dwelling) to 5 km from the perimeter of the SPA (measured from the primary point of access to the curtilage of the dwelling).
- 4.11 It is important to note that the whole of Rushmoor Borough lies within 5 km of the SPA.

5. Avoidance and Mitigation Measures

5.1 Within the 400 m to 5 km Zone of Influence, the following measures will be implemented:

- Suitable Alternative Natural Greenspace (SANG)
- Strategic Access Management and Monitoring (SAMM)

Suitable Alternative Natural Greenspace (SANG)

5.2 The South East Plan, the Thames Basin Heaths Special Protection Area Delivery Framework and Policy NE1 of the Rushmoor Local Plan set out an appropriate standard for the provision of SANG as below:

- A minimum of 8 ha of SANG land (after discounting to account for current access and capacity) should be provided in perpetuity per 1,000 new occupants.

In addition:

- Allocated SANG capacity will be funded by developer contributions, reflecting the need to maintain the SANG in such a way as to meet the agreed SANG criteria, in perpetuity.
- Alternatively, SANG may be provided by developers for individual developments, with the agreement of the Council and Natural England.
- The creation of SANG is subject to guidance, which includes a number of requirements (see Appendix 2).
- The catchment of SANG will depend on the individual site characteristics and location, and their location within a wider green infrastructure network. In line with the Delivery Framework, the following should be used as a guide:
 - SANG of 2-12 ha will have a catchment of 2 km
 - SANG of 12-20 ha will have a catchment of 4 km
 - SANG of 20+ ha will have a catchment of 5 km

5.3 Developments of fewer than 10 dwellings within 5 km of the SPA boundary do not need to be within a specified distance of SANG, provided that a sufficient quantity and quality of SANG land to cater for the consequent increase in population is identified and available in the Borough (or agreed in an adjoining district) and functional in advance of completion. However, developments of sites of fewer than 10 dwellings must contribute to the provision of avoidance measures.

5.4 Planning law sets out that the requirement for new infrastructure, such as SANG, must be fairly and reasonably related in scale and kind to the development. In light of this, payment towards SANG will be calculated on a per-person basis rather than a per-dwelling basis. The average occupancy of dwellings on which this is calculated is set out in Table 1 below.

Table 1: Average Occupancy of Dwellings

Dwelling Size	Occupancy
1-Bed	1.40 persons
2-Bed	1.85 persons
3-Bed	2.50 persons
4-Bed	2.85 persons
5-Bed +	3.70 persons

Completed SANG Sites within Rushmoor Borough

- 5.5 The following sites have been implemented as SANG, with the agreement of Natural England, to mitigate new residential development in Rushmoor Borough.

Table 2: Completed SANG Sites

SANG Site	Description	Remaining Capacity (as of 13/03/2023)
Hawley Meadows and Blackwater Park	Located in the far north of the Borough. Part of the SANG lies within Rushmoor Borough, with the remainder within Hart District and Surrey Heath Borough. The site has a 5 km catchment.	0
Rowhill	Rowhill Local Nature Reserve lies adjacent to the southern boundary of the Borough. The site lies within Waverley Borough but is owned by Rushmoor Borough Council. The site has a 5 km catchment.	0
Southwood Woodlands	An area of land owned by the Council situated to the south-west of Farnborough. The site commenced operating as a SANG in 2007 and has a 5 km catchment which covers most of the Borough	2 residential units

- 5.6 Table 3 below sets out the contributions required from residential developments to secure a SANG allocation at these three established sites for the 2023-24 year (based on a standard cost of £3,194.45 per person). The SANG tariffs will be updated annually in line with the Consumer Price Index (CPIH). Please note that the SANG contribution secured will be based on the charges in effect at the time of resolution to grant planning permission.

Table 3: Developer Contributions Required to Secure Established SANG Capacity in Rushmoor

Property Type	SANG Contribution per Dwelling	SAMM Contribution per Dwelling	Total per Dwelling
HMO single-occupancy bedroom	£3,194.45	£386.75	£3,581.20
1-bed/studio	£4,472.23	£541.45	£5,013.68
2-bedroom dwelling	£5,909.73	£715.49	£6,625.22
3-bedroom dwelling	£7,986.13	£966.88	£8,953.01
4-bedroom dwelling	£9,104.18	£1,102.24	£10,206.42
5+ bedroom dwelling	£11,819.47	£1,496.72	£13,316.19

Southwood Country Park SANG

- 5.7 In December 2018, the Council’s Cabinet agreed to the conversion of Southwood Golf Course to SANG to facilitate the delivery of new homes and, specifically, to support the regeneration of Aldershot and Farnborough town centres.
- 5.8 This 57 ha site is in the Council’s ownership and creates capacity to mitigate approximately 2,450 dwellings. The site has a 5 km catchment (see Appendix 3). As of 13th March 2023, there is capacity for 187 residential units remaining at Southwood Country Park.
- 5.9 Table 4 below sets out the contributions which will be required to secure an allocation of SANG at Southwood Country Park in respect of any application from 1st April 2023 (based on a standard cost of £3,837.37 per person). The SANG tariffs are updated annually in line with the Consumer Price Index (CPIH). Please note that the SANG contribution secured will be based on the charges in effect at the time of resolution to grant planning permission.

Table 4: Developer Contributions Required to Secure Established SANG Capacity at Southwood Country Park

Property Type	SANG Contribution per Dwelling	SAMM Contribution per Dwelling	Total per Dwelling
HMO single-occupancy bedroom	£3,837.37	£386.75	£4,224.12
1-bed/studio	£5,372.32	£541.45	£5,913.77
2-bedroom dwelling	£7,099.13	£715.49	£7,814.62
3-bedroom dwelling	£9,593.43	£966.88	£10,560.31
4-bedroom dwelling	£10,936.50	£1,102.24	£12,038.74
5+ bedroom dwelling	£14,198.27	£1,496.72	£15,694.99

Securing Capacity at Southwood Country Park

- 5.10 It is important to note that the Council is under no legal obligation to make this capacity available to any particular developer or scheme. Therefore, to support the regeneration of Aldershot and Farnborough town centres, specifically the following Local Plan allocations, a significant proportion of this capacity will be reserved to enable these sites to be developed:
- Policy SP1.4: The Galleries, Aldershot
 - Policy SP1.6: Hippodrome House, Aldershot
 - Policy SP1.8: Aldershot Railway Station and Surrounds
 - Policy SP2.3: Farnborough Civic Quarter
 - Any other site considered to represent strategically important development
- 5.11 This reserved capacity will only be released to support other schemes where it can be demonstrated that there is no likelihood of planning consent for the above sites being secured and implemented.
- 5.12 Any surplus capacity that is available at Southwood Country Park will be allocated in accordance with the criteria detailed in Appendix 4.

Bespoke SANGs

- 5.13 It is expected that large residential developments will provide bespoke mitigation which provides a combination of benefits, including SANG, biodiversity enhancement and green infrastructure. Where developers propose a bespoke solution, this will be accessed on its own merits under the Habitats Regulations and will be agreed by the Council in consultation with Natural England.
- 5.14 The following Local Plan allocations are providing, or have the opportunity to provide, bespoke mitigation.

Blandford House and Malta Barracks, Aldershot

- 5.15 Policy SP10 of the Rushmoor Local Plan allocates Blandford House and Malta Barracks in Aldershot for a sustainable residential development of approximately 165 homes focused on the areas of previously developed land at Blandford House and Malta Barracks. The site received outline planning consent in May 2020 for up to 180 dwellings and includes the provision of 13.74 ha of SANG (Blandford Woods SANG) to avoid and mitigate the impact of development on the Thames Basin Heaths SPA.
- 5.16 Additional SANG capacity (approx. 10 ha) is likely to be available at this site (once implemented). However, the allocation of this surplus capacity is unlikely to be fully within the Council's control.

Wellesley

- 5.17 Development at the Aldershot Urban Extension (now known as Wellesley) for up to 3,850 new homes has provided a bespoke solution of SANG provision. This has been secured through a Section 106 legal agreement attached to the outline planning permission granted in March 2014.⁵

⁵ Planning application reference: 12/00958/OUT.

5.18 There is no surplus capacity available at this SANG.

Securing Strategic SANG Capacity within Hart District

5.19 By way of a memorandum of understanding, agreement was reached in November 2017 through which SANG capacity of up to 3,600 people (1,500 residential units) would be made available within Hart District to mitigate the impact of development proposals delivering new housing in Rushmoor, principally at Bramshot Farm and Hawley Park Farm. The available capacity as of 13th March 2023 is approximately 1,023 units.

5.20 Where supported by Rushmoor, a developer will be able to enter into a contractual arrangement with Hart District Council (HDC). The developer will then provide written confirmation from HDC that they have secured sufficient mitigation capacity. On this basis, SANG mitigation will be available to support their planning application. The payment of Strategic Access Management and Monitoring (SAMM) contributions will be sought in the normal way, payable direct to Rushmoor, through a Section 106 planning obligation.

5.21 In order to qualify for SANG capacity through this scheme, the developer will first be required to demonstrate to Rushmoor through the pre-application process that their proposal is policy compliant in all other respects. They can then seek SANG capacity from HDC and, having secured it, make a planning application to Rushmoor.

Financial Contributions to Hart SANG

5.22 Table 5 sets out the contributions that will be required in respect of SANG located in Hart District for the 2023-24 year. HDC will review the SANG contribution rates annually.

Table 5: Developer Contributions Required to Secure SANG in Hart District

Property Type	SANG Developer Contribution per Dwelling Payable to Hart DC (including 5% administration charge)	SAMM Contribution per Dwelling	Total per Dwelling
HMO single-occupancy bedroom	£4,675.60	£386.75	£5,062.35
1-bed/studio	£6,545.84	£541.45	£7,087.29
2-bedroom dwelling	£8,649.86	£715.49	£9,365.35
3-bedroom dwelling	£11,688.99	£966.88	£12,655.87
4-bedroom dwelling	£13,325.46	£1,102.24	£14,427.70
5+ bedroom dwelling	£17,299.72	£1,496.72	£18,796.44

Allocation of Capacity within Hart District

- 5.23 In the case of a developer seeking capacity from SANG sites within Hart District, it is important to note that whilst payment towards SANG will be secured through a Section 106 planning obligation, the securing of, and payment for, this SANG allocation will be a contractual arrangement between the developer and Hart District Council. Only on receipt of written confirmation of such an arrangement will the capacity be accepted in support of a planning application to Rushmoor. Further detail on the process is set out in Appendix 5.

Strategic Access Management and Monitoring (SANG) Measures

- 5.24 The second element of the avoidance measures, as set out in Paragraph 5.1, is the provision of Strategic Access Management and Monitoring (SANG) measures.
- 5.25 The Thames Basin Heaths SPA comprises multiple SSSI sites, which are owned and managed by many different organisations and some private individuals. In order to ensure that access management implemented in one area does not simply displace visitors on to another part of the SPA, to measure the effects of SANG provision and to monitor visitor and bird numbers, it is necessary to take a strategic approach to visitor access management.
- 5.26 The Thames Basin Heaths Partnership (made up of landowners and managers of the SPA), with support from Natural England and Hampshire County Council, is implementing a programme of strategic visitor access management measures for the purposes of mitigating the impacts of new development on the SPA, funded by developer contributions. These measures, in combination with a complementary monitoring programme, have been agreed by the Joint Strategic Partnership Board and have been taken forward into the Strategic Access Management and Monitoring (SANG) project. The SANG project:
- Promotes SANG as new recreational opportunities for local people and particularly encourages their use during the breeding bird season;
 - Provides an on-the-ground wardening service to supplement existing wardening;
 - Provides an SPA-wide education programme;
 - Creates new volunteering opportunities;
 - Demonstrates best practice for strategic access management of visitors and visitor infrastructure, where the supply of greenspace is heavily dependent on protected areas;
 - Monitors visitor usage of the SPA; and
 - Monitors Annex 1 bird species on SPA sites.
- 5.27 The SANG project manager (currently hosted by Natural England) is tasked with drawing up a detailed list of actions. The resulting work programme is overseen by the SANG project board, which includes member representation from Rushmoor Borough and stakeholders with relevant expertise.
- 5.28 Avoidance/mitigation in the form of access management and monitoring of the SPA will be delivered by landowners and managers, funded by developer contributions, and provided for in perpetuity.
- 5.29 The per dwelling contribution of £928.22 has been converted to a 'per-bedroom' tariff, which equates to £386.75 per person as set out in the table below.

Table 6: SAMM Tariffs

Property Type	Occupancy	Tariff per Dwelling
HMO single-occupancy bedroom	1 person	£386.75
1-bed/studio	1.40 persons	£541.45
2-bedroom dwelling	1.85 persons	£715.49
3-bedroom dwelling	2.50 persons	£966.88
4-bedroom dwelling	2.85 persons	£1,102.24
5+ bedroom dwelling	3.70 persons	£1,496.72

Local Circumstances

- 5.30 The Thames Basin Heaths Delivery Framework (TBHDF) identifies that a more or less prescriptive approach can be taken if it is justified by local circumstances. In particular, it refers to instances where it can be demonstrated that small-scale social housing developments will cater for housing need existing within the Zone of Influence and will not directly or indirectly lead to an increase in population in the Zone of Influence (footnote to Paragraph 3.1 of the TBHDF).
- 5.31 In practical terms, most new residential developments are not likely to be able to demonstrate that their residents come from within existing households within the Borough and that this will be the case in perpetuity. However, there may be exceptional instances where the providers of social housing may be able to demonstrate that the lettings policy will ensure that new occupants already reside with another household in the Borough and are therefore not new residents to the Borough and will not be vacating an existing property that would then be available for new residents. In such exceptional circumstances, and where these can be assured in perpetuity, the Council may, in agreement with Natural England, take a more flexible approach to the provision of SANG and SAMM measures.

6. Monitoring and Review

- 6.1 Through the Annual Monitoring Report that the Council is required to produce as part of the Rushmoor Local Plan, the Council will report on the implementation of this Strategy, including the take up of SANG capacity, the implementation of SANG works and consideration of the need for additional SANG.
- 6.2 The Council will also report to Natural England and, as appropriate, to the Joint Strategic Partnership Board (JSPB). Continued representation on the JSPB will ensure that the Council remains engaged in the process of identifying and delivering SPA mitigation, particularly in terms of exploring further cross-boundary options.

Appendix 1 Saved South East Plan Policy

Policy NRM6: Thames Basin Heaths Special Protection Area

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 5 km linear distance from the SPA boundary will be established where measures must be taken to ensure that the integrity of the SPA is protected.
- ii. Within this zone of influence, there will be a 400 m '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.

Appendix 2 Site Quality Checklist for a SANG

This guidance is sourced from Appendix 1 of Natural England's [full guidance](#) on the creation of Suitable Alternative Natural Greenspaces (SANG) to be used as mitigation (or avoidance) land to reduce recreational use of the Thames Basin Heaths SPA.

Must Haves

- For all sites larger than 4 ha, there must be adequate parking for visitors, unless the site is intended for local use, i.e., within easy walking distance (400 m) 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 SANG and the SPA.
- Possible to complete a circular walk of 2.3-2.5 km around the SANG.
- 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 visitor use the SANG is intended to cater for.
- The SANG must have a safe route of access on foot from the nearest car park and/or footpath/s
- All SANG with car parks must have a circular walk which starts and finishes at the car park.
- SANG 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.
- SANG 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 SANG larger than 12 ha must aim to provide a variety of habitats for users to experience.
- Access within the SANG must be largely unrestricted with plenty of space provided where it is possible for dogs to exercise freely and safely off lead.
- SANG must be free from unpleasant intrusions (e.g., sewage treatment works smells etc.).

Should Haves

- SANG should be clearly sign-posted or advertised in some way.
- SANG should have leaflets and/or websites advertising their location to potential users. It would be desirable for social media to be used as well, with the goal of reducing paper use. Although a leaflet for a new home is desirable. It could advertise the TBH Partnership website at <https://www.tbhpartnership.org.uk/greenspace/>.

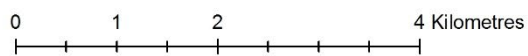
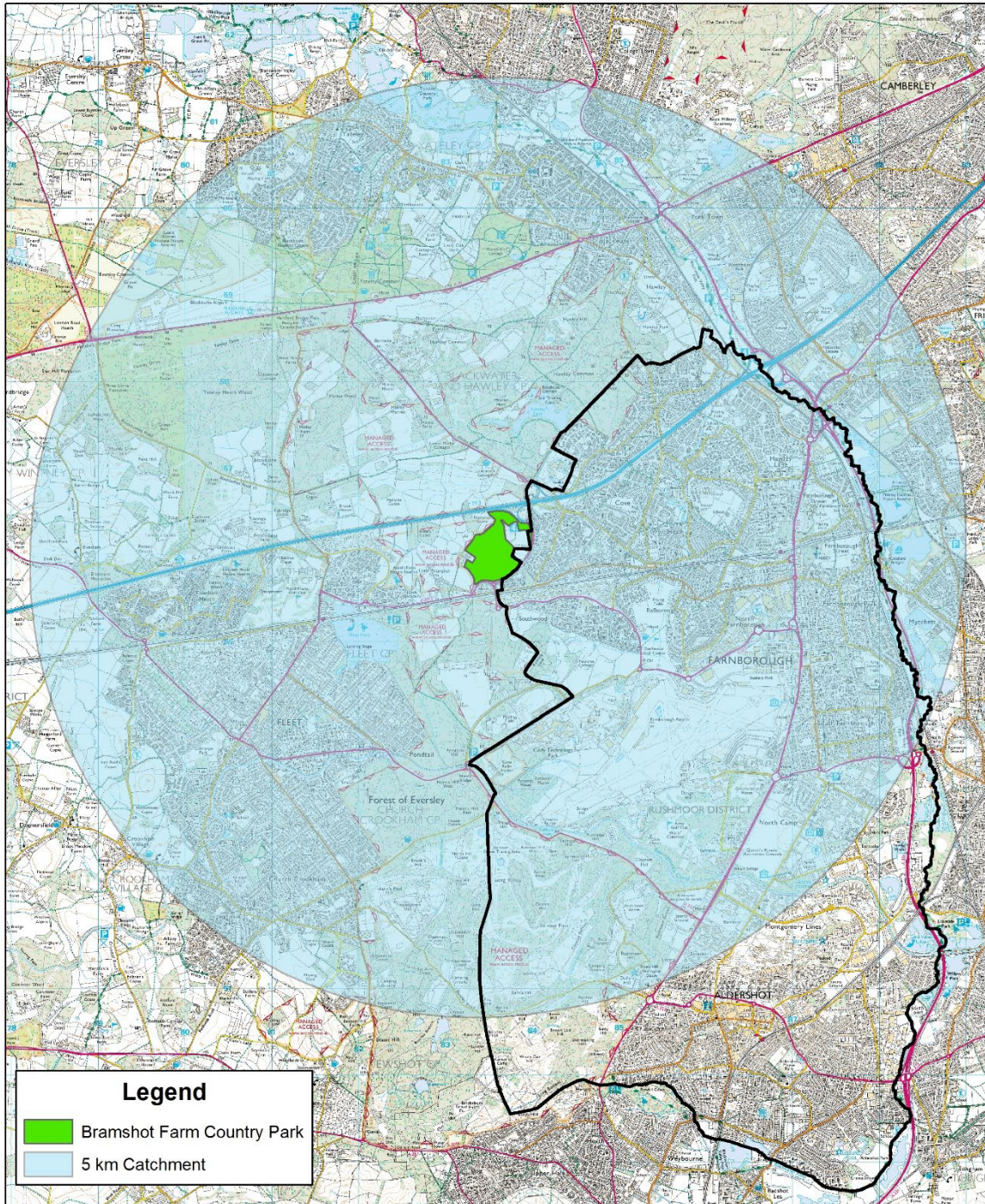
Desirable

- It would be desirable for an owner to be able to take dogs from the car park to the SANG safely off the lead.
- Where possible, it is desirable to choose sites with a gently undulating topography for SANG.
- It is desirable for access points to have signage outlining the layout of the SANG and the routes available to visitors.
- It is desirable that SANG 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 is encouraged and desirable on sites. However, large areas of open water cannot count towards capacity.
- Where possible, it is desirable to have a focal point such as a viewpoint, monument etc. within the SANG.

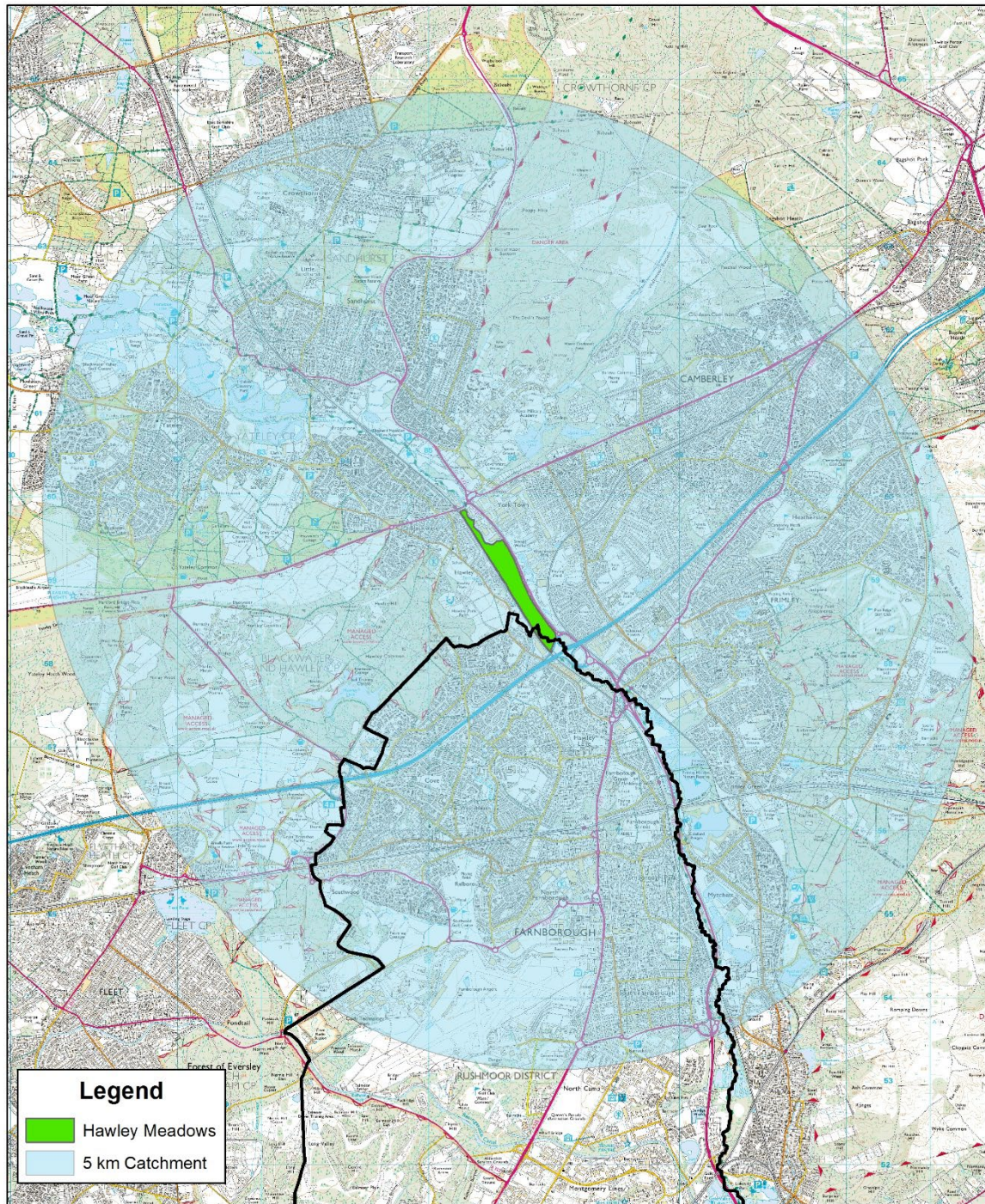
Appendix 3 Maps showing SANG Catchments



Bramshot Farm Country Park and Catchment

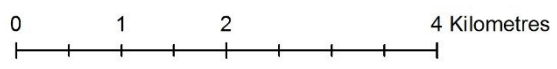
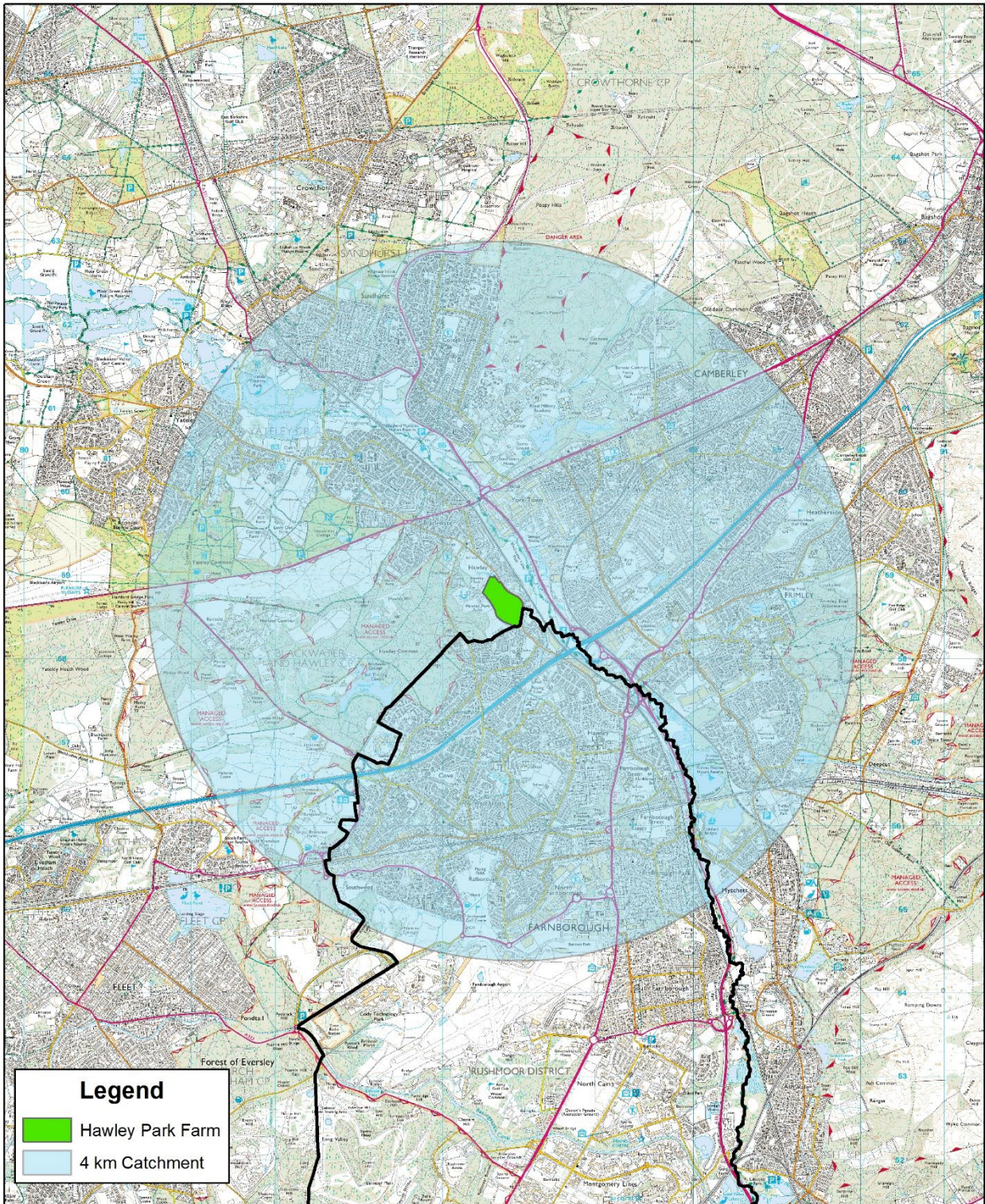


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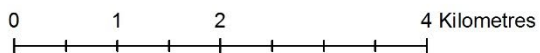
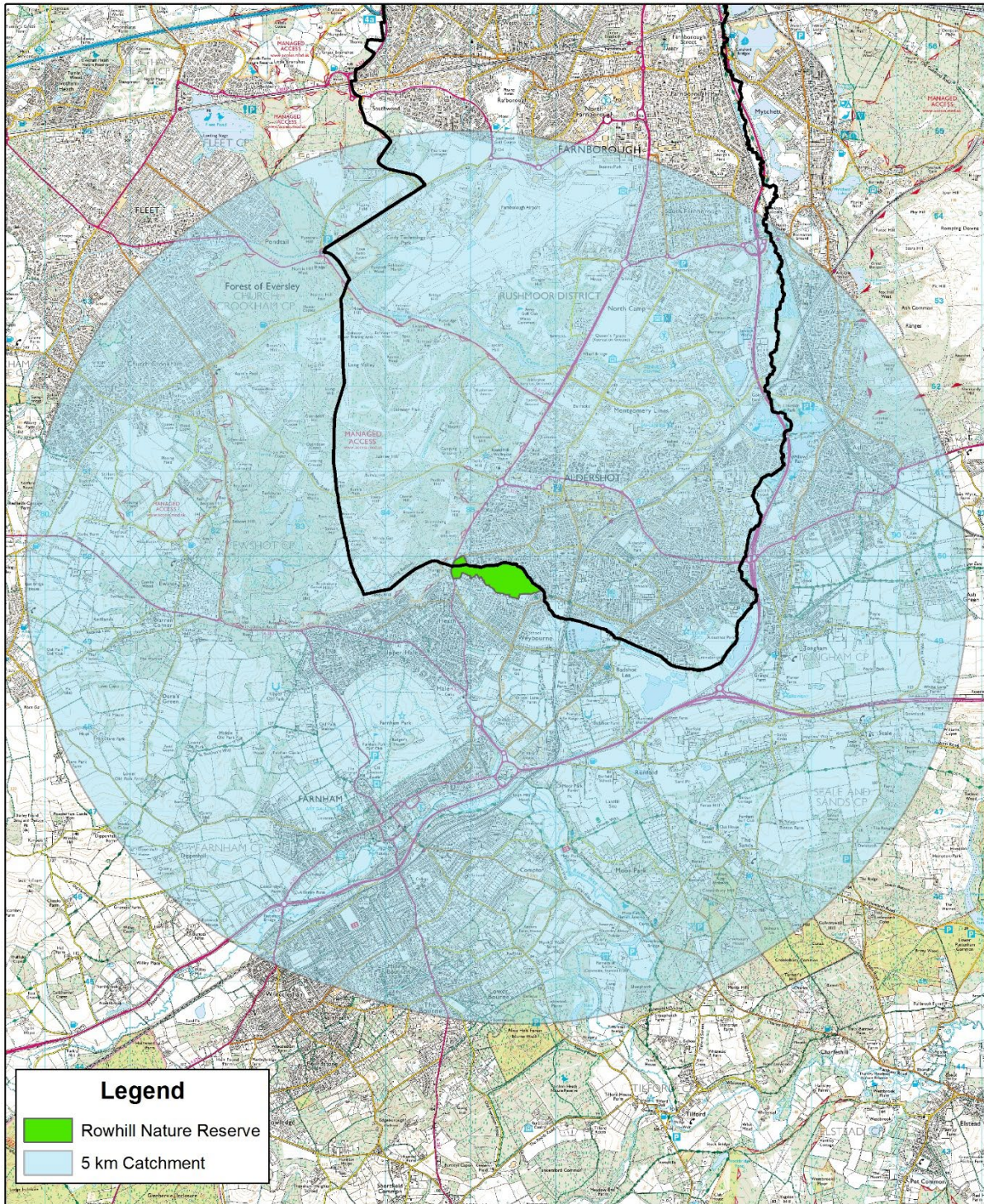


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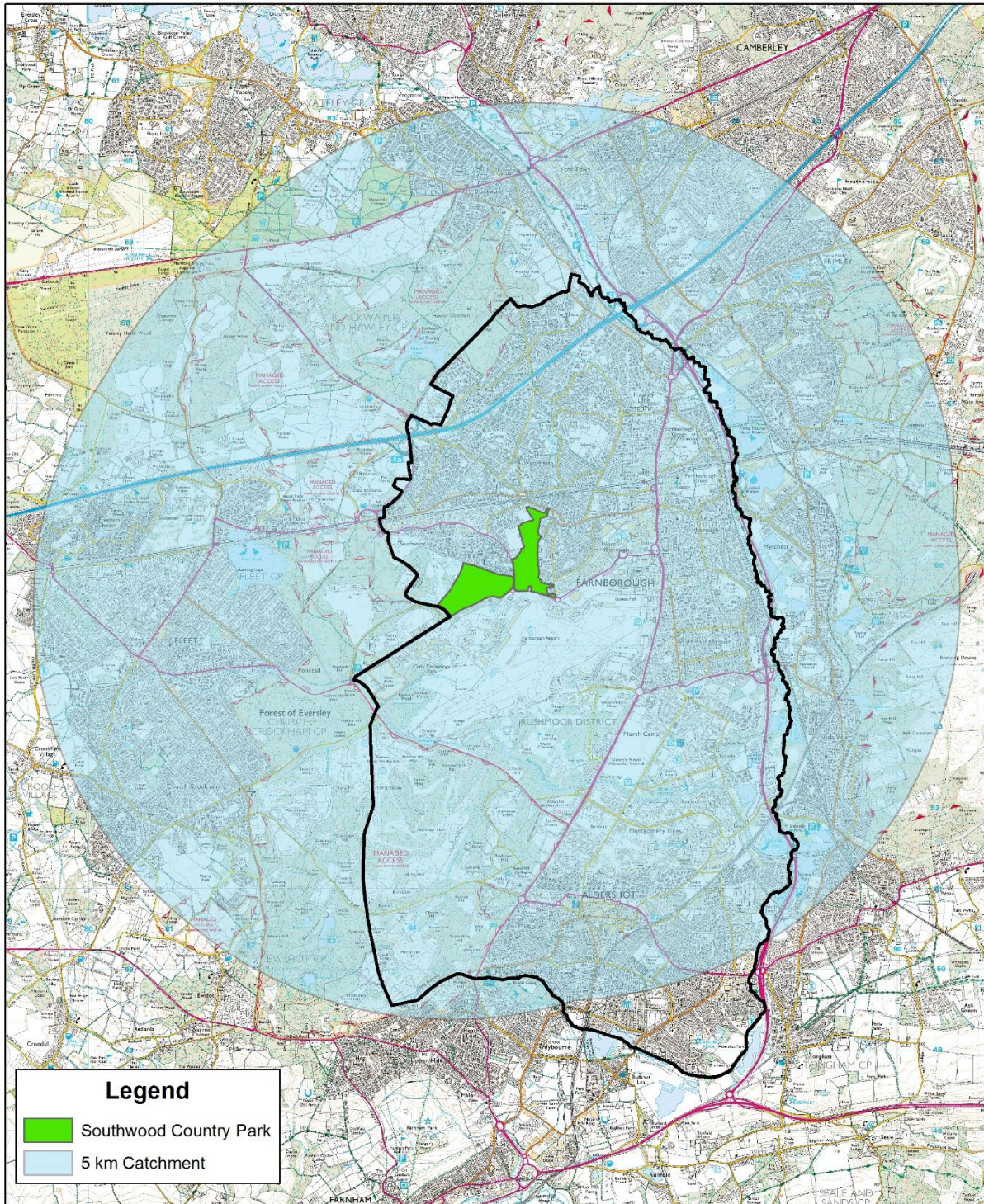
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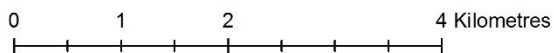
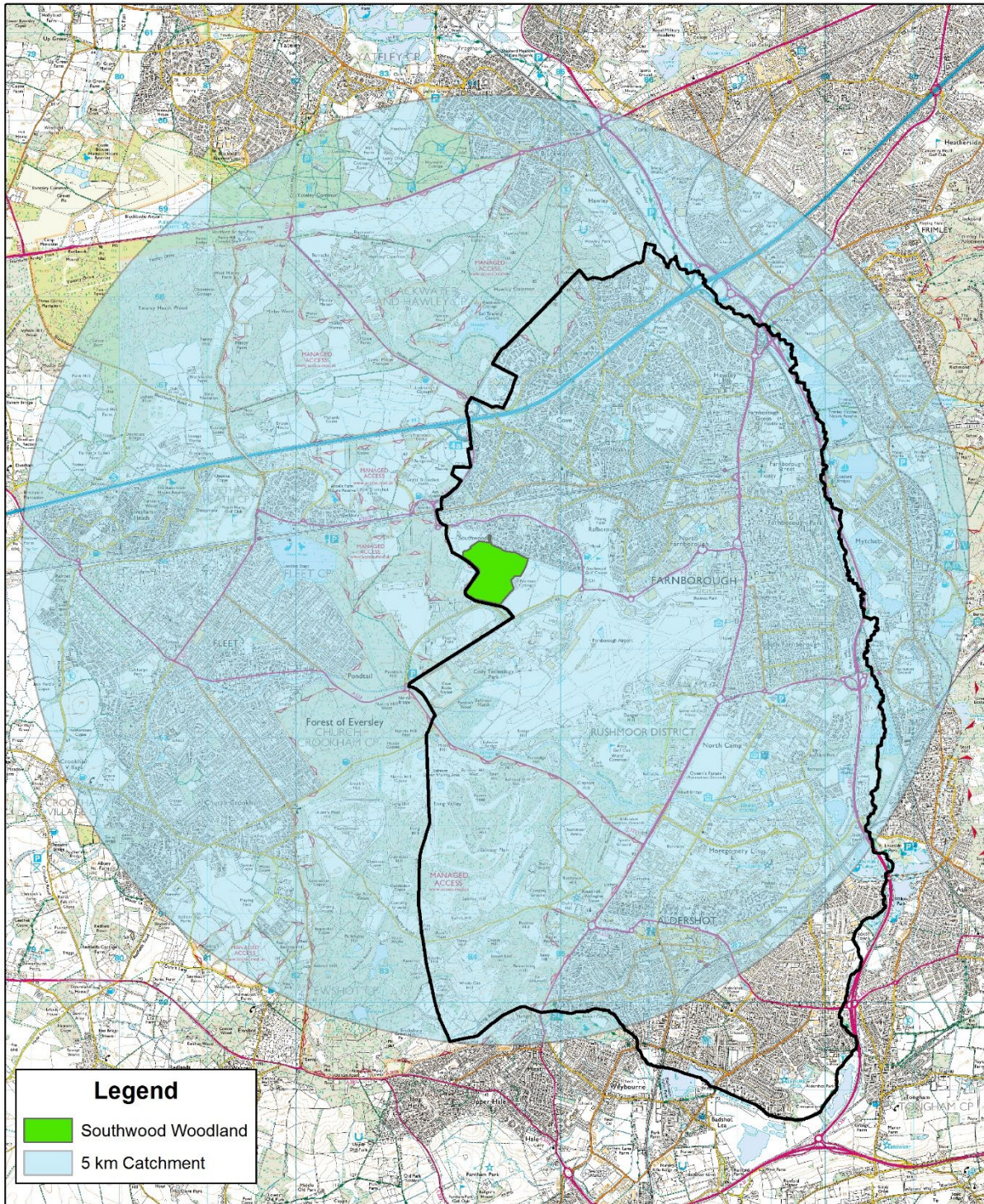


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Appendix 4 Criteria for the Allocation of SANG Capacity Controlled by Rushmoor Borough Council

1. Background

- 1.1 The responsibility to address the impact of a proposed development on the Special Protection Area rests with the developer. The Council has an identified objective, supported by the policies of the Local Plan, of ensuring and promoting the delivery of housing and has therefore sought to secure and distribute SANG mitigation capacity to support this. However, the Council is under no legal obligation to make SANG capacity in its control available to any particular developer or scheme.
- 1.2 It is therefore important for the Council to have appropriate criteria for the allocation of the SANG capacity which is at its disposal in order to ensure that it results in the delivery of housing at the earliest opportunity. SANG capacity is limited, and the Council has therefore adopted the approach set out below for the allocation of SANG capacity within its ownership or control.
- 1.3 The allocation of SANG capacity will be at the discretion of the Executive Head of Property and Growth in response to a written request from developers. In exercising this discretion, consideration will be given to the deliverability of the proposed scheme. Proposals which are unlikely to be implemented due to complex land ownership or tenancy issues, or which are submitted as part of a valuation exercise, should not prevent the delivery of housing by locking up SANG capacity for extended periods.
- 1.4 It is important to note that SANG contributions will be updated annually in line with the Consumer Price Index (CPIH). The SANG contribution will be based on the charges in effect at the time of resolution to grant planning permission rather than the time an allocation of SANG capacity was made.
- 1.5 The commitment to funding should be secured by a Section 106 undertaking or contractual agreement, and the allocation should reflect the life of the planning permission. If the planning permission expires without being implemented, the mitigation opportunity would be available for reallocation, and there could be no assumption that mitigation capacity would automatically be made available in the event of an application being received to renew an unimplemented planning permission.

2. Allocation of Mitigation Capacity

- 2.1 When considering any request for the allocation of mitigation capacity, the following criteria will be considered.

Criteria 1: Is the scheme a site allocation within the Rushmoor Local Plan which includes residential development?

- 2.2 To support the regeneration of Aldershot and Farnborough town centres and the delivery of the Rushmoor Local Plan, sufficient SANG capacity will be reserved to ensure the delivery of the following sites allocated in the Rushmoor Local Plan:

- Policy SP1.4: The Galleries, Aldershot
- Policy SP1.6: Hippodrome House, Aldershot
- Policy SP1.8: Aldershot Railway Station and Surrounds
- Policy SP2.3: Farnborough Civic Quarter

- Any other site considered to represent strategically important development
- 2.3 This reserved capacity will only be released to support other schemes where it can be demonstrated that there is no likelihood of planning permission for these sites being secured and implemented.

Criteria 2: Is the scheme policy compliant and does it represent good development?

- 2.4 The Council offers pre-application advice to developers and will seek at this stage to establish whether the scheme proposed is satisfactory in relation to national and local planning policy. If it is not considered likely to receive a recommendation that permission is granted, the developer will be advised that the scheme will need to be amended or revised before an allocation of SANG capacity can be offered or supported.
- 2.5 It should be noted that a scheme proposing a lower proportion of affordable housing than that required under development plan policy on viability grounds will not pass the 'policy compliant' test and will not receive or be supported by an allocation of Council-controlled mitigation capacity unless the viability position has been first demonstrated.

Criteria 3: How quickly will the scheme deliver housing?

- 2.6 It would not be appropriate for SANG capacity to be tied up in speculative or outline schemes which are designed to maximize asset value with no likelihood of implementation. Consequently, any planning permission for residential development which is supported by SANG allocation from the Council will be subject to a condition limiting the duration of the permission to one year. Similarly, the offer of capacity will reflect the same one-year period.
- 2.7 However, at the discretion of the Executive Head of Property and Growth, consideration may be given to granting permissions with a duration of longer than one year in the case of regeneration schemes within designated town centres (particularly those identified in the Local Plan). This is to reflect the possibility that partnership and/or funding arrangements may impact on the ability to implement a scheme within one year, but where the arrangements do provide certainty of delivery and completion.
- 2.8 If the Council is in a position where two competing schemes are the subject of requests for limited remaining mitigation capacity and there is only sufficient available to support one of them at the time, the SANG allocation will be made to the scheme which is considered to best address all the above criteria.

3. Procedure and Advice for Developers

- 3.1 Any residential developer wishing to be provided or assisted with SANG mitigation capacity by the Council should first prepare a draft scheme and engage in pre-application discussion. Only when it has been established that the scheme represents good development and addresses the requirements of the Council's development plan and national policy will the opportunity to take up available SANG capacity be offered.
- 3.2 Funding will be secured by Section 106 obligation, and the allocation will extend to the life of the planning permission. Should the applicant fail to submit an application within the specified period or should planning permission be refused or lapse without being implemented, the capacity will be returned to the pool of available mitigation and may be allocated to another scheme.

- 3.3 SANG contributions will be updated annually in line with the Consumer Price Index (CPIH). The SANG contribution detailed in the Section 106 obligation will be based on the charges in effect at the time of resolution to grant planning permission rather than the time an allocation of SANG capacity was made.
- 3.4 A developer may seek the allocation of SANG capacity to support a scheme to change the use of a building or part thereof to residential as permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Even if a scheme does fall within permitted development tolerances, it cannot be implemented or started unless the developer has first succeeded in obtaining consent under Regulation 75 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 3.5 If a developer can demonstrate through pre-application discussion and the prior approval process that a proposal is permitted development, an allocation of SANG capacity (if available) will be made. However, this will be subject to them making an application within a six-week period pursuant to Regulation 75 of the Conservation of Habitats and Species Regulations 2017 (as amended), supported by a completed Section 106 obligation and/or notice of a contractual agreement securing the necessary mitigation. A condition of any allocation offer in respect of a 'permitted development' scheme will be that its duration is one year from the date of the Regulation 75 approval. As with planning permission, failure to implement within this time period will result in the mitigation capacity being withdrawn and made available to other deliverable schemes.
- 3.6 SANG contributions will be updated annually in line with the Consumer Price Index (CPIH). The SANG contribution detailed in the Section 106 obligation will be based on the charges in effect at the time prior approval is granted rather than the time an allocation of SANG capacity was made.
- 3.7 Subject to the above, schemes of 10 or more units will, where appropriate, receive allocation if the site lies within the 5 km catchment of a SANG or SANGs which have sufficient available capacity at the time of the request.
- 3.8 The allocation of capacity to schemes of 9 or fewer units will not be restricted by catchment and will be made on a case-by-case basis, subject to availability.
- 3.9 Requests for SANG capacity from developers who are deemed to be putting forward parts of sites or buildings which have been sub-divided in an attempt to benefit from the circumstance described at Paragraph 3.8 will not be considered favourably.
- 3.10 In the event of a request being received from a potential developer for allocation of SANG capacity where there is, at the time, insufficient remaining capacity, the applicant will be informed that:
- SANG capacity for the project is not available for allocation at present;
 - A 'reserve list' will be maintained in order of receipt of requests and, in the event of sufficient capacity becoming available through the return of capacity from an unimplemented planning permission, they will be contacted and given the opportunity to apply for allocation;
 - Any planning application which has not first demonstrated that it had secured the revised SANG capacity will be refused planning permission on the grounds of failure to address the requirements of Policy NE1 of the Local Plan and Saved Policy NRM6 of the South East Plan, in respect of SPA impact;

- If a request is placed on the 'reserve list' but the developer chooses to submit an application in any event without first securing an allocation, they will be considered to have withdrawn the request and will be removed from that list;
- Mitigation capacity which was not available at the time of submission will not be conferred on a submitted planning application retrospectively; and
- Only one scheme for a particular site will be included on the 'reserve list' at any one time.

Appendix 5 Allocation of SANG Capacity in Hart District to Developments in Rushmoor Borough

Procedure Note

1. The developer should first take the scheme through the pre-application process with Rushmoor Borough Council (RBC) in accordance with the procedure set out on RBC's [website](#), including the payment of the appropriate fee.
2. Once the developer has the agreement (without prejudice) that the presented scheme is policy compliant and could be supported by a recommendation to grant planning permission, a letter from RBC to Hart District Council (HDC) will be provided, requesting the allocation of the requisite SANG capacity to support the submission of a planning application (or, if appropriate, a Regulation 75 application) to RBC. The developer will be advised that an application must be submitted within six weeks of the date of written confirmation from HDC of the allocation, that they are responsible for any contractual arrangement and associated payment requirement between themselves and HDC in respect of the SANG allocation, and that the duration of any resulting planning permission or approval will be one year, unless otherwise prescribed by the Executive Head of Property and Growth, in accordance with Paragraph 2.7 of Appendix 4.
3. On receipt of an application accompanied by written confirmation from HDC that the applicant has secured SANG capacity, the application will be validated and determined. Natural England will be consulted. The duration of the planning permission, if granted, will be one year from the date of the issue of a decision, unless otherwise indicated. The developer will be required to enter into a Section 106 planning obligation in order to pay the required Strategic Access Management and Monitoring (SAMM) contributions to RBC.
4. In the event of planning permission being refused, an unsuccessful Regulation 75 application, an unsuccessful appeal against refusal or the failure of the applicant to implement the permission within the prescribed period, any arrangement to recover payment made to HDC in respect of the allocation will be a contractual one between the developer and HDC.
5. No such allocation can be transferred by the applicant to another application, applicant or project.
6. Only allocations obtained through the process set out above will be accepted as addressing the potential recreational impact of new development proposals on the Thames Basin Heaths Special Protection Area. Allocation of capacity will not be supported in respect of developers who do not first establish the credentials of their proposal using the requisite pre-application process.