

## **Thames Valley New Homes Coalition**

The Thames Valley New Homes Coalition has been established by a group of house builders to raise awareness of English Nature's decision to object to all residential applications within 5km of Thames Basin Heaths SPA (Special Protection Area) irrespective of their nature or impact.

This arbitrary policy inhibits the ability of the Government to meet its new homes targets, makes homes less affordable through shortage of supply, is damaging the economy and places even greater pressure on greenfield sites in the South East of England.

### **The SPA**

The Thames Basin Heaths covers an area of 8,400 hectares across 11 local authority areas in North Surrey, East Berkshire and North East Hampshire and was designated an SPA in March 2005 under the 1994 Habitats Regulations. This was in recognition of the importance of the heathland habitats of the protected birds which nest there: woodlark, nightjar and Dartford Warbler. This designation places an obligation upon Government to promote the conservation of the site.

The Habitats Regulations state that "competent authorities" (planning authorities) before deciding to give consent or permission for a plan which is likely to have a "significant effect" on a site, shall make an appropriate assessment of the implications. A decision on whether an appropriate assessment is necessary should be made on a precautionary basis where there is a probability or risk that the plans or project will have significant effects on the site. While the term "significant effect" is not defined, the Habitats Regulations state that development which individually or cumulatively with other proposals may have a significant impact on the SPA cannot be allowed.

### **English Nature**

English Nature is the Government's ecological adviser and must be consulted by planning authorities about the impact of development on an SPA.

Until September 2005, English Nature advised Local Planning Authorities that any development would not be likely to have a significant effect if it was located more than 400m from the SPA. Since undertaking work on a draft Delivery Plan, and prompted by their interpretation of recent ODPM guidance (PPS 9, August 2005), English Nature is now of the opinion that any new residential development, even a single dwelling, in combination with others, within 5km of the Thames Basin Heath SPA could have a "significant effect" leading to an adverse impact. English Nature is adopting a precautionary approach by objecting to all applications within 5km irrespective of their nature or impact and consequently Local Authorities are refusing planning permissions. This approach means that development may be allowed on one side of the street but not the other. It is also despite a rapid increase in bird numbers amongst the protected species which has been observed at a time when the human population in the area has been steadily increasing.

English Nature's well-intentioned, but misguided approach has led to it objecting to all applications in a vast area which includes urban environments such as Guildford, Camberley, Wokingham, Bracknell, Ascot and Woking.

Although English Nature appears to accept the population living within 5km of the various SPA's (estimated 1,250,000 people) currently do not adversely affect the protected sites or bird population, they claim future development will lead to more people using the heathlands for recreation and are particularly concerned about the impact of dog walking on protected species, hence the introduction of the 5km threshold. While seeking to mitigate the impact of development, English Nature continues to actively encourage people to visit the heathlands and is not taking steps to limit visitor access, including dog walkers. Indeed some parts of the Thames Basin Heaths are designated Country Parks. The basic assumption is that new

residential development will in itself lead to an increase in population, which can be challenged due to a fall in the average household size.

The Habitats Regulations do allow mitigation measures to be taken into account. English Nature has produced a draft Delivery Plan which identifies three zones around the SPA. English Nature proposes a total exclusion zone within 400m of the SPA. A second zone of 400m to 2km from the SPA would allow development if it is mitigated by the provision of additional open space (funded by developer contributions) of 16 hectares per 1,000 population. A third zone of 2km to 5km from the SPA would be mitigated where 8 hectares of open space per 1,000 population were provided. If this alternative open space were provided, English Nature would not object to the application.

The draft Delivery Plan is based upon the assumption that additional open space is available. Some Local Authorities have noted that such land is not available and that English Nature is advocating a complete halt to residential development. Even if land could be found, which is highly debatable, there is no guarantee that landowners would sell and such a system would take years to establish. The draft Delivery Plan makes no reference to the location of the mitigation land, which suggests it may be further away from the SPA than the development it is servicing.

English Nature will continue to object to all applications until the Delivery Plan is in place despite concerns already having been raised by Local Authorities. This policy is already causing significant delays to the planning process and will increase the number of appeals. Despite the fact that English Nature is already implementing a threshold of 5km which may form part of a future Delivery Plan, there has been no public consultation on its contents or objective review of its evidence-base. Some Local Authorities have stated that English Nature's objections lack credible evidence or justification and that it would not be appropriate to incorporate the principles of the draft Delivery Plan. Others who are anti-development have seized upon this issue to oppose all applications.

At present the Delivery Plan is not yet even in a useable form that enables the Local Planning Authorities affected to commence the process of converting the document into Supplementary Planning Documents (SPDs). It may take 18 months or more for the Delivery Plan to go through the statutory process and be adopted by each relevant Local Authority until the mitigation route is available. Meanwhile, English Nature will continue to object to all applications. From October 2006 English Nature's functions will be transferred to a new organisation 'Natural England' raising the prospect of even further delay.

This blanket approach to objecting to all planning applications within 5km of the Thames Basin Heaths SPA irrespective of their nature or impact is not being applied by English Nature elsewhere in the United Kingdom. Indeed, applications near other SPAs are assessed independently and judged on their merits notwithstanding the presence of the same protected species. If this policy were to be applied throughout the UK, it would be impossible for the Government to meet its targets for new homes and Government plans for house building in the South East are already under threat.

### **Economic Impact**

The Government has recognised that the UK suffers from a shortage of property and there are particular problems with the supply of affordable homes in the South East. Constraints on housing will adversely impact economic growth and the ODPM accepts there should be a step change in housing supply.

It is estimated that there are approximately 40,000 dwellings allocated and planned to be built in the area around the SPA in the next 10 years. Unless this problem is satisfactorily resolved, not only will these dwellings be at risk but also the delivery of 12,000 – 16,000 units of affordable housing will be lost. Clearly this will have a major effect on key workers, labour supply, construction related employment and tax revenue. It will also directly impact on the

competitiveness of the region and will place even greater pressure on greenfield sites. Unless the situation is resolved, there will undoubtedly be house builders and associated businesses forced into bankruptcy.

### Way Forward

Developers have raised these issues directly with English Nature without success. The Thames Valley New Homes Coalition believes that any Delivery Plan must reflect the issues outlined above. Until such a Plan is drafted and implemented, an urgent interim solution is required.

Notwithstanding the rising bird population, we propose:

1. English Nature should withdraw their objection to all development until a Delivery Plan is formally adopted with each local authority.
2. Developers could make a financial contribution to be held in escrow and paid back if the need for mitigation is not proven, as part of an established legal agreement framework ahead of the adoption of the Delivery Plan, for the improvement of open space in the vicinity of any development. Financial contributions could also be used for the purchase of additional land if it is locally available. This will ensure that any potential effect on the SPA is fully mitigated and local authorities have already shown themselves to be favourably disposed towards such a policy. English Nature and Local Authorities have previously accepted the principle of financial mitigation and we urge that this common sense approach is now adopted in the Thames Valley.

This proposal would promote sustainable development and protect the SPA and greenfield sites in the South East. Such a policy would protect the economy, home builders and associated businesses, and would be consistent with the Government's public policy objectives.

Thames Valley New Homes Coalition look forward to discussing these issues with stakeholders and would welcome the opportunity to provide further information.

