



Local Plan Update

Habitats Regulations Assessment Scoping Document

August 2016

1.	What is the scope of the Local Plan Update (LPU)?.....	2
2.	What is the legislation?.....	2
3.	What will the report cover?	3
4.	The Thames Basin Heaths SPA	5
5.	Wokingham Borough's role in protecting the TBH SPA	6
6.	What's next?	7

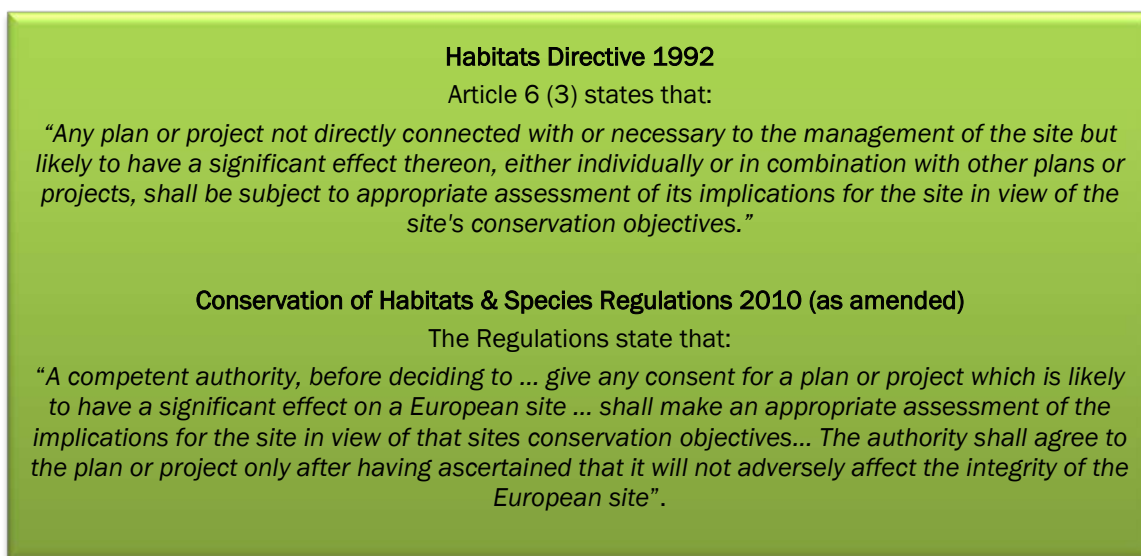
1. What is the scope of the Local Plan Update (LPU)?

- 1.1 The Council is responsible for plan making, which includes producing plans for how an area will develop over time as a guide to future development.
- 1.2 One of the key reasons for needing this Local Plan Update is that the Government has changed the way that we plan for development, particularly for new housing. Previously, numbers of new houses required were set at regional level (in a document called the South East Plan) for each authority. However, now it is the responsibility of individual local authorities to assess how much development is needed in its area and how much should be provided.
- 1.3 The Council already has two key planning policy documents, the Core Strategy and the Managing Development Delivery Local Plan, which cover the period up to 2026. This Local Plan Update will look beyond that date.
- 1.4 We are currently at the Issues and Options stage of the LPU. This is a scoping and shaping stage to understand what should be included within the plan and set up a direction of travel.

2. What is the legislation?

- 2.1 The EC Habitats Directive 1992 (and interpreted into British law by the Conservation of Habitats & Species Regulations 2010), as shown in Figure 1, requires local authorities to consider whether a plan or project may have a significant effect on a European site (also called Natura 2000 sites). These sites include the following:
 - Special areas of conservation (SACs)
 - Special protection areas (SPAs)
 - Sites of community importance (SCIs)
 - RAMSAR sites (Wetland sites designated of international importance under the Ramsar Convention est.1971 by UNESCO)
- 2.2 This will be done through an Appropriate Assessment (AA). This is a prescribed process and details are set out within this document. The aim of this AA is to preserve or improve the natural habitats and species of plants and animals at the above sites.
- 2.3 Plans and projects should only continue having demonstrated that there will be no adverse effects on the integrity of the sites. However, they may still be permitted if there are no alternatives available and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead, providing compensation is delivered.

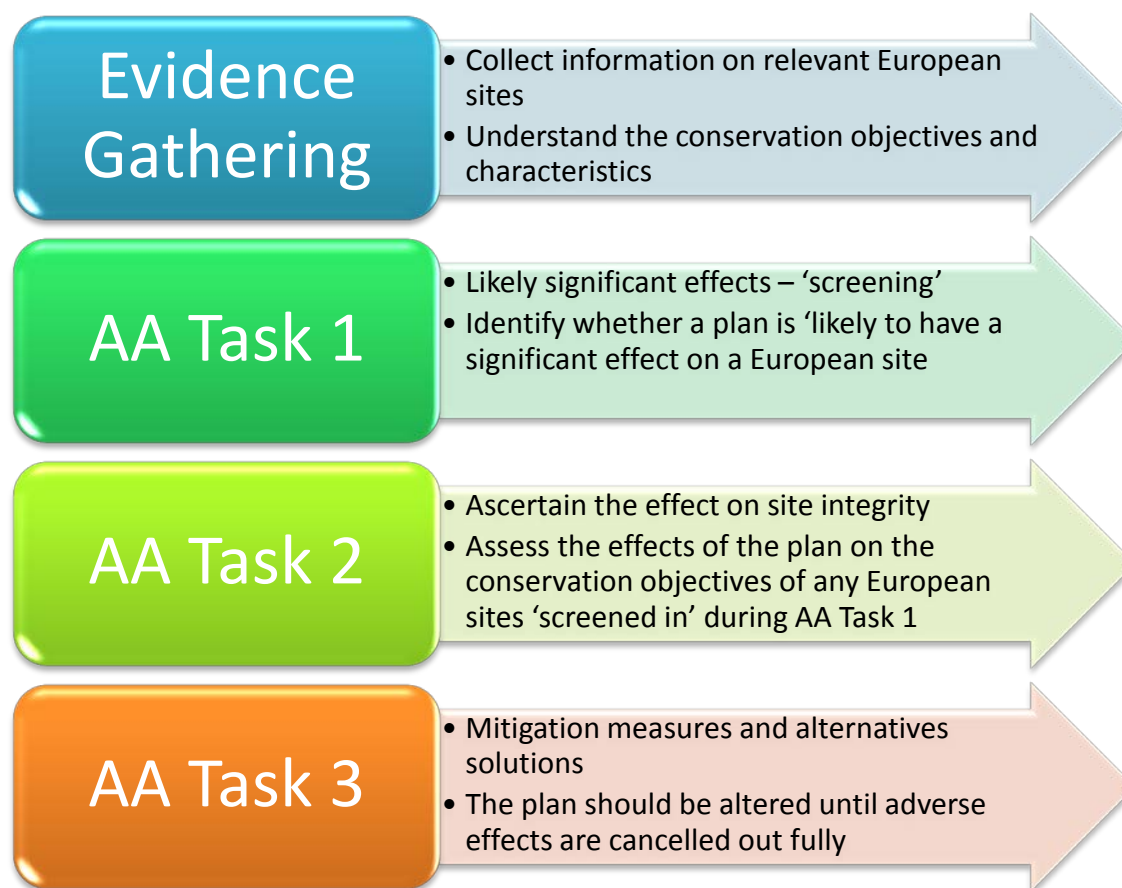
Figure 1 - The legislative basis for the Appropriate Assessment



3. What will the report cover?

- 3.1 Communities and Local Government released a consultation paper on Appropriate Assessment of Plans in 2006 *“Planning for the Protection of European Sites, Consultation Paper”*. No further formal guidance has been published. This paper indicated the stages as set out below (Figure 2), which we will be following through the Local Plan Update.

Figure 2 Stages indicated in *Planning for the Protection of European Sites, Consultation Paper*



3.2 The first stage of any Habitat Regulations Assessment (AA Task 1) is a Likely Significant Effect (LSE) test. This is a type of risk assessment to decide whether to continue to the next stage of the Appropriate Assessment. We need to consider whether the plan is likely to result in a significant effect, which in the context of Wokingham Borough, is on the Thames Basin Heaths SPA. This will enable us to ‘screen out’ any proposals that are unlikely to result in any adverse effects.

3.3 The purpose of this report is to undertake this exercise with regard to the Issues and Options stage of the Local Plan Update. As this stage does not include specific locations or an appraisal of sites, we will consider the broad factors and issues only. At the next stage of the Local Plan Update process (Preferred Options¹), we will add further detail and undertake an Appropriate Assessment if necessary.

3.4 At the Local Plan Update Proposed Submission stage², we will be able to fully understand any mitigation measures and alternative solutions required through a further iteration of the Appropriate Assessment, if one is considered necessary.

¹ For a timetable of Local Plan Update please see here: <http://www.wokingham.gov.uk/planning-and-building-control/planning-policy/local-plan-update/>

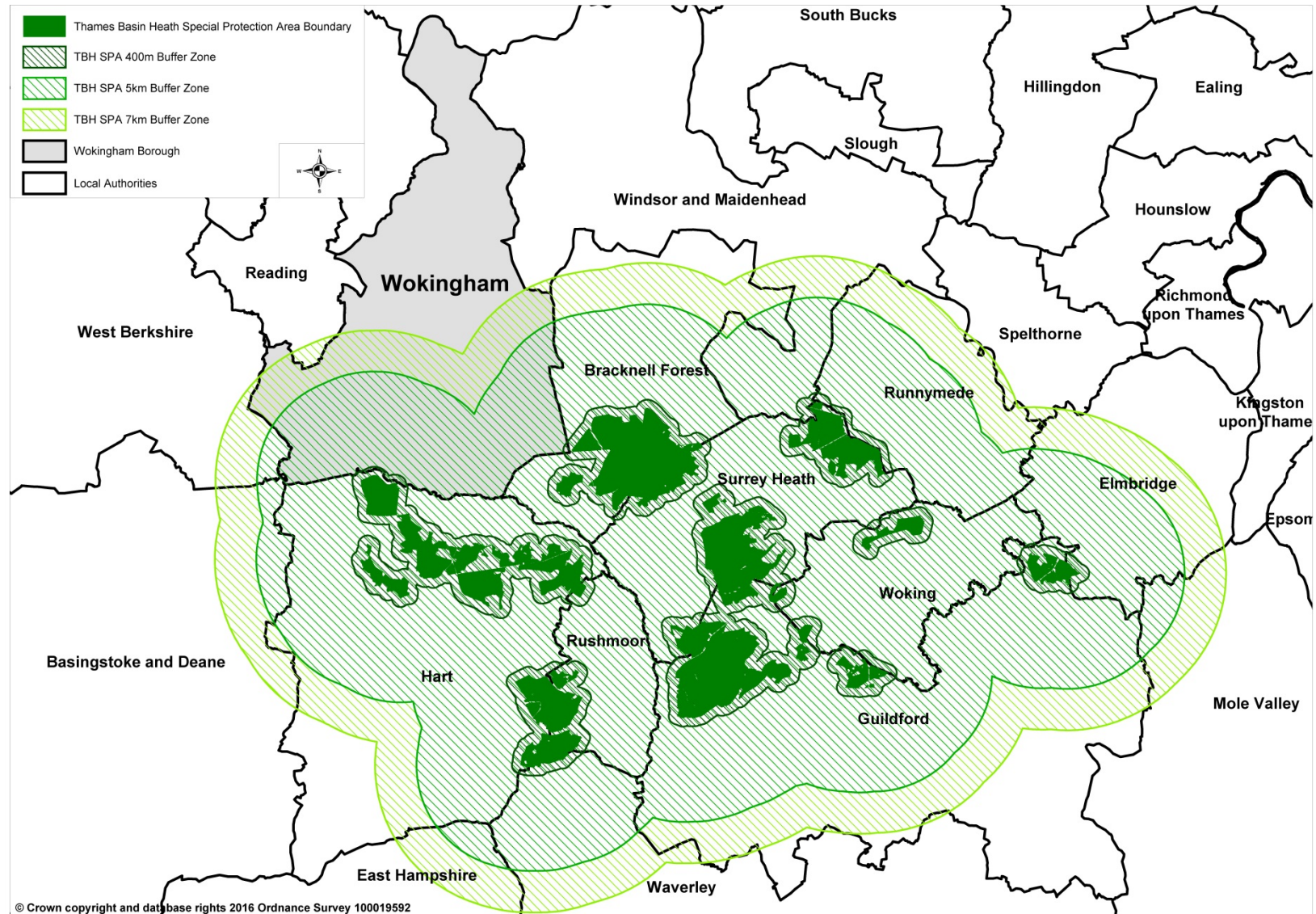
² See footnote 1 above

4. The Thames Basin Heaths SPA

- 4.1 The Thames Basin Heaths Special Protection Area consists of a number of fragments of lowland heathland scattered across Surrey, Hampshire and Berkshire. It is mainly dry and wet heath but also includes area of deciduous woodland, gorse scrub, acid grassland and mire, as well as associated conifer plantations.
- 4.2 Around 75% of the SPA has open public access being either common land or designated as open country under the Countryside and Rights of Way Act (CROW) 2000.
- 4.3 The SPA consists of 13 Sites of Special Scientific Interest (SSSI). Three of the SSSIs are also designated as part of the Thursley, Ash, Pirbright and Chobham Special Area of Conservation (SAC).
- 4.4 There is high demand for development in the South East, which has called for a structured approach of protection of the Thames Basin Heaths. English Nature (now Natural England) published a Draft Delivery Plan for the Thames Basin Heaths SPA in May 2006, partly in response to the European Court of Justice ruling of October 2005. This was updated by the 'Thames Basin Heaths Special Protection Delivery Framework' published by the Thames Basin Heaths Joint Strategic Partnership Board in January 2009. These documents seek to allow a strategic approach to accommodating development by providing a method through which local authorities can meet the requirements of the Habitats Regulations through avoidance and mitigation measures.
- 4.5 Thames Basin Heaths SPA qualifies under Article 4.1 of the Birds Directive (79/409/EEC) by supporting populations of European importance of the following species listed in Annex I of the Directive: Nightjar, Woodlark and Dartford Warbler.
- 4.6 These species nest on or near the ground and as a result are susceptible to predation and disturbance.

5. Wokingham Borough's role in protecting the TBH SPA

Figure 3 - Thames Basin Heath Special Protection Area Buffer Zones



F

- 5.1 The Thames Basin Heath SPA spreads across a number of local authorities within the counties of Surrey, Hampshire and Berkshire, as can be seen in Figure 3. Whilst Wokingham Borough does not have any of the TBH SPA within its boundaries, parts of the Borough do lie within the protected buffer zone of the SPA (within 400m and between 5km and 7km).
- 5.2 Policy CP8 (Thames Basin Heath Special Protection Area) of the Council's adopted Core Strategy (adopted 2010) addresses this issue. Proposals for residential development within 400m of the SPA are prohibited as it is not considered that the risks of fire, fly-tipping and cat predation and other impacts of residential development can be avoided at this range. Proposals for development within the 5km and 7km buffer zone must demonstrate that adverse impacts to the SPA are avoided and mitigated.
- 5.3 The creation of Suitable Alternative Natural Greenspace (SANG) is advocated by Natural England as a way of encouraging the occupants of new development to visit alternate sites, taking visitor pressure away from the SPA.
- 5.4 In order to provide mitigation for the impact of new residential development on the Thames Basin Heaths Special Protection Area, the Council requires a contribution to be made through a Section 106 agreement. The contribution goes towards providing and maintaining SANG as well as SAMM (Strategic Access Management and Monitoring Measures). This approach was agreed and endorsed by the Thames Basin Heaths Joint Strategic Partnership Board (which comprised members of the South East Regional Assembly and the SPA local planning authorities) in February 2009.

6. What's next?

- 6.1 At the next stage of the Local Plan Update process (Preferred Options), we will develop and refine a set of options for the future growth of the Borough. We will also undertake an assessment of each of the sites that has been submitted to the Council through the 'Call for Sites' consultations, which have been promoted by landowners, developers, etc. for future development in the Borough. This assessment will seek to establish how suitable they are for development, how much and what type of development could be achieved on site and also consider when the site is available for development.
- 6.2 At the Preferred Options stage we will undertake a further scoping exercise and determine whether an Appropriate Assessment is necessary.