

**FURTHER STATEMENT BY CPRE (7124)
FOR FIRST TECHNICAL MEETING ON DRAFT DELIVERY PLAN
FOR THAMES BASIN HEATHS SPECIAL PROTECTION AREA**

By email to response@eipsoutheast.co.uk

Further to our comments submitted on 30 October, CPRE is herewith submitting additional comments to these same questions for the technical session on November 22/23 in the light of the peer review of the draft Delivery Plan produced by English Nature/Natural England.

1) How comprehensive is the evidence base for the Delivery Plan?

It is clear that the evidence base is much weaker than it would be if this subject had been studied for several more years and in a structured way. This would have helped to collect the evidence needed to address the issues now raised by the interaction of habitat management requirements and established, and new residential development adjacent to these areas.

Thames Basin Heaths visitor survey data is used but is not always immediately helpful. Studies of the interactions of the Annex 1 species being protected, and human use of the same SPA locations for recreation, especially dog-walking, do not always come to the same conclusions. Some that are repeated are often counter intuitive: i.e. birds adapt more and can co-exist more strongly than might be supposed.

Data from other areas, such as the Dorset Heaths has been widely used. However, this is not used at all directly, and the legislative requirement to adopt a precautionary approach has, for some reason, not been applied. This has allowed English Nature to double the frequently recorded 1km walking distance to an SPA to a 2km zone. This is enlarged further by measuring the zones in straight lines, rather than in actual distance zones (this is the more surprising as such distance contour maps are a very well established tool in surveying and logistics).

It is clearly essential that the Delivery Plan includes a programme of study to build a much stronger evidence base. This should be targeted on the currently identified questions, but it should also be able to evolve to accommodate unexpected outcomes – for example if birds, people, dogs and/or cats co-exist more or less harmoniously and in a more adaptable manner than may be being assumed at present.

In the absence of this data, it would be sensible to maximise the use of local information, and informed judgment in local authorities to optimise these guidelines if possible (including the use of distance contour maps to refine the definitions of Zones A and B). The present proposals rely too much on proving the need for flexibility and exception, from a Delivery Plan that could itself be much further improved.

3) What impact is further housing development likely to have on the TBH SPA and how robust is the evidence that such impact would be significant?

The conclusion contained in the peer review (3.5.7/8) is that a 1% increase in population is possible through smaller developments, accumulating to some 2,870 homes before any significant impact is likely, though they do express caution about the 'in-combination' effects.

For the reasons outlined against question 1 above it is simply not known at this point what impact further housing will have. The draft Delivery Plan is in effect, a set of guidelines to LPAs and developers based on 'reasonable hypotheses'. These remain to be tested in local studies. If these guidelines are in practice implemented as currently written through plans and 'mini-plans', and the studies subsequently demonstrate that the Plan is overly precautionary, then legitimate housing development will have been constrained by an unnecessarily restrictive interaction with the surrounding countryside. Alternatively, (and this is the more positive scenario) the work that goes into implementing the Plan with SPA Rangers and SANGS, will establish very strong guidelines for positive co-existence, and through the SANGS possibly increase the available and accessible well managed countryside to the benefit of all.

This makes it even more important to invest the resources to carry out the studies and undertake the essential public engagement. In a sense, S106 funding for this may be more important than an unnecessarily generous provision of SANGS.

4) Would all forms of residential development have a similar impact on the SPA or should the type of development be a consideration?

No further comments to add to our earlier statement.

5) Has the requirement to apply an 'in-combination' test been correctly interpreted and applied?

The 'in-combination' effect is part of the test of significance, and is different from cumulative effects. The peer review proposal that a 1% increase in population could be achieved through small development sites without the impact being significant is relevant. This was challenged in the legal opinion because there was no evidence base to say that the impacts would not be significant in combination in this way. The Delivery Plan takes a precautionary view throughout, and indicates that while it may be possible to continue some smaller developments under the present processes (often involving planning enquiries) all larger schemes need to go through a full appropriate assessment. It would be sensible, given the demonstrated housing need in this area, to also question the extreme application of the precautionary principle, and certainly as soon as a stronger evidence base is available.

The in-combination approach also applies to the measures being proposed in the draft Delivery Plan, but it is assumed that the focus of the question is on the first issue.

To elaborate on our earlier comments on cumulative effects – these are different, since they concern not simple additive effects, but secondary and synergistic effects, such as for example, not just nesting and bird population effects, but secondary effects on soil condition, and other flora and fauna. The impact of cold winters on numbers of Dartford warblers, for example, is much greater and more immediate than habitat loss or disturbance. This is more significant than nest failures or predation. As on the edge of its range, this Mediterranean species can only flourish if food supplies remain plentiful.

6) Should the Delivery Plan give more guidance on the balance between the different techniques, (not just SANGS)?

It is understandable that the Delivery Plan focuses on the high profile and complex issue of the provision of SANGS. These involve lengthy negotiations, cost and timescales so are 'large' operationally. In reality, it could be argued that education, better engagement with affected communities and studies to establish a much stronger evidence base, would have a better outcome and be more cost effective. (There are parallels here with transport: big, capital intensive road schemes get greater attention than the less visible, softer measures such as travel planning and information initiatives that change behaviour, and are now increasingly recognised to be more important). The Delivery Plan should be aiming to test the hypothesis that certain types of residential development, with pet restrictions, or less mobile residents could be specified closer to an SPA. It is apparently impossible to propose this as mitigation under the precautionary principle without the evidence base.

7) What evidence is there that the provision of SANGS will effectively mitigate any adverse impacts on the SPA?

The provision of SANGS is based on the observed behaviour that people will go to the nearest available area they consider to be 'natural green space'. But it is not clear whether this will just provide the appropriate '1km natural green space', and that these additional people will not also use the SPA as their '5km' natural green space. If this happens there will still be greater impacts on the SPA. A precautionary approach to this would mean some restrictions on access to the SPA, so that the overall impact from existing and new residents in the wider area were maintained at no more than existing levels. This is unlikely to be immediately acceptable, and reinforces the need for community engagement and education as well as for the studies to try to ensure as soon as possible, that such measures are not 'over the top'.

8) Is it possible to deliver SANGS? Is the land available, at what cost and timing?

It is not yet known how many hectares of mitigation land are anticipated in relation to each LA and where the SANGS may be most needed. We note the conclusion of the peer review that the size requirement has been set somewhat arbitrarily. For example, in Hart District, this is based on the actual proposal for the QEB site. This materially affects the availability and cost of any particular SANGS, and if a smaller area was acceptable it might be closer and more likely to be better used avoiding the 'temptation' to go as far as the SPA. This 'smaller size' hypothesis should be tested in the studies, alongside the feasibility review of currently proposed sites.

9) What mechanisms and timing could be used for the provision of green space?

No additions to our earlier comment.

10) 11) and 12) Are the Zonal approach and standards and sizes appropriate?

The evidence base for the 5 and 2km limits and 16/8ha of green space is highly important to an area with as much existing housing density and pressure as the TBH.

The principle of Zones is a practical and appropriately precautionary approach, but this principle needs to be tested as a hypothesis in the study programme, to establish the evidence base for it, and the principle amended if the evidence ostensibly requires it.

It is clear from the peer review that the precautionary principle has not been applied consistently and that 1km and 5km would be more consistent. As noted under question 1 above it is surprising to be using straight line distances to be measuring human impacts for 2 and 5 km when distance contour mapping tools are available – (it is otherwise understandable to use straight line distances for the unaccompanied impacts of pets within 400m). We note under point 8 above that the 8 ha area seems to have been somewhat arbitrarily determined. It would therefore not be against the precautionary principle to go for smaller locations and areas. The main criteria should be accessibility, and the likelihood that people will use it, rather than the size.

13) On site mitigation at the SPA

It is an interesting proposition that additional housing becomes ‘enabling development’ for conservation work needed to improve the condition and viability of the SPA, so that the housing – through S106 arrangements – is on this environmental parameter ‘bio diverse neutral’; (i.e. there will be loss of bio-diversity on the site where the houses are built, but this will be at least in part compensated by the improvement in biodiversity in the SPA because the status of the Annex 1 species will be improved by the conservation measures funded by the development).

Such an approach is part of mitigation, but there needs to be an assessment of the effect of the additional recreation pressure. This will be easier to estimate when the studies are done. These need to generate a model that can be continuously updated (TRICS sets out to do this for transport impacts), so that effects can be predicted, and actual effects fed-back into the model from studies and case studies.

14) Managing access to the SPA

Seasonal restrictions are common in many SSSIs, and could be part of the solution when and if the evidence base supports this. It would need to be part of a combination of measures that in turn permitted development where it is best located for a spatial strategy and human and community points of view, and the access restriction enable closer co-existence with Annex 1 birds than would otherwise be the case. It would be ‘over the top’ to add this in addition to the other zonal and SANGS mitigation measures. It would be sensible and reasonable as part of humans and their pets living in greater harmony and with better co-existence with wild birds.

16) What period should the Delivery Plan cover?

The time period for the Delivery Plan should be to review it as soon as the set of studies that will provide stronger evidence have been completed. In the meantime, it seems only legally possible to progress development on a precautionary approach, similar to the one proposed, but with some aspects revisited such as the 2km vs. 1km Zone, and the size of the SANGS.

10 November 2006