



# Submission Surrey Heath Local Plan (2019- 2038)

## STATEMENT of COMMON GROUND SCG04

Pre-Submission with Submission update  
with Natural England



**May 2024, updated November 2024**

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## Contents

Contents.....	2
1. Submission Update.....	3
2. Introduction.....	9
3. Background .....	10
4. Summary of key issues .....	11
Habitats Regulation Assessment.....	11
Comments on Local Plan policies.....	12
5. Outcomes .....	16



## I. Submission Update

- I.1. In August 2024, alongside the Pre-Submission Surrey Heath Local Plan, Surrey Heath Borough Council (SHBC) published a series of Statements of Common Ground (SCG) to support the Pre-Submission Local Plan, including with Natural England (NE). It was noted that these would be updated following the Pre-Submission Local Plan Publication process and prior to Submission.
- I.2. This Statement of Common Ground Update with NE sets out further duty to cooperate activities that have taken place between the two bodies since the previous Statement of Common Ground was signed in May 2024 and up to the point of Submission. It outlines the latest position on any agreed or outstanding matters relating to strategic cross boundary planning matters. Any engagement up to July 2024 was also recorded in the Council's Duty to Cooperate Statement of Compliance, July 2024 published alongside the Pre-Submission Local Plan.
- I.3. Section 2 onwards of this Statement of Common Ground is as agreed at May 2024.
- I.4. Engagement with Natural England since May 2024 has been:
  - Notification by SHBC of the Pre-Submission Local Plan publication
  - Pre-Submission response from NE;
  - Correspondence via email on proposals for a Biodiversity Net Gain site.
  - Continued engagement through the Joint Strategic Partnership Board.
  - Virtual officer meeting on 14<sup>th</sup> October 2024.
  - Agreed Statement of Common Ground update (this document).

### **Pre-Submission Representations**

- I.5. The table below sets out a summary of the representations raised by Natural England to the Pre-Submission Local Plan and the Council's response:



Theme	NE Representation	SHBC Response
Housing site allocations (HAI)	<p>Note that there are a number of additional sites proposed that were not included at Regulation 18. Have some concerns with site HAI/18 – Land North of Guildford Road, Deepcut as this appears to lie partly within the 400m Thames Basin Heaths Special Protection Area (TBHSPA) exclusion zone.</p> <p>Would advise against increased residential development within the 400m exclusion zone and dwellings should be kept wholly outside this zone in the absence of an Appropriate Assessment ruling out adverse impacts in this location. It is suggested that this allocation be revisited.</p>	<p>The Council recognises HAI/18 – Land North of Guildford Road, Deepcut lies partly within the 400m Thames Basin Heaths Special Protection Area (TBHSPA). The 21 unit capacity identified for the site excludes areas inside the 400m, which is treated as an absolute constraint in the supporting SLAA 2023 evidence base. On the basis that the allocation does not have specific development requirements, it would need to comply with other policies in the Plan, including EI Thames Basin Heaths Special Protection area.</p>
Green Infrastructure (IN5)	The inclusion of the Policy is welcomed.	Support noted.
Thames Basin Heaths Special Protection Area (EI)	The inclusion of this Policy is welcomed. Note that the Habitat Regulation Assessment references the Strategic Access Management and Monitoring tariff changing each year and would welcome similar wording in Policy EI.	The Council considers that SAMM and SANG tariffs are best kept outside Local Plan policy, which sets the overall principles of the policy approach. The Council has adopted the annual inflationary increase as previously requested by Natural England and updates tariffs annually on the Council website.



Theme	NE Representation	SHBC Response
Biodiversity and Geodiversity (E2)	Welcome the inclusion of E2 and the commitment to contribute towards the Local Nature Recovery Strategy and the need for mitigation. Welcome the hierarchy of designated sites.	Support noted.
Biodiversity Net Gain (E3)	<p>Support the commitment for development proposals providing a minimum of 20% biodiversity net gain secured for a minimum of 30 years.</p> <p>Welcome clarity that BNG is dealt with separately to mitigation/compensation requirements for European Sites, particularly in relation to Suitable Alternative Natural Greenspace (SANG).</p> <p>Welcome E3's commitment to the delivery of on-site net gain provision before off-site in line with the Biodiversity Gain Hierarchy.</p>	Support noted.
Habitats Regulation Assessment: Recreational Disturbance	Recognise the collaborative work that has taken place to secure sufficient SANG capacity. Although capacity at Shepherds Meadow does not seem to be included in Table 5, provision of new SANG at St Catherine's Road will ensure sufficient capacity over the plan period and a surplus into the next Plan period.	Noted. Furthermore, the Council can confirm that there is sufficient SANG capacity over the plan period.



Theme	NE Representation	SHBC Response
	<p>Seek clarification on whether C2 (extra-care or care home) development sites have been included in SANG capacity calculations. Natural England would advise that if the development will be open to anyone who may be able to recreate on SPA sites, full mitigation contributions towards Suitable Alternative Natural Greenspace (SANG), and Strategic Access Management and Monitoring (SAMM) would be expected.</p> <p>Even if C2 developments have not yet been factored in to the SANG capacity, there would still be sufficient capacity given that there is an overall SANG capacity surplus.</p>	<p>The Council can confirm that the SANG capacity calculations included detailed consideration for relevant C2 proposed uses. For example, the allocations at Land at Loen and Pinehurst are both included in SANG capacity calculations. In addition, there is sufficient capacity should further C2 developments come forward and require SANG capacity.</p>
Habitats Regulation Assessment: Recreational Disturbance	<p>Natural England support the conclusion that there will be no adverse effects on integrity of the Thames Basin Heaths Special Protection Area now that sufficient capacity has been identified. This is subject to the relevant SANG agreements with local neighbouring authorities, from which spare capacity has been agreed and that St Catherine's Road comes forward as a SANG.</p>	<p>Response noted.</p> <p>Due to the additional SANG capacity from St Catherines Road SANG, additional SANG capacity from Shepherds Meadows is no longer being taken forward.</p>



Theme	NE Representation	SHBC Response
	Observation that Shepherds Meadows SANG does not appear to be included in Table 5 under the new SANG options.	
Habitats Regulations Assessment: Air Quality	NE appreciate the efforts taken by the Council to address comments raised at Regulation 18 and now agree that there will be no adverse effects on integrity of statutory designated sites due to air quality.	Response noted.



**Outcomes: Duty to Cooperate meeting**

- 1.6. A virtual meeting took place between SHBC and NE on 14<sup>th</sup> October 2024. The outcomes of this meeting were:
- Update on the Surrey Heath Local Plan timetable.
  - Constructive discussion on the Natural England Pre-Submission representations as a result both authorities agree that:
    - ◆ there are no unresolved strategic matters that affect the delivery of the Surrey Heath Local Plan 2019 – 2038.
    - ◆ Surrey Heath has complied with the legal duty to cooperate.
    - ◆ Constructive joint working will continue on relevant strategic matters including the Thames Basin Heaths Special Protection Area
  - Agreement in principle to the preparation of an update to the previously agreed Statement of Common Ground (SCG).

**Signatories for SCG Update November 2024**

<b>Natural England</b>	
Name	Miranda Petty
Position	Senior Officer, Sustainable Development
Date agreed	11.11.2024
Signature	

<b>Surrey Heath Borough Council</b>	
Name	Gavin Chinniah
Position	Head of Planning, Housing, Corporate Enforcement and Parking (interim)
Date agreed	12/11/2024
Signature	

**The remainder of this Statement of Common Ground is as agreed at May 2024.**





## 2. Introduction

- 2.1. This Statement of Common Ground (SCG) has been prepared jointly between **Surrey Heath Borough Council (SHBC)** and **Natural England (NE)**. It sets out the agreed position as at December 2022 in relation to a range of strategic planning matters, including matters relating to the Thames Basin Heaths Special Protection Area. It has been prepared to support the Pre-Submission Surrey Heath Local Plan (2019 – 2038) (Local Plan) and has been agreed by both SHBC and Natural England and demonstrates ongoing co-operation between the two Parties in line with the requirements set out below.
- 2.2. Under Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by Section 110 of the Localism Act 2011) and in accordance with paras. 24-27 of the National Planning Policy Framework (NPPF 2021), it is a requirement under the duty to cooperate for a local planning authority to engage constructively, actively and on an ongoing basis in the preparation of development plan documents and other documents. This is a test that local authorities need to satisfy prior to the local plan examination stage and is an additional requirement to the test of soundness.
- 2.3. The duty to cooperate applies to strategic cross boundary matters (those that might apply are set out in para. 20 of the NPPF). The statutory requirements of the duty to co-operate are a legal obligation although it is not a duty to agree. Co-operation should produce effective and deliverable policies on strategic cross boundary matters in accordance with national planning policy, as further explained in National Planning Practice Guidance (NPPG).
- 2.4. This SCG has been prepared to support the Pre-Submission version (Reg19) of the Local Plan and is in line with paragraph 27 of the NPPF which encourages SCG to be made publicly available throughout the plan-making process. The SCG may be updated following the Pre-submission Local Plan consultation if it is considered helpful to add other matters prior to Submission which will support the Local Plan Examination.
- 2.5. Nothing in this SCG fetters any comments that Natural England may make on the Pre-Submission Surrey Heath Local Plan consultation due to run from 7<sup>th</sup> August to 20<sup>th</sup> September 2024.



### 3. Background

- 3.1. The whole of Surrey Heath Borough is within 5km of the SPA. In order to allow housing development while still complying with the Habitats Regulations, the affected local authorities established the Thames Basin Heaths Joint Strategic Partnership Board (JSPB) to agree a strategy for the long-term protection of the SPA.
- 3.2. Two avoidance measures are promoted by Natural England and endorsed by the JSPB. These are Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM). SANGs are areas that currently are not in use for recreation and so are a new alternative provision or are existing areas that are significantly under-used and so have the capacity to absorb 11 additional recreational use<sup>1</sup>. Surrey Heath Borough Council and Natural England have worked closely on ensuring that the Thames Basin Heaths is protected from adverse effects in Surrey Heath, both through direct meetings and email exchanges, as well as part of the wider JSPB.
- 3.3. The purpose of this SCG is to set out matters which have been agreed relating to the Policies in the Pre-Submission Surrey Heath Local Plan (2019 – 2038) (Local Plan), and supporting Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA).

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<sup>1</sup> Further information is provided in the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document (2019).



## 4. Summary of key issues

### Habitats Regulation Assessment

- 4.1. This section sets out a summary of representations received by Natural England as part of the Regulation 18 Draft Local Plan: Preferred Options (2019-2038) in respect of the Habitats Regulation Assessment, and Surrey Heaths response to these representations.

### Suitable Alternative Natural Greenspace

- 4.2. NE noted that The Thames Basin Heaths Special Protection Area Topic Paper set out the current and proposed SANG sites within the Borough, and the associated potential SANG deficits for the Plan Period as a result. NE highlighted that a deficit in SANG capacity would likely undermine the soundness of the Local Plan and NE would be looking for evidence that there is enough mitigation to meet housing delivery.
- 4.3. NE noted that they looked forward to seeing SANG proposals progress as the Local Plan moves towards Regulation 19 and look to see the Habitats Regulations Assessment updated accordingly, as SANG solutions evolve. NE encouraged early consultation on these matters.

### SHBC Response

- 4.4. SHBC noted that the Thames Basin Heaths SPA Topic Paper set out that, based on the SANG options identified, it is anticipated that adequate SANG with appropriate catchments can be delivered to mitigate fully the impact of new residential development over the Plan period, including all housing allocations.
- 4.5. SHBC noted that the Council continues to explore further SANG opportunities and is working with neighbouring authorities to deliver cross boundary SANG solutions. Noted that SHBC will continue to engage with Natural England as the Plan progresses.

### Air quality

- 4.6. NE noted that although a Habitat Regulations Assessment (HRA) was prepared in February 2022 in support of the Draft Plan, they will need to see more work upon this, before being certain that there will be no adverse effects of the Draft Plan on the Thames Basin Heaths SPA.



- 4.7. NE agreed with the conclusion of the HRA that it is not currently possible to conclude no adverse effect upon local Habitats Sites from Air Pollution. Noted that traffic data is currently being obtained; and NE await the results of this analysis. It should address the traffic impacts associated with new development, particularly where this impacts on European sites and SSSIs. The Environmental Assessment of the plan (SA and HRA) should also consider any detrimental impacts on the natural environment and suggest appropriate avoidance or mitigation measures where applicable. Whilst the NE were pleased to see that works on air pollution and transport assessments had begun, NE require the provision of a full, detailed air quality assessment. NE noted that they would be happy to discuss this once completed and encouraged early consultation with NE.
- 4.8. It was noted that NE would provide bespoke comments once detailed air quality assessment results are available. As a result, NE were currently unable assess whether Likely Significant Effect (LSE) alone and in combination can be ruled out. NE recommended that the HRA assesses air quality using Natural England's guidelines.

#### **SHBC Response**

- 4.9. SHBC noted that Air Quality and Traffic Modelling was being carried out as part of the development of the Regulation 19 Plan and supporting Habitats Regulation Assessment. As part of this, the Council has engaged with Natural England regarding the methodology for assessing air quality as part of the HRA work and will share the outputs of the modelling work when available.

#### **Comments on Local Plan policies**

- 4.10. This section sets out a summary of representations received by Natural England as part of the Regulation 18 Draft Local Plan: Preferred Options (2019-2038) in respect of draft policies, and Surrey Heaths response to these representations.

#### **Policy E2 – Biodiversity and Geodiversity**

- 4.11. NE noted that in accordance with the paragraph 171 of NPPF, the plan should allocate land with the least environmental or amenity value. NE expects sufficient evidence to be provided, through the SA and HRA, to justify the site selection process and to ensure sites of least environmental value are selected, e.g. land allocations should avoid designated sites and landscapes and significant areas of best and most versatile agricultural land and should consider the direct and indirect effects of development, including on land outside designated boundaries and within the setting of protected landscapes.



- 4.12. NE noted that the Local Plan should be underpinned by up-to-date environmental evidence and include an assessment of existing and potential components of local ecological networks. Noted that this assessment should inform the Sustainability Appraisal, ensure that land of least environment value is chosen for development, and that the mitigation hierarchy is followed and inform opportunities for enhancement as well as development requirements for particular sites. NE provided detailed guidance on priority species and habitats, as well as ecological networks. Noted that NE and the Forestry Commission have produced standing advice on ancient woodland, ancient and veteran trees.

### **SHBC Response**

- 4.13. SHBC noted that the Council considers that the draft Plan is in accordance with paragraph 171 of the NPPF and was supported by a detailed Sustainability Appraisal, which seeks to direct development away from the most valuable wildlife habitats, and is also supported by a Habitats Regulation Assessment.

### **Policy E3 – Biodiversity Net Gain**

- 4.14. NE welcomed the inclusion of Policy E3 and noted that Natural England released the Defra Biodiversity Metric 3.0 prior to the Regulation 18 consultation. At the time of signing this document, the statutory biodiversity metric, and small sites metric, are the latest tools to be utilised. The metric is accompanied with detailed guidance and a tool to apply the metric. NE encourages the incorporation of the 10 best practice principles developed by CIRIA/CIEEM/IEMA for those delivering biodiversity net gain.
- 4.15. Where net gain cannot be provided on site, or feasibly as close to the development as possible, NE recommends that consideration is given to developing a suite of projects across the borough/area that development within the Borough can contribute to thereby ensuring the biodiversity within the Borough is protected and enhanced. These projects could be funded by development that requires offsite compensation or additional enhancements to achieve biodiversity net gain. This approach can be used by development with limited opportunities for biodiversity net gain on site.
- 4.16. NE noted that Plans should set out a strategic approach, planning positively for the creation, protection, enhancement and management of networks of biodiversity. There should be consideration of geodiversity conservation in terms of any geological sites and features in the wider environment. A strategic approach for networks of biodiversity should support a similar approach for green infrastructure. Plans should set out the approach to delivering net gains for biodiversity. NE noted that net gain for biodiversity should be considered for all aspects of the plan and development types, including transport proposals, housing and community infrastructure.



### **SHBC Response**

- 4.17. SHBC noted that the Council has commissioned consultants to appraise the potential for biodiversity net gain projects in the Borough that developers can contribute into in cases where net gains cannot be delivered onsite. At a more strategic level, the Council is working with Surrey County Council to produce the Local Nature Recovery Strategy. Reference added to the requirement to conform with 'BS 8683: Process for designing and implementing biodiversity net gain' produced by the British Standards Institution has been added to the supporting text of Policy E3, which builds on and adds to the UK's Good Practice Principles of BNG and guide for development produced by CIEEM, CIRIA and IEMA. SHBC noted that the supporting text highlights the Council's further guidance for the delivery of biodiversity net gain which is published on the Council's website.

### **Policy IN5 – Green Infrastructure**

- 4.18. NE welcomed the inclusion of Blue and Green Infrastructure as its own policy. A strategic approach for green infrastructure is required to ensure its protection and enhancement, as outlined in para 179 of the NPPF. NE noted that Green Infrastructure should be incorporated into the plan as a strategic policy area, supported by appropriate detailed policies and proposals to ensure effective provision and delivery.

### **SHBC Response**

- 4.19. SHBC noted Policy IN5 is the overarching Policy for Green Infrastructure with more specific policies on Green Spaces and the Thames Basin Heaths SPA. Noted that the Policies supporting text highlights that the Council will work with Surrey County Council on the Local Nature Recovery Strategy, to inform delivery of Green Infrastructure priorities to support IN5.

### **Policy SS3b – Climate Change Adaptation**

- 4.20. NE welcome the consideration of Climate Change, as included throughout the Local Plan and highlighted in Objective H of the Strategic Objectives. NE noted that the Local Plan should, in considering climate change adaptation, also recognise the role of the natural environment to deliver measures to reduce the effects of climate change, for example tree planting to moderate heat island effects. In addition, factors which may lead to exacerbate climate change (through more greenhouse gases) should be avoided (e.g. pollution, habitat fragmentation, loss of biodiversity) and the natural environment's resilience to change should be protected. Green Infrastructure and resilient ecological networks play an important role in aiding climate change adaptation.

### **SHBC Response**



- 4.21. SHBC noted that Policy SS3 and supporting text recognises the important role of the natural environment to deliver measures to reduce the effects of climate change.

**Natural England comments on the Draft Surrey Heath Local Plan: Preferred Options (2019 - 2038) Additional Site Allocations for Gypsy and Travellers and Travelling Showpeople Regulation 18 Consultation**

- 4.22. Reiterated advice that NE require evidence that there is enough mitigation to meet housing delivery for the Local Plan.

**SHBC response**

- 4.23. SHBC noted that the Thames Basin Heaths SPA Topic Paper set out that, based on the SANG options identified, it is anticipated that adequate SANG with appropriate catchments can be delivered to mitigate fully the impact of new residential development over the Plan period, including all housing allocations.
- 4.24. SHBC noted that the Council continues to explore further SANG opportunities and is working with neighbouring authorities to deliver cross boundary SANG solutions. Noted that SHBC will continue to engage with Natural England as the Plan progresses.



## 5. Outcomes

- 5.1. Table I provides a summary of the duty to co-operate work relating to the Regulation 19 Local Plan and supporting evidence and the duty to co-operate outcomes that have been agreed to date.

Duty to cooperate topic	Summary of outcomes
<p>Habitats Regulations Assessment – Air Quality modeling</p>	<p>At a meeting on the 26<sup>th</sup> September 2022 NE reiterated its recommendation that the HRA assesses air quality using Natural England’s guidelines. It was also noted by NE that SHBC should consider best practice methodology of other Boroughs that had recently undertaken detailed air quality work. SHBC noted that the methodology would have regard to both the NE guidance and best practice. SHBC noted that AECOM, the consultants preparing the HRA and associated air quality monitoring for the Regulation 19 Local Plan, would shortly provide a draft methodology for the air quality modelling for NE to provide feedback.</p> <p>Aecom received confirmation that NE were happy with the scope of the methodology for the air quality modelling on the 5<sup>th</sup> October 2022. A summary note on the air quality modelling was provided sent to Natural England by Aecom on the 7<sup>th</sup> December 2022. At a meeting on the 23<sup>rd</sup> January 2023, NE raised an issue regarding a 0.4% nitrogen increase on transects 3 and 6. They could not agree at this stage that this increase is imperceptible particularly with in-combination effects. It was noted that an appropriate assessment would be needed especially having regard to the in-combination issues. Work is ongoing with Aecom to address these concerns through an Appropriate Assessment.</p> <p>NE also confirmed that they were happy with the air quality conclusions on ammonia and Nitric Oxide conclusions and that no further work was needed.</p>





<p>Habitats Regulations Assessment – Suitable Alternative Natural Greenspace provision</p>	<p>At a meeting on the 26<sup>th</sup> September 2022 between SHBC and NE, the SANG options identified in the Thames Basin Heaths Topic Paper were discussed and SHBC provided further clarity on the options, noting that in combination the options identified could meet the needs of the Local Plan, and other sites were also being considered further that could provide further capacity.</p> <p>NE noted that they were satisfied with the SANG options outlined and noted that if SHBC can demonstrate that there were clear options to address the SANG capacity deficit of the Local Plan (based on current capacity levels), NE would be satisfied that adequate SANG had been identified for the purposes of the Regulation 19 Local Plan.</p> <p>At a meeting on the 23<sup>rd</sup> January 2023, SHBC updated Natural England on SANG provision for the Local Plan. It was noted that the identified SANG deficit of 1450 dwellings could be met by the following sources:</p> <ul style="list-style-type: none"> <li>• Additional capacity at Diamond Ridge Woods SANG for 350 dwellings, subject to site improvements.</li> <li>• Additional 500 dwelling capacity at Shepherds Meadows, Bracknell Forest, subject to a new MOU being agreed.</li> <li>• Additional 850 dwellings from Hart District Council, from SANGs with catchment areas covering parts of Surrey Heath, subject to an MOU being agreed.</li> </ul> <p>Natural England noted that they were pleased with this update and had no further comments to raise on SANG.</p> <p>In December 2023, Surrey Heath Borough Council purchased a 30ha site at St Catherines Road for the provision of a new SANG. SHBC and NE officers conducted a joint site visit at the new site on the 31<sup>st</sup></p>
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	<p>January 2024. In an email sent on the 16<sup>th</sup> February 2024, NE confirmed that overall they viewed the site as a great opportunity to provide an effective and attractive SANG for the residents of Surrey Heath, in addition to some detailed guidance for the site. Once operational, the SANG could mitigate 1,500 dwellings (at 2.5 average occupancy). In combination with other sources of SANG, this will ensure that sufficient capacity is available for development in Surrey Heath throughout the Plan period up to 2038 and beyond. SHBC will continue to engage with NE whilst progressing the site for a change of use to a SANG.</p>
<p>Local Plan Policies</p>	<p>SHBC note NE’s comments raised on the Regulation 18 Local Plan. This was discussed at the 26<sup>th</sup> September 2022 meeting and it was noted that NE had no objections on the Regulation 18 draft policies, including the policy approach to the Thames Basin Heaths Special Protection area and Biodiversity Net Gain as set out earlier in the SOCG.</p>



## Signatories

<b>Natural England</b>	
Name	Miranda Petty
Position	Senior Adviser
Date Agreed	29.05.2024
Signature	

<b>Surrey Heath Borough Council</b>	
Name	Gavin Chinniah
Position	Head of Planning
Date Agreed	28.05.2024
Signature	

