

Planning Consultation

From: Mike Waite <[REDACTED]>
Sent: 23 September 2024 13:38
To: Planning Consultation
Cc: Robert Hutchinson; Cheryl Brunton
Subject: Re. Pre-Submission Surrey Heath Local Plan; T&CP Regs 2012 (as amended), Regulation 19 consultation

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Sir/Madam.

Thank you for this opportunity to influence the pre-Submission Surrey Heath Local Plan. With apologies for the late return of this response, the Surrey Wildlife Trust would like to submit the following comments, including suggestions for enhancement, to your recently closed consultation:

Please note:

- **your original section/paragraph referencing is used to clearly direct you to where the relevant individual comment/suggested enhanced re-draft applies.**
- Our **comments** are **box-bracketed** and in **green font**.
- Our **suggested drafting improvements** are in **red font/yellow highlighting** (over black font) **within your original text**.

Policy E2: Biodiversity and Geodiversity

1. Development **proposals** will **only** be permitted where **they demonstrate that** they protect and enhance biodiversity and/or geodiversity, **initially through avoidance, then mitigation, and/or finally by adequate compensation for their potential impacts**. Development proposals are required to positively contribute towards the **locally appropriate** priorities and measures of the Local Nature Recovery Strategy (LNRS), or towards the objectives of the Biodiversity Opportunity Area Policy Statements prior to publication of the LNRS. **Development sites beyond** these strategic priority areas should contribute to improving habitat connectivity in the immediate vicinity of **that** site.
2. Where harm or loss of biodiversity and/or geodiversity cannot be avoided [**Note: this circumstance appears to then contradict the conditions that follow**], mitigation will be required such that it can be robustly demonstrate that:
 - a. there will be no adverse effect on the integrity of international, national and local designated sites; [**What does 'integrity' here imply? - presumably their notified features? Elsewhere SSSI 'integrity' normally implies the complete purpose of the entire national series - as in the collective set of features represented across the selected SSSI suite**]
 - b. there will be no adverse impact on the **local conservation status of** protected species or local populations of priority species;
 - c. there will be no loss or deterioration of a priority habitat type (**Habitat of Principal Importance - HPI**), and/or 'irreplaceable **Habitat**';
 - d. there will be no adverse effect on the integrity of linkages between designated sites and priority habitats. [**Integrity here might become legally debatable; we suggest some additional qualification is advisable here or in the explanatory.**]
3. The weight attributed to the protection of nature conservation interests will be commensurate to their status and significance, and any other designation applying to the site, habitat or species concerned. For proposals that affect nationally **statutory** protected sites, exceptional circumstances would be required to robustly demonstrate that the benefits of the development proposal clearly outweigh the loss or harm and that appropriate compensation will be delivered.

4. Effective avoidance, mitigation and compensation will be secured through the imposition of planning conditions or planning obligations as appropriate, **to include** monitoring for the effectiveness of these measures **and any modification as necessary**.
5. Development proposals, where appropriate, will need to take full account of the impact on soils. Development will be expected to avoid the best and most versatile agricultural land. **Remediated soils and** areas of lower quality agricultural land should be used for development in preference to the best and most versatile agricultural land.

Surrey Heath

6.16. The weight to be attributed to the protection of nature conservation interest will be commensurate to their significance. The Council will apply a hierarchical approach to the conservation of designated sites within the Borough as follows:

1. International Sites: Special Protection Areas (SPAs), Special Areas of Conservation (SACs) **(and their nominal successors)**, and Ramsar sites; or candidate/formally proposed versions of these designations.

6.18. Within the Borough and neighbouring authorities there are also a number of SSSIs, as well as a National Nature Reserve (NNR), which **originate from** legislation in **the** Wildlife & Countryside Act 1981 (as amended), **and the National Parks & Access to the Countryside Act 1949**.

6.20. ...From 2025, it is expected that the Local Nature Recovery Strategy **(nominally 'Surrey Nature Recovery')** will supersede the policy objectives set for BOAs.

6.21. BOAs and **(urban) UrBOAs** extend across **county and** local authority boundaries, and therefore provide the strategic approach that addresses biodiversity at the landscape scale as required by the NPPF. The area within Surrey Heath that falls within BOAs mainly relates to the Thames Basin Heaths, as well as **to** the Blackwater and Bourne river corridors, as set out in the [Thames Basin Heath BOA Policy Statements](#) and the [Rivers BOA Policy Statements](#), respectively. Where **development** proposals fall within or adjacent to a Biodiversity Opportunity Area, their required measurable biodiversity net gain enhancements (see Policy E3) should support the BOA/**UrBOA**'s objectives, including those set out in the **relevant** SyNP BOA Policy Statement. Alternative measures may be acceptable where it is clearly demonstrated that these are more appropriate, given the site **specific** circumstances of the proposal.

6.22. The Council supports the emerging **statutory** Local Nature Recovery Strategy being led by Surrey County Council. The Council will work with Surrey County Council and partners to **realise** opportunities to conserve and enhance the natural assets of Surrey Heath, both green and blue (freshwater) natural assets, including the River Blackwater, Basingstoke Canal and the Bourne River and **tributaries**.

6.23. All aquatic habitats, including watercourses and areas of standing water such as lakes and natural and/or historic ponds, should be treated as priority habitats. Watercourses frequently function as highly important green/**blue** corridors that link **wildlife** habitats and allow species to disperse, playing a vital role in the health and recovery of our natural environment. Areas of standing water frequently support a diverse range of aquatic and terrestrial species, provide **water security for human consumption**, and contribute to visual amenity and leisure opportunities.

Policy E3: Biodiversity Net Gain

[The Trust especially welcomes the Borough's boldness in choosing to acknowledge the Surrey Nature Partnership's recommendation to pursue adoption of a minimum 20% biodiversity net gain requirement on all eligible permitted development.]

6.26. Biodiversity net gain **is achieved when a** development ~~that~~ leaves biodiversity in a measurably better state than beforehand.

[6.26-7. Biodiversity net gain is capitalised once, non-capitalised elsewhere. Consistency here would be helpful.]

Policy E3:

Qualifying **(non-exempt)** development proposals will be permitted, provided that they can demonstrate the provision of biodiversity net gains of at least 20 per cent, or the advised national minimum target **(whichever is greater)**, measured using the statutory Biodiversity metric. **If Biodiversity Net Gain cannot be achieved on site,** any off-site habitat creation or enhancement measures must be in line with the hierarchy in this policy, **located** within Surrey Heath Borough, unless demonstrably unfeasible.

1. Significant areas of habitat **enhancement** and/or **creation** should align with and support delivery of the Local Nature Recovery Strategy for Surrey where applicable, and must be secured and maintained for at least 30 years, or a period of time set out in national policy, whichever is greater. **['Significant' and 'where applicable' might both become legally debateable here – how will either/both be defined?].**
2. **Development** proposals **including off-site habitat enhancement and/or creation** of biodiversity gain sites will be supported where these are suitably located, designed and appropriately managed in **alignment** with local and national strategies, in particular the Local Nature Recovery Strategy for Surrey.
3. Development and Biodiversity Gain site proposals must provide **acceptably adequate** ecological survey information and **evaluation** to inform Biodiversity Net Gain plans and to ensure that **the intended** biodiversity gains take full account of all relevant ecological considerations.
4. Development proposals should **also** seek to **co-**deliver **measurable** environmental net gain, in accordance with **current and emerging** national guidance.

6.29. A higher **minimum** target of 20% is both necessary and deliverable in Surrey Heath. Evidence of 'need' is provided in the Surrey Nature Partnership's report 'The State of Surrey's Nature' (2017) which **evidences** Surrey's rate of **historic** biodiversity loss **as** even more severe than **that of the nation, which justifies local planning policy** to require a higher target to halt **and attempt to recover** these historic losses.]-[Furthermore, the Council is developing a local habitat bank to ensure **an available supply of off-site biodiversity units for sale to developers**, including on Council-owned land, **to support of demonstrating the feasibility of local net gain policy boosting nature recovery within Surrey Heath...**

6.30. As such, development proposals in Surrey Heath will be required to deliver a minimum net gain of 20%, **or the advised national minimum amount, whichever is greater**, **measured** in biodiversity units.

6.32. The methodology used to calculate net gain will be the **current, or any future revision of** the statutory Defra Biodiversity Metric...

6.33. ...]-[Biodiversity net gain should not **involve the later compensation for destruction** of irreplaceable habitats and should be dealt with in addition to any **approved** mitigation and/or compensation requirements for **SPAs or SACs**, **including** as Suitable Alternative Natural Greenspace...

6.34. In the first instance, net gain should be **incorporated** on-site. Where this is not wholly achievable, off-site measures **will be** required. In the Biodiversity Metric, the **'Strategic significance multiplier'** should be **applied as a spatial incentive** in line with the statutory metric guidance. **Furthermore, off-site net gain** provisions should be **located** as close to the development site as practical. **The 'spatial risk (negative) multiplier' will also apply, again in line with the statutory guidance, according to** the following hierarchy:

1. Within Surrey Heath Borough **(x1.0);**
2. Beyond the Borough but within **the Thames Basin Heaths National Character Area (NE530)(x1.0);** or elsewhere within the county of Surrey **(x0.75); or,**
3. National Biodiversity credits or other off-site provision **beyond Surrey**, subject to the satisfaction of the Local Planning Authority **(x0.5).**

[6.35. BNG is twice capitalised and twice lower-cased in this section. Consistency would be helpful to instil consumer confidence.]

6.37. The Council is developing plans for **off-site** habitat enhancement and creation measures, which will **supply** Biodiversity units across a range of **required** habitat types, **to support permitted** developments which require **saleable** off-site compensation and enhancement **solutions.**

6.38. Environmental net gain is **a** concept that recognises the need to consider the **built** environment **holistically**, comprising many **interrelated** elements **that contribute to the quality of its 'liveability'**. For example, its impact on soil fertility, **the** atmosphere (including **CO₂** emissions and **opportunities for** carbon sequestration), **on** water **management, wildlife** habitats and **their associated services (eg. pollination);** as well as the relationship between **its future occupants and their immediate** environment, in terms of **the provision of food, materials and access to green space for wellbeing.** **As such,** Environmental net gain **involves the quantification and investment to uplift these environmental assets as** 'natural capital', **in consideration** of their specific/spatial **socio-economic benefits.** Applicants should consider opportunities to integrate environmental net gains into development proposals from the outset, for example **using** 'bio-solar roofs', which **co-**support on-site biodiversity **gains alongside integral** renewable energy generation to reduce **site-specific** carbon emissions.

Policy E4: Pollution and Contamination

Pollution (other than CO₂ emissions)

Pollution

6.40. Pollution refers to anything that affects the quality of land, air, water or soils which might lead to an adverse impact on human health, quality of life, the natural environment or general amenity. It includes noise, vibration, light, air quality, radiation, dust, fumes or gases, odours or other effluvia, harmful substances, or degradation of soil and water resources; but excludes the overall carbon 'footprint' of development in both its construction and use, mainly measured as carbon dioxide (CO₂) but also methane and nitrous oxide (N₂O) emissions, which is covered in Policy E5 (next).

Policy E5: Renewable and Low Carbon Energy and Heating Schemes

[Somewhere here, as also for E6, para. 4 below, mention could be made of the opportunities for co-delivery of low-carbon applications with biodiversity recovery/net gain delivery. For example, green roofs and walls (primarily a biodiversity-aimed intervention) are proven to supplement thermodynamic performance of buildings, and to collectively ameliorate urban heat-island effects. Reciprocally, PVC solar arrays, if well-designed can also offer opportunities for wildlife habitat creation.]

Policy E6: Flood Risk and Sustainable Drainage

[E6, para. 4d could be expanded to include the substantial co-delivery opportunities of SuDS and wetland biodiversity. It could also mention the fact that water consumption economy indirectly benefits the natural water environment.

Para 6. Could be expanded to reference the considerable, unique position of Surrey Heath borough in presenting biodiversity enhancement opportunities via re-wetting projects on lowland heathland (also as climate change adaptation for biodiversity); whilst also co-delivering NFM solutions on both the Bourne catchment (at Chobham Common, Pirbright Ranges, Bagshot Common), and the Blackwater catchment (at Barossa/Olddean Common, Pirbright Range). See next below for recommended additions to the explanatory.]

6.71. There is increasing concern about the impacts of climate change on the global environment. In the UK, projections indicate that climate change will result in more frequent, short duration, high intensity rainfall and more frequent periods of long duration rainfall. These changes are likely to result in a more frequent occurrence of all types of flooding, including fluvial. Ironically, on Surrey Heath's extensive heathlands drought conditions will increasingly threaten their special biodiversity through desiccation and increasing risk of wildfires. Natural flood management solutions, by seeking to retain more ground and rainwater on these heathlands (known as 're-wetting') is a clear and unique opportunity for our Borough.

Policy E7: Watercourses and water quality

[All welcomed.]

Policy E8: Landscape Character

[The Surrey Landscape Character Assessment of 2015 now presents as somewhat dated. Especially with a lack of any recommendable cross-referencing to i) National Character Areas, ii) BOAs, or iii) the emerging Surrey LNRS/Environment Act 2021.]

I hope these comments are useful to you, and can still be incorporated into the Submission Draft of the Surrey Heath Local Plan.

Yours faithfully,



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email. 



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