

**Royal Borough of
Windsor and Maidenhead**

**Thames Basin Heaths Special Protection Area:
Draft Supplementary Planning Document
(Part 1)**

Appropriate Assessment Screening Report

July 2010

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Thames Basin Heaths Special Protection Area Draft SPD

Appropriate Assessment Screening Report

1 Background legislation:

1.1 Regulation 61 of the Conservation of Habitats and Species Regulations 2010 referred to as the “Habitats Regulations”

1.2 Conservation of Natural Habitats and of wild Flora and Fauna 79/409/EEC referred to as the “Birds Directive”

2 Thames Basin Heaths Special Protection Area SPD:

2.1 As part of the preparation for the Thames Basin Heaths SPD both a screening report and a Sustainability Appraisal (SA) scoping report have been undertaken and consulted on with the statutory bodies. A Sustainability Appraisal has now been completed and was subject to a six week consultation during March / April 2010. The responses received to the scoping report were supportive and both the RSPB and BBOWT indicated that an Appropriate Assessment screening exercise of the SPD should be undertaken under Regulation 61 of the Habitats Regulations (as amended).

2.2 Currently the Royal Borough does not have an area of open space designated for use as Suitable Alternative Natural Green Space (SANG). Consequently the SPD will consist of two separate parts. Part 1 (for which this is the Appropriate Assessment screening report) sets out the standards for SANG provision and where a bespoke SANG solution is proposed it outlines the details of the types of land that would be considered suitable for this purpose. The guidance also covers proposed access management and on going monitoring of the SPA. Access management is a key part of the strategy to ensure that significant adverse impacts on the SPA are avoided and that SANG functions effectively.

2.3 It is only once a local authority provided SANG has been identified that Part 2 of the SPD will be produced. This will identify the location of the SANG that will be used to mitigate the impact of development within the Royal Borough on the SPA. It will also outline the level of developer contribution for each residential unit attributed to the SANG. As no land has currently been identified for this purpose it is not possible at this stage to undertake an Appropriate Assessment screening exercise for Part 2 of the SPD.

3 Requirement for an Appropriate Assessment:

3.1 Under the Habitat Regulations the requirement for an Appropriate Assessment is triggered where a development or plan, either alone or in combination with other plans or projects, would be likely to have a significant effect on any of the populations of importance for which a European site (here the Thames Basin Heaths Special Protection Area). The assessment itself will involve consideration as to whether the development or plan would have a significant impact on the features of importance of the Thames Basin Heaths SPA. The plan, in the case the Thames Basin Heaths Special Protection Area SPD, may only be approved by the competent authority (in this case the Royal Borough of Windsor & Maidenhead) after it has been ascertained that it will not result in a significant adverse effect the integrity of the European site.

4 Features of importance within the Thames Basin Heaths SPA:

4.1 Special Protection Areas are classified in accordance with the EC Directive on the conservation of wild birds (79/409/EEC) (Birds Directive) due to the presence of rare and vulnerable birds and regularly occurring migratory species. The Thames Basin Heaths SPA was proposed in October 2000, and full SPA status was approved on 9th March 2005. It covers a total area of approximately 8400 ha consisting of 13 Sites of Special Scientific Interest (SSSI) scattered from Surrey, to Berkshire in the north, through to Hampshire in the west. The habitat consists of both dry and wet heathland, mire, oak, birch acid woodland, gorse scrub and acid grassland with areas of rotational conifer plantation.

4.2 The Thames Basin Heaths SPA is of particular importance for its heathland birds: nightjar, woodlark and Dartford warbler. It is of European importance because the site qualifies under Article 4.1 of the Birds Directive (79/409/EEC) as it is used by 1% or more of the Great Britain population of a species listed in Annex 1.

4.3 The conservation objectives for the European interests of the Thames Basin Heaths Special Protection Area are:

Subject to natural change, to maintain at, or restore to, favourable conservation status, the natural habitats and / or the populations of nightjar, woodlark and Dartford Warbler, for which the site has been selected. The conservation status of a species is defined as favourable when the population, range and natural habitats of the species are stable or increasing.

5 Potential effects of the plan on the Thames Basin Heaths SPA:

5.1 The main issues relating to the conservation objectives and the integrity of the SPA as a whole are fragmentation, disturbance, fires, cats, dogs (as a result of nest disturbance and nutrient enrichment), prevention of management, off roading, vandalism and trampling.

5.2 Woodlark and nightjar are ground nesting birds and Dartford warblers nest close to the ground. They are therefore sensitive to disturbance, particularly from dogs, but also from walkers and cyclists etc. They are, in addition, vulnerable to other effects of urbanisation, in particular predation by cats, and from loss of habitat flowing from arson, particularly by unaccompanied minors.

5.3 In order to mitigate such effects, the Joint Strategic Partnership Board published the Thames Basin Heaths Special Protection Area Delivery Framework (February 2009). Although not part of the Development Plan for the area, it does however set out a strategy for mitigating the impact of new residential development within the area surrounding the SPA. The strategy consists of off site provision of alternative green open space and access management. Previous to the revoking of the South East Plan on 6th July 2010 policies NRM5 and NRM6 of that document had covered this subject area.

5.4 Before a plan which either on its own or in combination with other plans and projects can be allowed to proceed, it has to be shown that the development would not have a detrimental impact on the integrity of the SPA. The relevant test is whether on

the basis of reasonable scientific certainty the proposals would not have a significant adverse effect on the integrity of the SPA.

5.5 Part 1 of the SPD provides guidance on the following issues:

- The zones of influence surrounding the Thames Basin Heaths SPA (see Map 1);
- the standards for SANG provision (amount of SANG required for a quantum of development) together with maximum catchment areas for different sizes of SANG)
- bespoke SANG solutions. It gives guidelines for the types of land that would be considered most suitable for this purpose. This is guidance produced by Natural England.
- access management and monitoring.

5.6 The zones of influence surrounding the Thames Basin Heaths SPA are set out by the SPD as follows:

400m exclusion zone: This is measured as a linear distance from the edge of the SPA to the nearest part of the curtilage of the dwelling. Within this zone it is not considered possible for mitigation measures to protect the integrity of the SPA. This is due to both additional recreational pressure on the SPA as well as the impact of cat predation on the protected bird species.

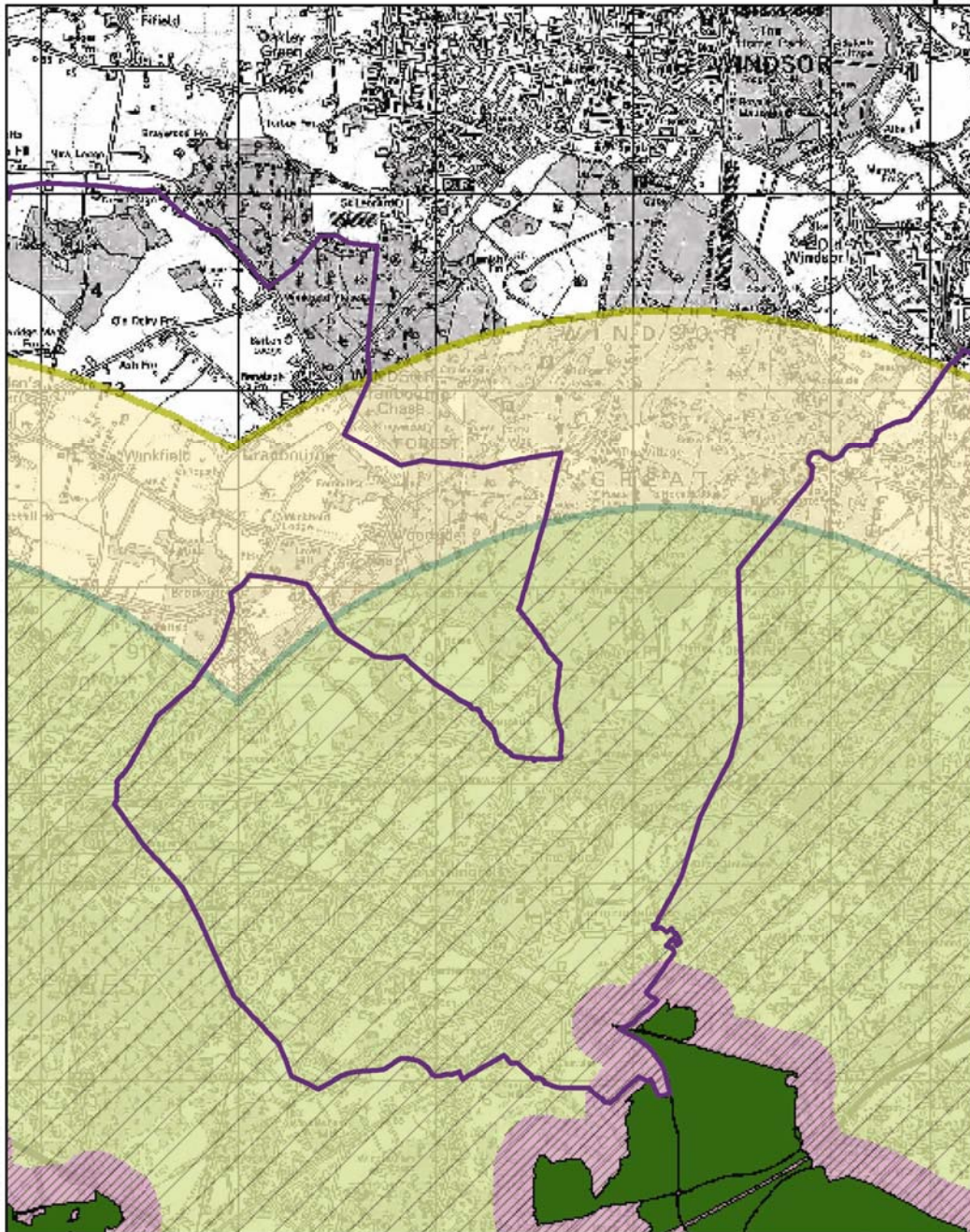
400m to 5km zone of influence: This is measured as a linear distance from the edge of the SPA to the primary access point to the curtilage of the dwelling. Within this zone it is likely that additional residential dwellings (either alone or in combination with other new dwellings) are likely to have a significant impact on the SPA unless mitigation measures are put in place.

5km to 7km: Within this zone only applications for large scale residential development (50 units or more) will need to be assessed on an individual basis to ascertain whether the proposal would have a significant adverse impact on the SPA. This assessment would involve a screening of the likely impacts of the development and where required an Appropriate Assessment under the Habitat Regulations.

5.7 The level of SANG provision is indicated as 8 hectares per 1000 new occupants and there is a requirement that SANG must be provided in perpetuity. The catchment area of a SANG will vary with its size. The standards set out by the SPD reflect those of the Strategic Delivery Plan which has been supported by Natural England. The following maximum catchment areas are given:

- SANG of 2 – 12 hectares will have a maximum catchment of 2km
- SANG of 12 – 20 hectares will have a maximum catchment of 4km
- SANG of 20+ hectares will have a maximum catchment of 5km

Map1







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Thames Basin Heaths Special Protection Area

-  Thames Basin Heaths SPA
-  400m SPA Buffer
-  5km SPA Buffer
-  7km SPA Buffer



5.8 The content of the SPD sets out standards of mitigation designed to allow residential development to take place whilst ensuring no significant adverse impact on the integrity of the SPA. The standards reflect those in the Strategic Delivery Plan which was developed and agreed by the Joint Strategic Partnership Board. The standards have been developed with the input and agreement of Natural England as being a suitable standard to ensure that an attractive alternative area of land to the Thames Basin Heaths SPA is provided. This will be re-enforced by the provision of a comprehensive access management plan.

5.9 Although now revoked the South East Plan underwent an Appropriate Assessment of its impacts on the integrity of Natura 2000 sites (which includes the Thames Basin Heaths SPA). The document had contained policy NRM5 (Biodiversity) and NRM6 (Thames Basin Heaths) both of which allow for the delivery of less housing where harm to Natura 2000 sites cannot be avoided. The Appropriate Assessment was able to conclude that the integrity of the SPA would not be affected by the South East Plan.

5.10 On the basis of the evidence gathered by Natural England and the conclusion reached for the Appropriate Assessment carried out for the now revoked South East Plan it is not considered that the proposals contained within Part 1 of the SPD would have a significant impact on the features of importance of the Thames Basin Heaths Special Protection Area.

6 Conclusions in this case:

6.1 On the basis of the above it is concluded that Part 1 of the SPD will not have a significant adverse effect on the integrity of the Thames Basin Heaths Special Protection Area and a full Appropriate Assessment is not required.