

BBWOT's case for S106 direct mitigation for impact of Sandlesford Park development.

Overview

The proposed residential development at Sandlesford Park is 400m from Greenham and Crookham Commons, at its closest point, which is managed by this Wildlife Trust (BBOWT) on behalf of West Berkshire Council. The current proposals for 1000 dwellings represent an increase in the local residential population of approximately 2400 people¹.

Greenham and Crookham Commons SSSI and Nature Reserve

Greenham and Crookham Commons (henceforth "the site") is a 450ha site that represents the single largest tract of heathland and acid grassland in Berkshire² and is a green open space that is hugely valued for walking, cycling, picnics, and nature watching because of its large expanse and sense of wilderness³. The site is the cornerstone of the West Berkshire Living Landscape, which West Berkshire Council is committed to protecting⁴.

BBOWT currently manage and conserve the features of the SSSI against the degrading influence of recreational impact through wardening. Three seasonal wardens are employed and managed to carry out this work. These wardens encourage visitors to keep dogs on leads, implement access restrictions near bird nests and provide educational walks for visitors.

For the 2021 season (February to August), ensuring adequate wardening to counteract the effects of visitor pressure on ground nesting birds, costs BBOWT £45,124.

Impact on Greenham and Crookham Commons SSSI and Nature Reserve from the Sandlesford Park development

It is highly likely that due to its close proximity, the residents of the proposed Sandlesford development will visit the site, perhaps on a regular basis.

Recreational visitation is, however, listed as a potentially damaging activity for this SSSI⁵, in practical terms because of the fragility of the habitats on the site and the presence of legally protected Annex 1 (Birds Directive) ground-nesting birds that rely on the particular habitats on the site for nesting. The detrimental impact of increased visitors on ground nesting birds is well established^{6,7} and the damaging effects of visitor pressure on heathland habitats in the east of Berkshire on Thames Basin Heaths are well-monitored⁸.

The Council has a legal duty to further the conservation and enhancement of the SSSI under the Wildlife and Countryside Act 1981 (s28G(3)(f)) and to secure compliance with the Habitats Regulations 2019 (as amended). In practice, BBOWT manage and conserve the features of the SSSI against the degrading influence of recreational impact through wardening. Currently, three seasonal wardens are employed and managed to carry out this work. These wardens encourage visitors to keep dogs on leads, implement access restrictions near bird nests and provide educational walks for visitors.

BBOWT's proposal to mitigate/limit damage caused

The requested S106 funding would contribute to measures designed to directly mitigate additional visitor pressure resulting from the proposed Sandlesford development including:

- To counteract the effects of increased visitor pressure resulting from the Sandlesford development, BBOWT have identified the need for a full-time (year-round) warden to oversee the monitoring and control of visitor pressure year-round and to deliver community outreach projects to ensure the community has a better understanding of the value of the common and the need to protect it. Funding would provide a contribution to ensure the work carried out by wardens continues and is able to mitigate the effects of the additional visitors using the site resulting from the Sandlesford development.
- The provision of new home-owner packs to be offered to the first occupant of all residential units containing; information on Greenham and Crookham Commons and the wider landscape and measures needed to protect it; and a voucher for 50% off one year's membership of the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust. This would be followed up with a bi-annual newsletter giving seasonal highlights from the common and details of the restrictions in place which should continue for 5 years from first occupation. These measures would allow BBOWT to connect with the new community at Sandlesford Park and deliver the message of protecting the common.
- The provision of 13x remote gate monitors and associated software to be installed at entrances around the site to monitor patterns in visitor numbers and distribution across the site. The data collected will allow wardens to react to changes in the location, timing and number of visits and focus more accurately on areas of the common receiving the highest visitor numbers and at times when the site is busiest.
- An increase in recreational pressure on-site from the Sandlesford development would also result in increased wear and tear of footpaths and carparks. A contribution towards the maintenance of the footpath network and carparks is imperative to keep them in good condition and to encourage visitors to park and walk within designated areas where their impact on sensitive habitats, ground nesting birds and other species is less, as is a contribution towards interpretation signage.

Budget

Mitigation Measure	Detail	Contribution per dwelling per year	Yearly contribution	Overall Total	Time Period
SSSI Warden	1x full time warden @ £30,082 per year	£34.80	£34,800	£1,044,000	30 years

Home owner information	New homeowner packs	£5.00	£5,000	£5,000	One off
Detailed information of the protection measures in place. Including design, print and delivery costs.	Bi annual newsletter	£3.00	£3,000	£15,000	5 years
	BBOWT Membership 50% Discount Voucher. To enable us to have long term relationships with the new Sandleford community and deliver the message of site protection. The 50% discount would be subsidised by the developer.	£30.00	n/a	£30,000	One off
Footfall gate monitors	Purchase of 13 visitor gate monitors. Including software costs and installation costs.	£16.00	n/a	£16,000	One off
Site management and maintenance	Including footpath improvements and maintenance, installation of new interpretation signage, car park maintenance and general groundworks.	£9.50	£9,500	£285,000	30 years
	Total			£1,395,000*	

* All costs are index linked

This equates to £1,395 per dwelling over the 30-year period.

S106 Policy Justification

BBOWT is requesting S106 planning obligation in the form of a developer contribution towards; one full-time warden; new home owner packs and bi-monthly newsletters;

monitoring visitor numbers through remote gate monitors; the maintenance and resurfacing of the footpaths and car parks at the site; and, the installation of new signage.

Paragraph 56 of the NPPF specifies that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- reasonably related in scale and kind to the development.

ODPM Circular 05/2005 (“Planning Obligations”) gives guidance in relation to each of these tests;

- Necessary;
 - Annex B3 states that S106 can be used “to secure a contribution from a developer to compensate for loss or damage created by a development (e.g. loss of open space); or to mitigate a development's impact”. The provision of a full-time warden, remote gate monitors, home owner information, footpath and carpark maintenance and interpretation signage are all mitigation measures to mitigate impacts on the site’s habitats and ground nesting birds resulting from increased visitors from the Sandleford Park development and therefore fits this criterion.
 - Annex B8 also states that a S106 should be “necessary from a planning point of view, i.e. in order to bring a development in line with the objectives of sustainable development as articulated through the relevant local, regional or national planning policies”. The nature reserve is within the West Berkshire Living Landscape footprint, which is directly referenced within Area Delivery Plan Policy 3 and Policy 6, and the explanatory text of Policy CS17 of the WBC Core Strategy.
- Directly related;
 - Annex B8 of the Circular states “there should be a functional or geographical link between the development and the item being provided as part of the developer's contribution”. The proposed Sandleford development is 400m from the site. It is easily accessible via permissive and public footpaths, and by road links. It can therefore be seen as directly related.
- Fair and reasonable;
 - Annex B9 of the Circular states “developers may reasonably be expected to pay for or contribute to the cost of all, or that part of, additional infrastructure provision which would not have been necessary but for their development. The

effect of the infrastructure investment may be to confer some wider benefit on the community”. As explained earlier, the site is a valued resource available to the existing Newbury and Thatcham community. It is therefore both fair and reasonable to require the developer to provide a contribution towards specific measures (wardens, visitor monitoring, home owner information, car park and footpath repair and resurfacing) to mitigate the adverse impact of their development on this community resource, and which, in so doing may provide a wider benefit to the community. Other large-scale developments in Newbury have set a precedent for doing this by making contributions to support nature conservation and limit recreational impacts on designated sites.

West Berkshire Council Planning Obligations SPD further defines that contributions can be sought for:

- “infrastructure required off-site” - it is considered that repairs to the car parks and footpaths and the provision of signage at the nature reserve are repairs to infrastructure required off-site;
- “required solely as a result of any large-scale development”. The large-scale of the Sandford development will result in a significant increase in visitor numbers to the site. Therefore, the additional mitigation measures described earlier are required solely as a result of the development.

Local Policy Context for S106 request:

The policy context for this S106 contribution is supported by West Berkshire Council Core Strategy Policy CS17, explanatory text paragraph 5.122. The West Berkshire Living Landscape project is managed by this Wildlife Trust and aims to secure biodiversity enhancements within the project boundary, the focus of which is this SSSI. The WBC Core Strategy identifies the Living Landscape project as an example of “actively working to implement strategic biodiversity enhancements in partnership”.

It is considered that given the size and close proximity of the proposed development, and associated high likelihood of use by its residents, it is reasonable to request a S106 contribution towards adequate mitigation of its impacts over the lifetime of the development. Paragraph 127 of the NPPF emphasises the need for planning decisions to ensure that developments add to the quality of the area over the lifetime of the development. The S106 contribution should therefore reflect the fact that mitigation is required for the impact of increased visitors over the entire lifespan of the development, not just one season.

Footnotes

1. According to the ONS the average household size over the decade to 2016 was 2.4 people. (<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/families/bulletins/familiesandhouseholds/2016>)
2. Greenham and Crookham Commons SSSI Citation – “Description and Reasons for Notification”
3. Greenham and Crookham Commons Management Plan 2016-2021, BBOWT
4. West Berkshire Council Core Strategy, Policy CS17
5. Greenham and Crookham Commons SSSI List of Operations requiring Natural England's consent – “Operations likely to damage the special interest”
6. Liley & Clarke (2003) *Biological Conservation* 114:219-230
7. Mallord et al (2007) *Journal of Applied Ecology* 44:185-195
8. Thames Basin Heaths Joint Strategic Partnership