

5. JOINT STRATEGIC ACCESS MANAGEMENT AND MONITORING (SAMM) STRATEGY

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
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Wards Affected: Ashurst Wood, East Grinstead and parts of Ardingly and Balcombe, Crawley Down and Turners Hill, and High Weald
Key Decision: No
Report to: Cabinet
20th November 2017

Purpose of Report

1. The purpose of this report is to seek Cabinet approval for the District Council to implement the Joint SAMM Strategy which will apply to planning applications proposing a net increase in residential dwellings within a 7km zone around the Ashdown Forest Special Protection Area.

Summary

2. The Joint SAMM Strategy is a framework of measures that are focused on access management projects on Ashdown Forest and bird and visitor monitoring. The Joint SAMM Strategy has been prepared with other affected local authorities and it will supersede the District Council's Interim SAMM Strategy. Financial contributions towards the Joint SAMM Strategy will continue to be collected by way of a Section 106 planning obligation and it is proposed that monies already collected will be rolled into the Joint SAMM Strategy. A series of SAMM projects has been developed and these will be overseen by a Steering Group and a Working Group.

Recommendations

3. **Cabinet is recommended to:**
 - (i) **agree to implement the Joint SAMM Strategy which will supersede the District Council's current Interim SAMM Strategy;**
 - (ii) **agree the Heads of Terms which are attached at Appendix 1;**
 - (iii) **authorise the Solicitor and Head of Regulatory Services to sign the Joint SAMM Strategy on behalf of the District Council.**

Background

4. Within a 7km zone of influence around the Ashdown Forest Special Protection Area (SPA), residential development leading to a net increase in dwellings will need to contribute to an appropriate level of mitigation. This is because increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

5. The Mid Sussex District Plan Habitats Regulations Assessment (HRA) report recommends the use of a Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) approach to manage recreational disturbance. This mitigation approach has been suggested for Mid Sussex since at least 2009 and is supported by Natural England. A SANG can be provided on the development site itself or through a financial contribution towards the District Council's strategic SANG at East Court & Ashplats Wood in East Grinstead. In addition a financial contribution towards a SAMM Strategy is required.
6. A SAMM Strategy aims to manage visitors on-site at Ashdown Forest and will also include a programme of bird and visitor monitoring. The District Council has been implementing an Interim SAMM Strategy since August 2013. This was intended to be an interim measure prior to a Joint SAMM Strategy being adopted.

Joint SAMM Strategy

7. The Joint SAMM Strategy is a framework of measures which provide a strategic and co-ordinated approach to access management projects on Ashdown Forest and bird and visitor monitoring. Wealden District Council is leading on the Joint SAMM Strategy on behalf of Mid Sussex District Council, Lewes District Council, Tunbridge Wells Borough Council, Tandridge District Council, and Sevenoaks District Council. Natural England and the Conservators of Ashdown Forest have also been closely involved in the preparation of the Joint SAMM Strategy. The Heads of Terms for the Joint SAMM Strategy are set out at Appendix 1.
8. Work has been ongoing on the Joint SAMM Strategy for several years and a legal agreement has been prepared for the local authorities that sets out the arrangements for managing and implementing the Joint SAMM Strategy. The Joint SAMM Strategy will continue to be effective in perpetuity. The legal agreement has been reviewed by MSDC officers in the Legal and Finance departments who have confirmed that it is reasonable and appropriate for the District Council to sign the agreement.
9. It is intended that monies already received under the Interim SAMM Strategy will be rolled into the Joint SAMM Strategy. These financial contributions were collected for SAMM mitigation projects and it is considered that the Joint SAMM Strategy meets these requirements. It is also sensible to run one set of SAMM projects together with the other affected local authorities otherwise the District Council will need to develop other SAMM projects upon which to spend the Interim SAMM Strategy contributions. It will also be more practical for the Conservators of Ashdown Forest to deliver one set of projects rather than multiple projects with the same aims.

SAMM Projects

10. A set of access management projects are currently being finalised. Projects include employing access management officers to raise awareness of the Ashdown Forest SPA and the protected birds, to encourage responsible dog walking and behavioural change, and to co-ordinate the volunteer dog ranger programme; a dog training programme; bird monitoring to ensure the conservation objectives of the SPA are being met; and visitor monitoring to ensure SAMM projects are effective and to inform the direction of future SAMM projects.

SAMM Tariff

11. Financial contributions towards the Joint SAMM Strategy by way of a Section 106 planning obligation will continue to be made according to a tariff, however, this is likely to be calculated differently from the Interim SAMM Strategy. Rather than the tariff payable depending on the number of bedrooms in the dwelling, there will now be one tariff for each new net residential unit. In addition, the new tariff will be calculated on the number of dwellings expected in each local authority area and the costs of the SAMM projects.

Joint SAMM Strategy Governance

12. The delivery of the Joint SAMM Strategy will be managed and overseen by a Joint Steering Group which will consist of representatives from each local authority together with advisors with technical expertise as required. The Joint Steering Group will act as an advisory body for the local authorities and will meet quarterly.
13. There will also be a Joint Working Group which will oversee the Joint SAMM Strategy on a day-to-day basis. Membership of the Joint Working Group will comprise representatives from each local authority and advisory members with technical expertise as appropriate. The Joint Working Group will agree the SAMM projects objectives, make decisions on expenditure, monitor progress, and make recommendations to the Joint Steering Group.
14. There will be a commencement date for the Joint SAMM Strategy after which the Interim SAMM Strategy will no longer be applied.

Policy Context

15. The emerging Mid Sussex District Plan provides the policy basis for requiring contributions towards mitigation in Policy DP15.

Other Options Considered

16. The District Council could continue to implement the Interim SAMM Strategy and not participate with the Joint SAMM Strategy. However, the District Council would then have to liaise with the Conservators of Ashdown Forest to deliver access management and monitoring projects. It is considered more practical to deliver projects together with the other affected local authorities as this will ensure recreational disturbance is considered across the SPA.

Financial Implications

17. The financial contributions towards the Interim SAMM Strategy that have already been collected through Section 106 agreements and are currently being held by the District Council will be transferred to Wealden District Council for use in the Joint SAMM Strategy in due course.
18. Financial contributions towards the Joint SAMM Strategy will continue to be made by way of a Section 106 planning obligation and this will require the usual procedures associated with such agreements. In addition, future contributions towards the Joint SAMM Strategy will be transferred to Wealden District Council on a regular basis in accordance with the Joint SAMM Strategy financial procedures.

Risk Management Implications

19. The Joint SAMM Strategy involves working in partnership with the other affected local authorities. The legal agreement sets out how the Joint SAMM Strategy will be delivered and managed. This should help to define the scope of the Joint SAMM Strategy, however, the legal agreement details the measures for dispute resolution.

Equality and Customer Service Implications

20. It is considered that there are no equality and customer service implications.

Other Material Implications

21. It is considered that there are no other material implications arising from this report.

Appendix 1 Heads of Terms

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Aims of the Joint SAMM Strategy

- Raise awareness and build visitor understanding of the importance and sensitivity of ground nesting birds and their habitats within the Ashdown Forest SPA.
- Promote and enforce the Code of Conduct for dog walkers.
- Encourage responsible dog walking and behavioural change as set out in the Code of Conduct.
- Provide new and additional volunteering opportunities such as Volunteer Dog Rangers.
- Help co-ordinate and support bird monitoring on the Ashdown Forest SPA and undertake visitor monitoring on the Ashdown Forest SPA and at SANG sites.

SAMM Tariff

- Established with reference to the cost of avoidance and mitigation considered necessary to the impact from an increase in visitors to the Ashdown Forest SPA from new dwellings and the anticipated increase in residential dwellings in each local authority's zone of influence.
- Calculated on a per unit basis.

Financial Reporting

- The Lead Authority (Wealden District Council) will provide suitable income and expenditure accounts every three months.
- The Lead Authority will prepare the annual accounts for audit and arrange for the accounts to be audited. Each member local authority will receive financial reporting information to enable them to account for their share income and expenditure in their financial accounts.
- Each member local authority will pay quarterly to the Lead Authority all the amounts it has received for the SAMM tariff.
- The Lead Authority will have a ring-fenced account to hold the SAMM tariffs paid to it.

SAMM Project Delivery

- The Conservators of Ashdown Forest will be responsible for the delivery of the SAMM projects.
- There is a separate legal agreement between the Lead Authority and the Conservators of Ashdown Forest setting out the project delivery arrangements.

Governance

- The Joint Steering Group will act as an advisory body to the local authorities. It will steer the direction of the Joint SAMM Strategy and ensure the objectives and service levels are being met. The Joint Steering Group will meet quarterly and comprises representatives of the local authorities and other advisory members with technical expertise as required. Only the representatives of the local authorities will have voting rights.
- The Joint Working Group will oversee the delivery of the Joint SAMM Strategy on a day-to-day basis. It will agree the project plan and make decision on expenditure in accordance with the approved budget, as well as monitoring the success of the avoidance and mitigation measures. The Joint Working Group will meet quarterly and comprises representatives of the local authorities and other advisory members with technical expertise as required. Only the representatives of the local authorities will have voting rights.
- A mechanism for dispute resolution has also been set out in the legal agreement.