

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

REPORT OF: DIVISIONAL LEADER FOR PLANNING AND ECONOMY
Contact Officer: Jennifer Hollingum, Planning Officer
Email: jennifer.hollingum@midsussex.gov.uk Tel: 01444 477053
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
15th January 2018

Purpose of Report

1. The purpose of this report is to seek Cabinet's approval for the District Council to implement the Joint Strategic Access Management and Monitoring (SAMM) Strategy.
2. The Joint SAMM Strategy has been developed to meet legal obligations under the European Birds Directive. It is an agreement between six local planning authorities to provide a strategic and co-ordinated approach to mitigate the impacts of development within a 7km zone of influence on the Ashdown Forest Special Protection Area (SPA).
3. A legal agreement makes provision for the collection of developer contributions by way of a Section 106 (of the Town and Country Planning Act 1990) planning obligation from new residential developments; these funds will be used to mitigate the impact of those developments on the Ashdown Forest SPA.

Summary

4. The Ashdown Forest SPA is classified under the European Birds Directive. It is afforded the highest level of protection under European and national legislation. The site is designated for its populations of ground nesting birds, which are vulnerable to recreational disturbance from walkers and dogs.
5. The Joint SAMM Strategy is supported by a legal agreement between six local authorities; Wealden, Mid Sussex, Lewes, Tandridge, Sevenoaks District Councils and Tunbridge Wells Borough Council. All the authorities are requested to collect funds through Section 106 planning obligations to fund a series of SAMM projects. These monies will be pooled to create a fund which is jointly managed to deliver access management projects and mitigation measures on Ashdown Forest, and to provide ongoing bird and visitor monitoring.
6. The delivery of the projects will be overseen by a Steering Group and Working Group.
7. The Joint SAMM Strategy will replace interim arrangements which this Council has had in place since 2013. An Interim Strategy was developed in response to Natural England's concerns about recreational disturbance associated with new development within a 7km zone of Ashdown Forest. . The Interim SAMM Strategy enabled new development to be granted planning permission, removing objections from Natural England regarding their impact on the Forest by allowing the council to collect contributions from developers for access management projects. Wealden District Council, Lewes District Council and Tandridge District Council also have interim SAMM Strategies in place.

Recommendations

8. Cabinet is recommended to:

- (i) **authorise the Solicitor and Head of Regulatory Services to sign the Joint SAMM Strategy legal agreement on behalf of the District Council.**
 - (ii) **agree to implement the Joint SAMM Strategy which will supersede the District Council's current Interim SAMM Strategy;**
-

Background

- 9. Ashdown Forest lies adjacent to the north-east boundary of Mid Sussex District, and within Wealden District. The Ashdown Forest Special Protection Area (SPA) was classified in 1996. It is a 3,200 ha site comprising predominantly lowland heathland and woodland. The Ashdown Forest SPA is an internationally important habitat classified because of the presence of breeding populations of Dartford warbler and European nightjar.
- 10. 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. Data analysis of a visitor survey undertaken in 2008 found that the majority of regular visitors to the Forest come from an area within 7km of the Ashdown Forest.
- 11. The Mid Sussex District Plan Habitats Regulations Assessment (HRA) recommends the use of a) a Strategic Access Management and Monitoring (SAMM) approach to manage visitors on-site at Ashdown Forest, and b) the provision of Suitable Alternative Natural Greenspace (SANG), which is provision of suitable open space either on new development sites, or through a financial contribution towards the District Council's strategic SANG site at East Court and Ashplats Wood in East Grinstead. This twin-tracked mitigation approach of SAMM and SANG has been recommended by Natural England as an appropriate approach for Mid Sussex since 2009.
- 12. This report is concerned with the SAMM element of mitigation; no changes are currently proposed to SANG mitigation.
- 13. Following advice from Natural England to address their concerns about recreational disturbance associated with new development at the time, the District Council approved an Interim SAMM Strategy in August 2013 and has been implementing it since that time.
- 14. The Interim SAMM Strategy was a temporary measure, prior to the adoption of a Joint SAMM Strategy. The interim arrangements allow funds collected to be pooled with those collected by the other local authorities, so that they can be used to fund appropriate mitigation projects.

Joint SAMM Strategy

15. The Joint SAMM Strategy is a framework of measures which provide a strategic and co-ordinated approach to delivering access management projects in the Ashdown Forest and monitoring bird and visitor numbers. The lead authority on the Joint SAMM strategy is Wealden District Council. Natural England and the Conservators of Ashdown Forest have also been closely involved in the preparation of the Joint SAMM Strategy.
16. Wealden District Council is the lead authority for the Joint SAMM Strategy because Ashdown Forest lies within their District. This role as lead authority will take responsibility (under the direction of the governance arrangements in the Joint SAMM legal agreement) for receipt of the SAMM monies collected by the six local authorities from developer contributions, under S106, and for making payments to the Conservators of Ashdown Forest, who will be delivering the SAMM mitigation projects.
17. The Joint SAMM Strategy will be effective in perpetuity. The legal agreement has been reviewed by Mid Sussex District Council Legal and Finance Officers who have confirmed that it is reasonable and appropriate for the District Council to sign the agreement. The Heads of Terms for the Joint SAMM Strategy are set out at Appendix 1.
18. The implementation date for the Joint SAMM Strategy is proposed to be 1st January 2018. It is understood that the other local authorities have or will be making arrangements to join the Joint SAMM Strategy on this date. It is proposed that Mid Sussex implements the Joint SAMM Strategy on the 1st April 2018.
19. It is intended that monies already received under the Mid Sussex Interim SAMM Strategy will contribute to the Joint SAMM Strategy, to fund projects which are agreed and delivered collectively. This will reduce the administrative burden on each of the local authorities, and will ensure that there is a strategic overview of the projects required, to gain maximum benefit for the mitigation projects on Ashdown Forest.
20. As at the 1st December 2017, £790,210 has been collected through the Mid Sussex Interim SAMM Strategy and it is proposed that these monies are transferred to Wealden District Council. These funds will be held in a ring-fenced account by Wealden District Council for the purposes of the delivery of projects through the Joint SAMM Strategy. Going forward, monies collected through the Joint SAMM Strategy will be transferred to Wealden District Council on a quarterly basis, as set out in the legal agreement.
21. Wealden District Council has collected approximately £150,000 and Lewes District Council approximately £35,000. Tunbridge Wells Borough Council, Sevenoaks and Tandridge District Councils have not collected any monies to date, this is primarily because only a small part of their local authority areas fall within the 7km zone of influence and therefore a significant amount of development is not anticipated. However, these three local authorities have entered the Joint SAMM Strategy on a precautionary basis should development occur and mitigation be required.

SAMM Projects

22. A range 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; encouraging responsible dog walking and behavioural change; coordination of the volunteer dog ranger programme and 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 are informing the direction of future SAMM projects.
23. It is important that both access management and bird monitoring projects are set up for the 2018 bird breeding season, to ensure data can begin to be collected which will help to steer the direction of the Joint SAMM Strategy projects.

SAMM Tariff

24. 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 method by which monies were collected through the Interim SAMM Strategy. The current tariff ranges from £1,404 for a one bedroom property to £3,140 for a 4+ bedroom property.
25. The Joint SAMM Strategy will employ a single tariff for each new net residential unit, based on the number of dwellings expected to be delivered in each local authority area and the costs of the SAMM projects. At present it is expected that this tariff will be approximately £1,170 per new home within 7km of the Forest. This will ensure that the Joint SAMM Strategy can be funded in perpetuity as detailed in the legal agreement.

Joint SAMM Strategy Governance

26. The delivery of the Joint SAMM Strategy will be managed and overseen by an officer 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.
27. There will also be an officer Joint Working Group to manage SAMM projects objectives, make decisions on expenditure, monitor progress, and make recommendations to the Joint Steering Group.

Policy Context

28. The emerging Mid Sussex District Plan provides the policy basis for requiring contributions towards mitigation of recreational disturbance, in Policy DP15 – Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) in the District Plan.

Other Options Considered

29. 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 directly 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 strategically across the SPA.

Financial Implications

30. The financial contributions of £790,210 collected through the Interim SAMM Strategy currently being held by this Council will be transferred to Wealden District Council for use in the Joint SAMM Strategy. Finance has advised that their preferred approach is that monies are transferred on a quarterly basis. The money transferred to Wealden District Council will be held in a ring-fenced account for the purposes of the Joint SAMM Strategy as outlined in the legal agreement.
31. Financial contributions towards the Joint SAMM Strategy will continue to be made by way of a Section 106 planning obligation. In addition, future contributions towards the Joint SAMM Strategy will be transferred to Wealden District Council on a quarterly basis in accordance with the Joint SAMM Strategy financial procedures.

Risk Management Implications

32. If MSDC does not enter the Joint SAMM Strategy, we would not be able to take part in developing joint mitigation projects with the other local authorities. Mitigation projects should already be in place for developments which have already taken place.
33. If MSDC does not enter into the joint SAMM strategy, the Interim SAMM Strategy would need to be revised, with attendant implications for resources to revise this document.
34. Entering the Joint SAMM Strategy demonstrates MSDC's willingness to enter into partnership working with neighbouring authorities; if MSDC decided not to enter the Joint SAMM agreement, this could potentially cause issues between the affected local authorities due to a lack of partnership working.
35. Defining the scope of the Joint SAMM Strategy and the legal agreement sets out the measures for dispute resolution.

Equality and Customer Service Implications

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

Other Material Implications

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

Appendix 1: Heads of Terms

Appendix 1 Heads of Terms

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 officer 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 officer 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.