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Strategic Planning and Environment Overview and Scrutiny Committee

Report for:	Strategic Planning and Environment Overview and Scrutiny Committee
Title of report:	Chilterns Beechwoods Special Area of Conservation: Draft Mitigation Strategy
Date:	21 September 2022
Report on behalf of:	Cllr Alan Anderson, Portfolio Holder for Place
Part:	I
If Part II, reason:	N/A
Appendices:	Appendix A – Chilterns Beechwoods Special Area Conservation (SAC) Mitigation Strategy (Appendix A).
Background papers:	
Glossary of acronyms and any other abbreviations used in this report:	<ul style="list-style-type: none"> - Chilterns Beechwoods Special Area of Conservation (SAC) - Appropriate Assessment (AA) - Suitable Alternative Natural Greenspace (SANG)

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Corporate Priorities	<ul style="list-style-type: none"> - A clean, safe and enjoyable environment - Building strong and vibrant communities - Ensuring economic growth and prosperity - Providing good quality affordable homes, in particular for those most in need - Ensuring efficient, effective and modern service delivery - Climate and ecological emergency
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Wards affected	All
Purpose of the report:	1. To update the Committee on the emerging Draft Mitigation Strategy being prepared for the Chilterns Beechwoods Special Area of Conservation (SAC)
Recommendation (s) to the decision maker (s):	1. That Committee notes the progress being made on the Mitigation Strategy for the Chilterns Beechwoods Special Area Conservation (SAC) Mitigation Strategy (Appendix A). 2. That Committee sets out its views on the Mitigation Strategy to Cabinet.
Period for post policy/project review:	

1. Introduction

- 1.1 This report presents the emerging Mitigation Strategy for the Chilterns Beechwoods Special Area of Conservation (SAC) and associated proposals to allow the Council to comply with its legal obligations under the Habitats Directive and therefore to allow the current moratorium on housing development in Dacorum to be lifted.
- 1.2 Since the publication of the Footprint Ecology Report¹ on 14 March 2022 and receipt of revised guidance from Natural England the Council has been unable to issue planning permission for applications for residential development. These restrictions have also impacted applications which have been permitted but where outstanding conditions ‘that go to the heart’ of the original permission have not been determined.
- 1.3 This position will remain in effect until an appropriate mitigation strategy and associated processes are in place by the Council to satisfy the Habitats Directive requirements. An emerging draft is contained at Appendix A.

2. Background

- 2.1 Dacorum is home to part of the Chilterns Beechwoods Special Area of Conservation (SAC) which is a National Site designated under the Habitats and Birds Directives. The Chilterns Beechwoods SAC is made up of 9 separate units which are located within Buckinghamshire, Royal Borough of Windsor and Maidenhead, South Oxfordshire and Dacorum. These sites form a system of important sites throughout Europe known collectively as the ‘National Sites Network’.
- 2.2 Dacorum Council is the ‘Competent Authority’ under the Regulations which confers several responsibilities, including ensuring that before giving any consent, permission or other authorisation for a plan or project (namely the new Dacorum Local Plan and individual planning applications) that the integrity of the National Site is not adversely affected. This obligation can only be bypassed if there are imperative reasons of overriding public interest.
- 2.3 In order to discharge this obligation the Council undertook an initial screening report which was unable to rule out Likely Significant effects as a result of proposed growth set out in the new Local Plan. Therefore, the Council’s appointed consultants are progressing a full Appropriate Assessment (AA) to support the Local

1 Available to view and download at www.dacorum.gov.uk/sac

Plan. As part of this consultants Footprint Ecology have carried out detailed recreational pressures surveys and ecological conditions assessments which will provide the necessary evidence to inform the AA.

- 2.4 The Footprint Ecology Report showed that around 2 million people are visiting Ashridge Estate every year (likely to be a considerable underestimate) of which around half of these enter the SAC via Monument Drive. Although the majority of visitors are Dacorum residents there is a significant draw of visitors from farther afield, confirming the status of Ashridge Estate as a major 'honeypot' designation site for the National Trust.
- 2.5 The Report states that "there are clear and widespread issues at Ashridge Commons and Woods SAC and these have the potential to undermine the conservation objectives for the site, through damage, contamination and fire risk".
- 2.6 Damage is widespread across the SAC with c. 500 incidences of damage being recorded. The largest concentration of 'severe' damage identified is along Monument Drive (the largest car park and where the café, toilets, visitor centre and shop are located). The damage has arisen from trampling, disturbance, soil compaction, visitor parking, dog fouling and nutrient enrichment, den building, mountain biking, removal / disturbance of dead wood habitats and footpath widening (see Appendix x).
- 2.7 As a result a number of restrictions needed to be established including establishing an Inner and Outer "Zone of Influence" (ZOI) around the site where certain developments would be restricted in perpetuity (in the case of the Inner Zone) or until mitigation strategy is in place (in the case of the Outer Zone).

3. Overview of the Mitigation Strategy

- 3.1 The Council has been working at pace with Natural England, the National Trust and a number of adjoining local authorities² who are also impacted by the restrictions to prepare the Mitigation Strategy.
- 3.2 The purpose of the Mitigation Strategy is to avoid adverse public access and disturbance impacts from development on the integrity of the Chilterns Beechwoods SAC at Ashridge Commons and Woods Site of Special Scientific Interest (SSSI).
- 3.3 The Mitigation Strategy is in two broad parts. Part A provides common guidance for the planning areas of Dacorum Borough Council, Buckinghamshire Council, Central Bedfordshire Council and St. Albans City and District Council. More specifically it relates to land within and on the edge of the 12.6 kilometre zone of influence that extends from Ashridge Commons and Woods SSSI. Part B of the document, which is being drafted, provides detailed guidance on administration that is specific to each of the authorities. This includes detailed information on the mechanisms for securing mitigation for each proposed development.

Strategic Access Management and Monitoring (SAMM)

- 3.4 The first arm of the Mitigation Strategy will address issues at Ashridge Estate³. A list of the interventions required have been identified and agreed in principle between all the partners.
- 3.5 The Strategic Access Management and Monitoring Strategy will consist of a range of projects. These projects will be costed for a period of 80 years - 2022/23 – 2102/2103, and based on the best available information and evidence in consultation with the National Trust who manage the majority of the designated site.

² Buckinghamshire Council, Central Bedfordshire Council and St. Albans City and District Council.

³ Natural England have confirmed that the other component part of the Chilterns Beechwoods SAC located within Dacorum, namely Tring Woodlands SSSI, does not need to be considered in this Mitigation Strategy. It will instead be addressed through the new Local Plan in due course.

- 3.6 The projects are designed to mitigate the likely scale of development that will come forward within the 12.6 kilometres Zone of Influence. Strategic Access Management and Monitoring Strategy projects will need to be reviewed to ensure that they remain fit for purpose.
- 3.7 Significant progress has been made with Natural England and the National Trust on the final cost of the SAMM measures required. However, there still remain a small number of outstanding matters that need to be resolved before the total cost of the SAMM package can be agreed with the National Trust, Natural England and our partner authorities. It is hoped that agreement on the outstanding points can be made shortly allowing the final figure to be agreed and apportioned across the authorities. For Dacorum, this will result in a per-dwelling tariff that each new home will need to pay.

Suitable Alternative Natural Greenspace (SANG)

- 3.8 Suitable Alternative Natural Greenspace, or “SANG”, is the term given to greenspaces that are created or enhanced with the specific purpose of absorbing recreation pressure that would otherwise occur at National Sites, such as the Chilterns Beechwoods SAC at Ashridge Commons and Woods SSSI. New SANGs can be created, or existing greenspaces enhanced to create a SANG, in order to absorb the level of additional recreation pressure associated with new development.
- 3.9 SANG projects dovetail with SAMM in that they provide additional space for recreation and provide attractive alternatives for people who may otherwise choose to visit Ashridge Commons and Woods SSSI. Over time the emphasis for recreation use will shift to other sites enhanced for recreation, such as SANG.
- 3.10 All new residential development within the zone of influence must contribute towards either a) a new (bespoke) SANG or b) contribute towards suitable SANG projects elsewhere. This is in addition to the SAMM contributions as set out in the previous section.
- 3.11 Any development seeking to deliver 10 or more net new residential dwellings (or equivalent) must be located within (or on the edge of) the catchment of a SANG project. That SANG must have existing capacity, and meet any further criteria necessary to accommodate the proposed scheme.
- 3.12 Smaller development proposals for up to 9 net new residential dwellings (or equivalent) are not restricted to catchment areas of SANG. If such a development is not within the catchment area of a SANG with sufficient capacity, it can contribute towards an existing SANG elsewhere.
- 3.13 The Council recognises that not all development sites will be able to provide a SANG site and so the Council is investigating whether the following Council owned sites can provide some SANG capacity:
1. Bunkers Park;
 2. Part of Gadebridge Park where no formal recreation is provided; and
 3. Chipperfield Common
- 3.14 The Council is in the process of conducting visitor surveys of the above sites to determine their capacity. These are expected to be completed in the coming weeks. If there is sufficient capacity at these sites then the next step is to prepare Management Plans for each site with costed proposals to improve the sites. The improvements proposed will depend on a range of factors including existing levels of use of the site, the site’s particular characteristics and other existing ecological objectives.
- 3.15 Developers wishing to utilise SANG capacity provided on the Council’s own land will be required to apply to the Council under a separate process and to pay its proportion of the costs of implementing and maintaining SANG in these locations.

Gateway solution at Ashridge Estate

- 3.16 A gateway site is an innovative and emerging concept with regards to avoidance and mitigation measures at Ashridge Commons and Woods SSSI. The purpose of a Gateway is similar to that of SANG, to create an attractive alternative to Ashridge that deflect users away from there, reducing recreational pressures as a result.
- 3.17 A key difference between SANG and a gateway site is that the latter needs to be well related to the existing Ashridge Estate and importantly on land outside of the Chilterns Beechwoods SAC. A gateway site should provide equivalent attractions and facilities sufficient to draw people away from more sensitive areas within Ashridge Estate that suffer the most from substantial recreational damage. An example of this would be the honeypot location of Monument Drive which draws the majority of visitors from the surrounding area. If sufficient visitors were drawn to a nearby gateway site, it is likely that substantially less damage would occur.
- 3.18 A gateway site would need to demonstrate with reasonable certainty how visitors would be drawn away from the site, rather than encouraging more visitors through the provision of more facilities and attractions. With this, it is likely that further interventions within the protected parts of Ashridge Estate would likely need to occur in tandem.
- 3.19 Depending on the scale and location of a gateway site, it could serve as an alternative to SANG delivery that could serve one or more of the Councils within the Zone of Influence but due to the uncertainty surrounding the delivery of this no further guidance is provided on it through this mitigation strategy. The Councils will continue to work together with the National Trust and Natural England on exploring options for gateway sites alongside the delivery of SAMM and SANG.

4. Implementation

- 4.1 All net new homes granted planning permission from 14 March 2022 will need to contribute towards the SAMM projects and secure or make proportionate contributions towards the delivery of SANG.
- 4.2 In the case of SAMM the Council will pass on these contributions to the National Trust for the sole purpose of implementing these or successor SAMM projects.
- 4.3 The approach to the delivery of suitable SANG is a matter that is being progressed separately by each Council, reflecting the different stages each authority has reached with possible SANG and their respective Local Plans. Each authority will manage and maintain a list of SANG once agreed with Natural England, providing sufficient clarity on their status and capacity to accommodate additional growth as well as the catchment to which they serve.
- 4.4 The monies will be secured will be tied to relevant inflation and other build cost inflation indices. In addition, the costs of individual components may be reviewed as part of the annual update based on the outcomes of individual project evaluation if this identifies that there has been either an underestimation or overestimation of the costs attributed. These contributions are in addition to any CIL, Section 278, Section 106 or other requirements that may arise through reforms to the planning system.

5. Monitoring, Review and Governance

- 5.1 The Council's Mitigation Strategy will be kept under regular review and monitoring with costs subject to annual review and adjustment to reflect inflation and other relevant indices.

- 5.2 It is expected that the Mitigation Strategy will be reviewed in three years time (2025) and following that every five years. Should circumstances require it, future reviews may be brought forward to ensure that the strategy remains up to date and fit for purpose to mitigate the impact of public access and disturbance threats for the Chilterns Beechwoods SAC at Ashridge Commons and Woods SSSI.
- 5.3 Monitoring of SANG will be undertaken by each Council respectively, ensuring a live table of sites is maintained and updated regularly alongside the completions of affected developments. Where a SANG has reached its capacity, this will be clearly shown on the live tables so it is clear where and how much existing capacity remains within each administrative area.
- 5.4 Dacorum Borough Council, Buckinghamshire Council, Central Bedfordshire Council, St. Albans City and District Council and the National Trust are preparing governance arrangements to ensure the mitigation strategy remains relevant and is monitored, reviewed and delivered. The agreement will clearly set out measures relating to:
- the effective project management of the strategy;
 - the resources required to ensure it is maintained for a minimum period of 80 years;
 - timescales for implementation of avoidance and mitigation measures including SAMM and SANG
 - future reviews of the strategy;
 - the responsibilities of each party involved;
 - dispute resolution; and
 - any other general provisions.

6. Options and alternatives considered

- 6.1 If the Council decided not to prepare a Mitigation Strategy new housing development in Dacorum would be on hold indefinitely. This would have far reaching social and economic consequences for Dacorum, its residents and the Council.

7. Consultation

- 7.1 James Doe – Strategic Director (Place)

8. Financial and value for money implications:

Financial

- 8.1 The Mitigation Strategy is likely to increase the financial pressures on the Council as additional processes will be undertaken to protect the site and ensure monies are collected and distributed accordingly.

Value for Money

- 8.2 None arising from this report.

9. Legal Implications

- 9.1 The Council needs to ensure a robust Mitigation Strategy is in place before allowing development to proceed. Failure to do this could increase the risk of legal challenge.

10. Risk implications:

- 10.1 None arising from this report. Risks addressed through service level risk register.

11. Equalities, Community Impact and Human Rights:

11.1 Community Impact Assessment - Not applicable for this report.

11.2 Human Rights – There are no Human Rights Implications arising from this report.

12. Sustainability implications (including climate change, health and wellbeing, community safety)

12.1 None arising from this report.

13. Council infrastructure (including Health and Safety, HR/OD, assets and other resources)

13.1 None arising from this report.

14. Conclusions:

14.1 Not applicable

Appendix A - Chilterns Beechwoods Special Area Conservation (SAC) Mitigation Strategy (Appendix A).