



# Cabinet



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<b>Report for:</b>	Cabinet
<b>Title of report:</b>	Chilterns Beechwoods Special Area of Conservation: Publication of Mitigation Strategy
<b>Date:</b>	15 <sup>th</sup> November 2022
<b>Report on behalf of:</b>	Councillor Alan Anderson, Portfolio Holder for Place
<b>Part:</b>	I
<b>If Part II, reason:</b>	N/A
<b>Appendices:</b>	<ul style="list-style-type: none"><li>A. Appendix A – Chilterns Beechwoods Special Area Conservation (SAC) Mitigation Strategy</li><li>B. Appendix B – Statement of Common Ground</li><li>C. Appendix C – Bunkers Park and Chipperfield Common SANG Management Plans</li><li>D. Appendix D – Community Impact Assessment</li></ul>
<b>Background papers:</b>	<ul style="list-style-type: none"><li>1. Visitor Survey, Recreational Impact Assessment and Mitigation Requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan (Footprint Ecology, <a href="#">dacorum-recreation-evidence-base-200322.pdf</a>)</li><li>2. Developments to the emerging evidence relating to the recreational impacts upon Chilterns Beechwoods Special Area of Conservation (SAC) and the need for a Mitigation Strategy (Natural England <a href="#">Chilterns Beechwoods Letter - Natural England (dacorum.gov.uk)</a>)</li><li>3. Chilterns Beechwoods Special Area of Conservation: Draft Mitigation Strategy <a href="#">SPA Report September 2022 - SAC Mitigation Strategy.pdf (dacorum.gov.uk)</a></li><li>4. Chilterns Beechwoods Special Area of Conservation: Draft SANG Management Plans (<a href="#">SPA Report October 2022 - SANG Management Plans.pdf (dacorum.gov.uk)</a>)</li></ul>
<b>Glossary of acronyms and any other abbreviations used in this report:</b>	<p>EQIA: Equalities Impact Assessment</p> <p>SAC: Special Area of Conservation</p> <p>AA: Appropriate Assessment</p> <p>SANG: Suitable Alternative Natural Greenspace</p> <p>SAMM: Strategic Access Management and Monitoring</p> <p>SSSI: Site of Special Scientific Interest</p> <p>ZOI: Zone of Influence</p>

## Report Author / Responsible Officer

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<b>Corporate Priorities</b>	Building strong and vibrant communities Ensuring economic growth and prosperity Climate and ecological emergency
<b>Wards affected</b>	ALL
<b>Purpose of the report:</b>	1. To seek Cabinet approval to publish the Chilterns Beechwoods Special Area of Conservation: Mitigation Strategy.
<b>Recommendation (s) to the decision maker (s):</b>	1. That Cabinet approves the Chilterns Beechwoods Special Area Conservation (SAC) Mitigation Strategy (Appendix A) and the Bunkers Park and Chipperfield Common SANG Management Plans (Appendix C). 2. That Cabinet delegates authority to the Strategic Director (Place), in consultation with the Portfolio Holder for Place, to agree and complete any further governance documents between the partner authorities to facilitate the effective implementation and administration of the Mitigation Strategy and Management Plans referred to in recommendation 1 above.
<b>Period for post policy/project review:</b>	<b>5 years</b>

## 1. Introduction

- 1.1 This report contains the package of documents that collectively provide the mitigation measures needed for the Chilterns Beechwoods Special Area of Conservation (SAC). It explains the process for how the Council will comply with its legal obligations under the Habitats Directive and allow the current moratorium on residential development in Dacorum to be lifted.
- 1.2 Since the publication of the Footprint Ecology Report 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, which were fundamental to the grant of the original permission, have not been determined. This position will remain in effect until a mitigation strategy and associated processes are in place to satisfy the Habitats Directive requirements.

## **2. Background**

- 2.1 The borough of 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. This designation 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 Plan. As part of this, the Council's 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 the Ashridge Estate every year, (likely to be a considerable underestimate), of which around half 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". 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.
- 2.6 As a result, a number of restrictions need to be established, including the introduction of 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 a 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 the affected adjoining local authorities, Buckinghamshire Council, Central Bedfordshire Council and St. Albans City and District Council, "the Partner Authorities", to prepare the Mitigation Strategy. The purpose of the Mitigation Strategy is to

avoid adverse public access and disturbance impacts on the SAC arising from future development in the Zone of Influence.

- 3.2 The Mitigation Strategy is contained in Appendix A and is in two broad parts. Part A provides common guidance for the planning areas of the Partner Authorities. 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 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 (SAMMS)

- 3.3 The first arm of the Mitigation Strategy will address issues at Ashridge Estate. The Council has worked with the Partner Authorities, Natural England and the National Trust on the package of SAMMS measures required. The interventions required have been identified and agreed and will consist of a range of projects to be implemented over a period of at least 80 years, (2022/23 to 2102/2103), by the National Trust. The projects are designed to mitigate the likely impact of development that will come forward within the 12.6 kilometres Zone of Influence.
- 3.4 The total cost of the required SAMMS interventions is £18,275,510 and will be apportioned across all growth taking place across the affected local authorities. For Dacorum, this will result in a per-dwelling tariff of £913.88 that developers will need to pay for each new home built. This agreement has been set out in a Statement of Common Ground (Appendix B) between the Partner Authorities.

#### Suitable Alternative Natural Greenspace (SANG)

- 3.5 Suitable Alternative Natural Greenspace (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.
- 3.6 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.
- 3.7 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 paragraph 3.4.
- 3.8 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. 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.

3.9 The Council recognises that not all development sites will be able to provide a SANG site, and so the Council has identified the following Council owned sites that can provide some SANG capacity:

1. Bunkers Park;
2. Chipperfield Common.
3. (Part of) Gadebridge Park where no formal recreation is provided; and

3.10 The Council has completed visitor surveys at Chipperfield Common and Bunkers Park and these have confirmed that these sites have capacity to support c.3,780 new homes. The Council has also completed Management Plans for these two sites setting out the required interventions for these sites, (attached in Appendix C). The Management Plan for Gadebridge Park is still being developed and will follow in the coming months.

3.11 Developers wishing to utilise SANG capacity provided on the Council's own land will be required to pay its proportion of the costs for delivering the improvements needed. The works required are set out in the Management Plans for each site based and have been agreed with Natural England. Taking into account the required management and maintenance period of 80 years the total cost of the works, (and ongoing maintenance), at both sites is £16.1m. When these costs are spread across the available capacity, that equates to £4,251.00 per new home.

3.12 The Council predicts that demand for SANG is expected to outstrip supply, so the Council has prepared a SANG Allocation Protocol, (contained in Part B of the Mitigation Strategy), to determine how this capacity is directed. This is likely to be in place until further SANG sites are identified to provide further capacity to support future development.

#### Gateway solution at Ashridge Estate

3.13 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 deflects users away from the site, reducing recreational pressures as a result.

3.14 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.

3.15 A gateway site would need to demonstrate, with reasonable certainty, how visitors would be drawn away from the SAC 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 need to occur in tandem.

3.16 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. Lifting the Restrictions

4.1 As set out in Section 3, given the catchment areas of the Council owned SANG (Bunkers Park, Chipperfield and Gadebridge Park), it will only be developments in and around Hemel Hempstead, Chipperfield and Bovingdon that will benefit from these SANGs. Smaller developments (1 – 9 units) elsewhere in Borough will be eligible to utilise capacity at Chipperfield Common.

4.2 It is important to note that there is no SANG solution in place for development in excess of 9 units located outside of the SANG catchment areas of Hemel Hempstead. This means that development of this size that is located in the area shaded orange on Figure 1 will not be able to proceed unless it can bring forward its own SANG solution. The Council is continuing to work on a solution to this issue, but this will take further time to resolve.

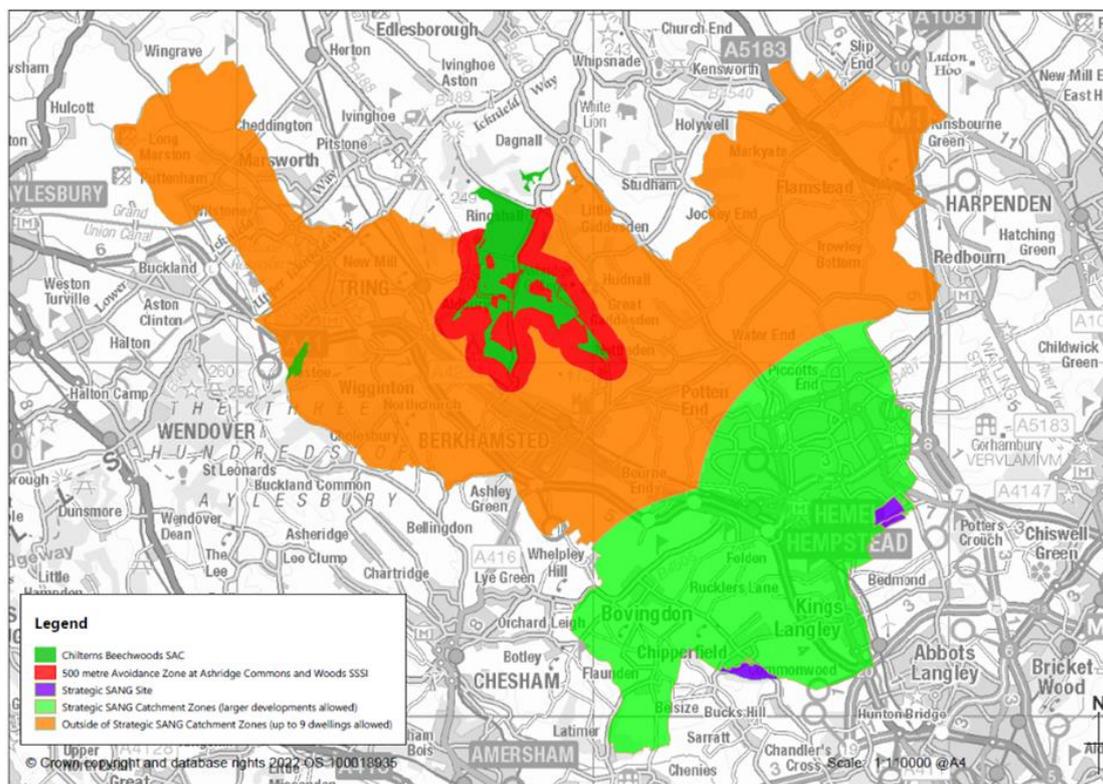


Figure 1: Map of Dacorum illustrating areas where development can proceed (green) and where restrictions on schemes above 9 units (orange) will continue

#### 5. Implementation, Monitoring and Review

5.1 All new homes granted planning permission from 14 March 2022, where there is a net increase through development, will need to contribute towards the SAMM projects and secure, or make, proportionate contributions towards the delivery of SANG. 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.

- 5.2 The Council will be entering into a partnership agreement with the Partner Authorities. The purpose of the agreement is to facilitate joint working by those Partner Authorities responsible for the implementation of the SAMM projects. The agreement sets out the detailed arrangements for the organisation of the work between the Partner Authorities to ensure the implementation of the SAMM Strategy.
- 5.3 Dacorum Borough Council will be the lead Competent Authority in relation to the partnership agreement and will undertake the following roles, (which will be delivered by a new SAC Officer funded by the SAMM payments):
- take a lead role in reviewing and monitoring the SAMM Strategy,
  - act as the key point of contact for liaison with the National Trust;
  - act as a key point of contact for Natural England for any communications; and
  - transfer contributions from the Partner Authorities to the National Trust.
- 5.4 The approach to the delivery of suitable SANG is a matter that is being progressed separately by each Council. Each authority will manage, and maintain, a list of SANGs 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.
- 5.5 The SAMM and SANG contributions will be secured via Section 106 agreements, or unilateral undertakings, and will be subject to indexation to account for any increase in costs due to inflation. 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, other Section 106 obligations, or other requirements that are necessary or may arise through reforms to the planning system in the future.
- 5.6 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 is nearing or has reached its capacity, this will be shown on the live tables so it is clear where and how much existing capacity remains within each administrative area.
- 5.7 The Mitigation Strategy will be regularly monitored, and reported on, with the first review expected 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.
- 5.8 Further detailed guidance will be made available on the Council's website setting out the processes the Council will adopt in order to release the restrictions on individual developments

## **6. Options and alternatives considered**

- 6.1 If the Council decided not to implement a Mitigation Strategy in full, 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 The following officers/services have been consulted on the work undertaken to date:

- James Doe, Strategic Director (Place)
- Richard LeBrun (Assistant Director for Neighbourhood Delivery)
- Simon Coultas (Operations Manager Clean, Safe and Green)
- Nigel Howcutt (Chief Finance Officer)
- Melanie Parr (Climate Change and Sustainability Lead Officer)

## **8. Financial and value for money implications:**

8.1 The Council has spent c.£150,000 on measures to lift the housing moratorium (including external advice, staff time and preparing Mitigation Strategies). Although the Council has drawn on funding already committed as part of the Local Plan, it is expected that a further drawdown from future reserves will be needed to ensure those projects, that have had to be deferred, can be delivered in future years.

8.2 The costs associated with the SAMM measures will not impact the Council and any costs to bring forward the Council's own land for use as SANG will also be secured from developers who wish to utilise this capacity.

## **9. Legal Implications**

9.1 Ensuring the Council has an effective Mitigation Strategy for the Chilterns Beechwoods SAC is a legal requirement of the Habitats Regulations to allow development to proceed. The Council's Planning Department has taken independent legal advice throughout the development of the Strategy and the Council is confident that legal risks have been minimised as far as possible.

## **10. Risk Implications**

10.1 Progressing without a Mitigation Strategy in place exposes the Council to future legal challenge from an aggrieved party. This could lead to the reinstatement of the housing moratorium and the subsequent implications for delivering new homes in the Borough.

## **11. Equalities, Community Impact and Human Rights Risk Implications**

11.1 The Council has also undertaken a Community Impact Assessment (CIA) of the Statement of Community Involvement (Appendix D). The CIA confirms that the measures contained in the report will positively impact the community generally by enhancing local spaces across Dacorum and through the provision of new homes across the Borough which has not been possible since March 2022.

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

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

12.1 Providing a long term mitigation strategy for the SAC will ensure the protection of the site from the recreational pressure that is currently being experienced. These measures will also help adaptation and

mitigation in response to climate change. Measures to upgrade a number of the Council's existing open spaces to SANG will reduce pressure on the SAC and will provide improved environments for residents and visitors.

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

13.1 Implementing the Mitigation Strategy will require the mobilisation of the Council's resources to administer new processes and to maintain Council owned SANGs. These costs will be recovered as part of the SAMM and SANG tariffs.

### **14. Statutory Comments**

#### **Monitoring Officer:**

The Habitats Regulations are a mandatory consideration and compliance with them is a legal obligation. The Mitigation Strategy will become a material consideration in the determination of planning applications and will offer important guidance to applicants as to how their applications will be dealt with in accordance with the Regulations. The Strategy will help to assist both applicants and the Council and ensure fair and consistent decision making.

#### **S151:**

The direct financial impact of this strategy is considered limited in the short term, with the costs of implementing and administering this strategy funded through the tariffs proposed.

The role of the Council in regard to the SAMM's tariff is to ensure that we collect these funds from developers and pass them onto the National Trust to ensure they can invest these funds to deliver the agreed mitigation strategy and outcomes. There is no financial impact on the Council as the SAMM tariff includes the Council officer time and cost of administering this process.

The role of the Council in regard to SANG is more complex. The tariff that has been set, in relation to the Council's SANG sites at Bunkers, Chipperfield and Gadebridge, is based on the projected costs of developing and maintaining these sites going forward, to give the Council the option to provide essential alternative areas of natural green space to facilitate new housing developments in these geographical areas.

The SANG tariff has been developed collectively across the Council, with a significant amount of horizon scanning resulting in a large volume of assumptions. At the present time, these assumptions are considered prudent but, as with any long term 80 year investment projection, there is a risk that costs could change in the medium to longer term.

The SAMMS and SANG tariffs will be collected from developers in line with the agreed strategy and utilising existing approved processes utilised for S106 and CIL collection. These are considered robust.

### **15. Conclusions**

15.1 Approval of the the Mitigation Strategy will allow the Council to demonstrate that it has discharged its legal obligations under the Habitats Regulations and it will be possible to partially lift the current restrictions and grant planning permission for new housing development.

