

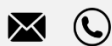


Strategic Planning & Environment Overview and Scrutiny Committee

Report for:	Strategic Planning & Environment Overview and Scrutiny Committee
Title of report:	Chilterns Beechwoods Special Area of Conservation Mitigation Strategy and Suitable Alternative Natural Greenspace Update
Date:	10 th January 2024
Report on behalf of:	Councillor Sheron Wilkie, Portfolio Holder for Place
Part:	I
If Part II, reason:	N/A
Appendices:	Appendix 1 Community Impact Assessment
Background papers:	<ol style="list-style-type: none"> 1. Chilterns Beechwoods Special Area of Conservation: Publication of Mitigation Strategy report to Cabinet 15 November 2022. 2. Chilterns Beechwoods Special Area of Conservation Mitigation Strategy 3. Bunkers Park Suitable Alternative Natural Greenspace Management Plan 4. Chipperfield Common Suitable Alternative Natural Greenspace Management Plan
Glossary of acronyms and any other abbreviations used in this report:	<p>CBSAC: Chilterns Beechwoods Special Area of Conservation</p> <p>CIA: Community Impact Assessment</p> <p>SANG: Suitable Alternative Natural Greenspace</p> <p>SAMMS: Strategic Access Management and Monitoring Strategy</p> <p>SSSI: Site of Special Scientific Interest</p>

Report Author / Responsible Officer

Sara Whelan, Assistant Director - Planning



sara.whelan@dacorum.gov.uk / 01442 228590 (ext. 2590)

Corporate Priorities	<p>A clean, safe and enjoyable environment</p> <p>Building strong and vibrant communities</p> <p>Ensuring economic growth and prosperity</p> <p>Climate and ecological emergency</p>
-----------------------------	--

Wards affected	ALL
Purpose of the report:	<ol style="list-style-type: none"> 1. To update members on the implementation of the Chilterns Beechwoods SAC Mitigation Strategy. 2. To seek SPAE views on the proposals for future SANG sites and the delegation of authority for Chilterns Beechwoods SAC Mitigation Strategy related decisions as set out in the recommendations.
Recommendation (s) to the decision maker (s):	<ol style="list-style-type: none"> 1. That the update on CBSAC Mitigation Strategy matters presented be reported to Cabinet. 2. That Gadebridge Park, Margaret Lloyd Park, Howe Grove and an extension to Bunkers Park be considered and if appropriate taken forward as the next phase of Council SANG sites. 3. That a Dacorum SANG Strategy be prepared to support identified future needs for Council led SANG arising from development. 4. That delegated authority be sought for the CBSAC Mitigation Strategy decisions set out in table 2. 5. That authority be delegated to the Monitoring Officer to amend the Constitution of Dacorum Borough Council to give effect to recommendation 4 above.
Period for post policy/project review:	5 years

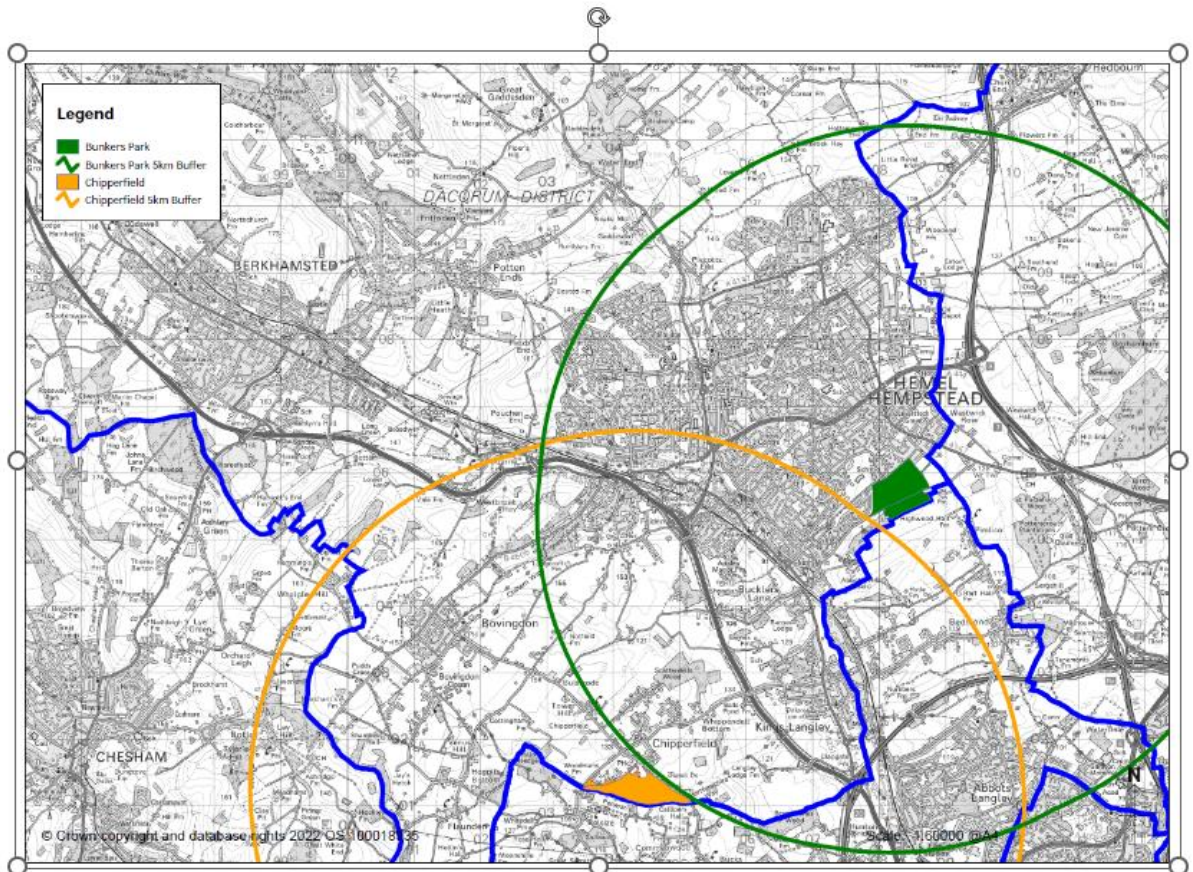
1 Introduction/Background:

- 1.1. In March 2022, the Council published evidence demonstrating that recreational pressure on the Chilterns Beechwoods Special Area of Conservation (SAC) is impacting the integrity of one of its component parts at Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) ('Ashridge Estate') and that there is potential for further deterioration through recreational activity arising from new development. Following advice from Natural England, the Council subsequently stopped permitting net new residential developments across the borough.
- 1.2. In November 2022 Cabinet approved the Chilterns Beechwoods SAC Mitigation Strategy. This sets out the process that the Council applies to ensure developments will not adversely affect the integrity of the CBSAC at Ashridge Estate. Necessary mitigation is secured through contributions for Strategic Access Management and Monitoring Strategy (SAMMS) interventions delivered by the National Trust, funded

through a tariff collected from development of £913.88 for each new home built. In addition to this, affected developments also need to provide sufficient Suitable Alternative Natural Greenspace (SANG). This can be delivered directly by the applicant through their own bespoke solution or alternatively they can contribute towards one of the Council's Strategic SANGs.

- 1.3. All housing development of one or more new net homes within the 12.6km Zone of Influence is required to comply with the Mitigation Strategy. In addition to the provision for new homes, the Mitigation Strategy sets out other forms of development that could cause additional harm to the CBSAC which are considered on a case by case basis. This includes student accommodation, residential care homes and institutions, residential extensions for separate 'Granny' annexes, hotels, houses in multiple occupation, residential caravan sites, residential boat moorings, holiday dwellings and gypsy and traveller pitches.
- 1.4. Types of development which are not subject to the strategy includes householder extensions or other minor works and replacement dwellings.
- 1.5. To enable the partial lifting of the moratorium, Cabinet approved two SANG sites on Council owned land – Chipperfield Common and Bunkers Park – with the further approval of a third site at Gadebridge Park to follow at a later date. SANG Management Plans were presented for Chipperfield Common and Bunkers Park which detailed the interventions, management and monitoring needed for them to act as SANG. A tariff of £4251.71 is collected from each new home allocated Council SANG, based on costs over an 80 year period against an initial capacity to absorb recreational pressure arising from 3782 homes.
- 1.6. SANGs have a catchment based on their particular characteristics and location, and also their location within a wider green infrastructure network. As a guide:
 - SANG of 2-12ha will have a catchment of 2km
 - SANG of 12-20ha will have a catchment of 4km
 - SANG of 20ha+ will have a catchment of 5km.
- 1.7. Any development of 10 or more net new homes must be located within or on the edge of the catchment of the SANG from which it seeks an allocation. Smaller proposals for up to 9 net new homes are not restricted to catchment areas and can be allocated capacity from any available SANG within Dacorum.
- 1.8. The Council's current SANG sites are located within the south and east of the borough. This, combined with the SANG catchment area, results in the Council not being able to offer its SANG capacity to developments of ten or more new homes in Berkhamsted, Tring or the west of the borough. This is illustrated on map 1 below.

Map 1 Catchment areas of existing Council SANG sites



1.9. The Council has now been implementing the Chilterns Beechwoods SAC Mitigation Strategy for over a year. Officers have reviewed progress and the processes involved and present this update alongside recommendations for Cabinet, which will also seek to delegate authority for specific decisions.

2 Chilterns Beechwoods Special Area of Conservation (CBSAC) Mitigation Strategy Update and Proposed Recommendations for Delegated Authority

Chilterns Beechwoods Special Area of Conservation (CBSAC) Mitigation Strategy

2.1 The Chilterns Beechwoods Special Area of Conservation Mitigation Strategy is the mechanism by which Ashridge Commons and Woods Site of Special Scientific Interest (SSSI) is protected from adverse recreational pressure arising from new housing. Part A provides common guidance for the planning areas of the Partner authorities – Buckinghamshire Council, Central Bedfordshire Council, St Albans City and District Council and Dacorum Borough Council. Part B provides specific detailed guidance on its administration relating to Dacorum. It is the Council’s legal duty to protect the CBSAC from the effects of new development and the Council is only able to grant qualifying development planning permission where it can be demonstrated it is in compliance with the Mitigation Strategy. The CBSAC Mitigation Strategy has been in operation since November 2022.

2.2 Officers intend to update the strategy to reflect lessons learnt during its operation over the past year. The most significant change will be introducing flexibility into the protocol which guides how the Council allocates capacity provided by its own SANG sites.

2.3 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 CBSAC at Ashridge Commons and Woods Site of Special Scientific Interest.

2.4 Introducing a mechanism to vary the protocol will enable officers to safeguard Council SANG capacity during periods when there is limited SANG supply available in order to prioritise affordable housing schemes, for example and small and individual housing developments. The protocol could then be widened once further Council SANG sites came forward and supply issues eased.

Strategic Access Management and Monitoring Strategy

2.5 The Strategic Access Management and Monitoring Strategy (SAMMS) arm of the CBSAC Mitigation Strategy enables contributions to be collected from new housing development to be used by the National Trust to implement an agreed project plan of mitigation measures at Ashridge Estate. The systems used to administer the SAMMS payments are in the process of being formalised through a collaboration agreement between the Partner Authorities and the National Trust. It is expected that Dacorum will take the lead on administering these payments. Moving forward the Council will periodically review the SAMMS contributions levied from new housing development to reflect updated measures provided by the National Trust and the costs to the councils.

Gateway solution at Ashridge Estate

2.6 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. 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.

2.7 The National Trust has launched a Protecting our Roots project to engage with the public on the challenges facing the Ashridge Estate and their vision for its future. This includes their ambition to create new visitor hubs in less sensitive parts of the estate to help disperse footfall and provide a better experience for visitors, and changes to Monument Drive to help protect this area.

2.8 The Council continues to engage constructively with the National Trust on the principle of gateway sites and how they can deliver the core aim of reducing recreational pressures and associated harm at Ashridge Commons and Woods SSSI.

Delivery of Council Suitable Alternative Greenspace (SANG)

2.9 In November 2022, Cabinet approved the delivery of two initial Council owned SANG sites, Bunkers Park and Chipperfield Common, with Gadebridge Park to be progressed as the next scheme.

2.10 Recruitment is taking place for a new operational SANG team within the Clean, Safe and Green service who will be dedicated to the Council's SANG sites. This team will be responsible for implementing the SANG management plans, by delivering the SANG improvements, maintaining the sites to the required quality standards and engaging with the local community. Going forward they will also be preparing management plans for new Council SANG sites and updates to existing management plans.

Next Phase of Council SANG sites

- 2.11 The Council will need to bring more SANG sites on line to provide a future supply for new homes. There are four in Council ownership that are under consideration and development presently.
- 2.12 Plans for **Gadebridge Park** are advanced and it is expected that this will shortly become available as the next SANG site. Following on from this the sites under assessment for the next phase of SANG are Margaret Lloyd Park, Howe Grove and an extension to Bunkers Park.
- 2.13 The earlier delivery opportunity to develop **Margaret Lloyd Park** (at Grovehill) as SANG has arisen as a result of the Marchmont Farm planning application for up to 350 homes. This development proposes an extension to the park, enabling the minimum 2.3 – 2.5km circular walk criteria for SANG to be achieved. In return the proposals would deliver an upgraded park that would receive a higher standard of maintenance, benefiting both future and existing residents.
- 2.14 The extension to Margaret Lloyd Park would also act as a connecting link to **Howe Grove Wood Local Nature Reserve** enabling this site to be brought forward as part of a Gadebridge to Grovehill SANG network that would link to the Hemel Garden Communities development area in the long term.
- 2.15 At **Bunkers Park**, there is the opportunity to create additional SANG capacity by utilising the land opposite Poppy Fields Cemetery. This may require a variation to the current permitted uses agreed by Homes England when the land was purchased by the Council, which is subject to an overage clause.
- 2.16 Table 1 below shows the approximate additional Council SANG capacity that would be created through these further sites.

Site	Approximate capacity (number of homes)
Gadebridge Park	1118
Margaret Lloyd Park and future extension	452
Howe Grove Wood Local Nature Reserve	443
Bunkers Park extension	163
Total	2176

Future SANG Strategy

- 2.17 Council owned SANG is a finite resource. Officers have undertaken an extensive assessment of land owned by the Council, from which the next phase of SANG set out in paragraphs 2.11-2.16 has been identified. Moving forward a new strategy for SANG allocation will be developed during 2024 which will consider the SANG capacity needed to support the current rate of planning applications received and housing sites being progressed, growth arising from the new Dacorum Local Plan and third party SANGs coming forward.
- 2.18 The allocation of third party SANG provided by local charitable trusts and developers is likely to be ring-fenced for development meeting criteria such as a number of homes threshold, location of development, or a particular housebuilder. An ongoing future supply of Council owned SANG is important to support the ongoing delivery of homes across the borough, particularly for smaller sites of 9 homes or less.
- 2.19 The SANG strategy will support the new Dacorum Local Plan, by providing evidence for the Sustainability Appraisal, and the Appropriate Assessment under the Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations 2019 that considers the impact of the Local

Plan would have on protected sites such as the Chilterns Beechwoods SAC. This will require the provision and capacity of SANG for all development coming forward through the Local Plan to be assessed against the requirements set out in the CBSAC Mitigation Strategy. These document will be critical to supporting the Local Plan throughout a future Examination in Public as the Planning Inspector will want to be satisfied there is a supply of SANG to support the delivery of new homes across the borough.

Delegated authority from Cabinet

2.20 The Chilterns Beechwoods SAC Mitigation Strategy, and the Chipperfield Common and Bunkers Park SANG management plans were expedited quickly in November 2022 to enable the partial lifting of the planning moratorium in the shortest time possible. Having reviewed the operation of the strategy over the past year, a list of decisions where it is proposed to seek delegated authority has been prepared and is shown in table 2. This will provide the framework for enabling decision making at the appropriate level of delegated authority and the decision mechanism.

2.21 In order to provide clarity within CBSAC Mitigation Strategy processes, the list includes operational decisions where delegated authority will be confirmed to the Strategic Director - Place or Neighbourhood Operations, or Assistant Director – Planning. Given the impact of the strategy across the Council, this may involve many directorates (particularly Place, Neighbourhood Operations, Housing and Property, and Corporate and Commercial). Where approval has previously been given by Cabinet, such as for the CBSAC Mitigation Strategy and SANG tariff, it is proposed to delegate subsequent amendments to a Portfolio Holder decision. For new Council owned SANG, the list of sites to be considered within the next phase will be shared with Cabinet, with agreement for a site being brought into operation delegated to a Portfolio Holder decision.

2.22 Decisions of a strategic nature will be retained by Cabinet. This includes policy areas such as the approval for Council land or assets to be used as SANG, prioritising SANG above other alternative uses, amendments to the SAMMS tariff, and any acquisition strategy to provide future SANG supply (none currently proposed).

2.23 Table 2 Proposed delegated authority for decisions relating to the Chilterns Beechwoods SAC Mitigation Strategy

Decision	Proposed delegated authority to:	Authority mechanism:
1 Approval for Council owned public open space to be used as SANG, where these sites have previously been reported to Cabinet.	<ul style="list-style-type: none"> Portfolio Holder for Corporate and Commercial Services and Portfolio Holder for Place (for Council owned land) Portfolio Holder for Place (for non-council owned) 	<ul style="list-style-type: none"> Portfolio Holder Decision Sheet
2 Approval of extensions to existing SANG sites by adding further parcels / adjustments to the red line boundary of a SANG.	<ul style="list-style-type: none"> Portfolio Holder for Corporate and Commercial Services and Portfolio Holder for Place (for Council owned land) Portfolio Holder for Place (for non-council owned) 	<ul style="list-style-type: none"> Portfolio Holder Decision Sheet
3 Approval of SANG management plans for new	<ul style="list-style-type: none"> Strategic Director - Place or the Assistant Director - 	<ul style="list-style-type: none"> Officer Decision Record Sheet

SANG sites, and for these to be made publicly available.	Planning, and the Strategic Director - Neighbourhood Operations	
4 Approval of amendments or updates to existing SANG management plans (eg changes in interventions, management plans for later time periods/phases, or additions due to SANG sites being extended as per 2 above).	<ul style="list-style-type: none"> Strategic Director - Place or the Assistant Director - Planning, and the Strategic Director - Neighbourhood Operations 	<ul style="list-style-type: none"> Officer Decision Record Sheet
5 Approval for spending SANG contributions paid to the Council (to include post-commencement charges).	<ul style="list-style-type: none"> S151 or DS151 Officer 	<ul style="list-style-type: none"> Approved through the relevant financial system (as per current S106 arrangements for approval of drawdown, and invoice payments to follow existing scheme of delegation for payment approvals)
6 Adoption of SANG sites or public open space sites provided/gifted by a developer where recommended by officers.	<ul style="list-style-type: none"> Strategic Director - Place or the Assistant Director - Planning, in consultation with the Strategic Director - Housing and Property Services and/or the Strategic Director - Neighbourhood Operations 	<ul style="list-style-type: none"> Officer Decision Record Sheet
7 Decisions relating to the use of third party SANG by a developer.	<ul style="list-style-type: none"> Strategic Director - Place or the Assistant Director - Planning or the Head of Development Management 	<ul style="list-style-type: none"> Approved through the relevant processes for issuing a planning decision and reported periodically to Corporate Place Board.
8 Approval of revised/varied Council-led SANG tariff (amending the tariff approved by Cabinet in November 2022)	<ul style="list-style-type: none"> Portfolio Holder of Place in consultation with the Strategic Director - Place and the S151 or DS151 Officer 	<ul style="list-style-type: none"> Portfolio Holder Decision Sheet
9 Approval of revisions to the Chilterns Beechwoods SAC Mitigation Strategy including variations to the Allocations Protocol for Council owned SANG.	<ul style="list-style-type: none"> Portfolio Holder for Place in consultation with the Strategic Director - Place 	<ul style="list-style-type: none"> Portfolio Holder Decision Sheet

10 Approval for officers to offer Council SANG capacity to development within the borough.	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director - Planning or the Head of Development Management 	<ul style="list-style-type: none"> • Approved through the relevant processes for issuing a planning decision and reported periodically to Corporate Place Board.
11 Approval for officers to offer Council SANG capacity to development outside of the borough where this is deemed appropriate or beneficial by officers.	<ul style="list-style-type: none"> • Strategic Director - Place or the Assistant Director - Planning 	<ul style="list-style-type: none"> • Officer Decision Record Sheet

3 Options and alternatives considered

3.1 Not allocating further Council owned parks and open spaces as SANG – not recommended

- This would be an opportunity lost to the Council to increase the use and attractiveness of its parks and open spaces, and would limit the supply of SANG available to support the delivery of future homes across the borough. Any restriction to the delivery of new homes would have a number of related consequences including reducing delivery of new affordable homes, limiting the supply of homes to rent and purchase, not being able to prove housing delivery to the Secretary of State and limiting the opportunities and aspirations for our communities.

3.2 Not changing the scheme of delegation

- Decisions and approval for each individual SANG site would instead be referred to Cabinet as they become available to be taken forward for delivery. This would be an inefficient approach and would further delay decision making, implementation of Council SANG, and the delivery of a SANG strategy and is not recommended.

3.3 Do not develop a Dacorum SANG Strategy and instead rely on the current Council SANG sites and third party SANG opportunities to meet development needs.

- This would limit development to areas where there is SANG capacity available, impacting the delivery of new homes and may result in the moratorium on new housebuilding being reinstated. The new Dacorum Local Plan would not be able to be progressed, causing further risk of speculative planning applications and intervention by Government. This would be inflexible and is therefore not recommended.

3.4 Develop an acquisition strategy to purchase additional land for Council SANG.

- This is not currently being considered within the current CBSAC Mitigation Strategy work programme. The current priority focusses on opportunities for SANG on existing Council owned land. Once these have been progressed, SANG provision across the borough and future needs will be reassessed and further consideration of future SANG options will be considered. This will be informed by any potential sites put forward as part of the Call for SANG sites undertaken alongside the recent Revised Strategy for Growth consultation.

4 Consultation

4.1 The matters raised in this report have been discussed at the Corporate SANG Group which comprises officers from Strategic Planning; Finance; Clean, Safe and Green; Legal; Infrastructure; Development Management; Commercial Development; and Property.

4.2 The Corporate SANG Group reports to the Corporate Place Board which includes representatives from across the Council.

5 Financial and value for money implications:

5.1 Developer contributions (£4,251.71 per new home) are currently collected towards the delivery and upkeep of the Council's SANG sites at Bunkers Park and Chipperfield Common. The collected funds are ring-fenced for SANG purposes and drawn down by services as needed. This tariff will be updated as further Council SANG sites are taken forward and the additional demand on Planning resources to manage CBSAC Mitigation processes over the 80 year period of the planning legal agreements have been quantified. Delegated authority is sought to approve amendments to this tariff to reflect the costs of further Council SANG sites as these are taken forward and other Council costs attributable to SANG.

5.2 Development within the borough also pays £913.88 per new net home towards Strategic Access Management and Monitoring (SAMM) Strategy measures which are delivered by the National Trust at Ashridge Commons and Woods Site of Special Scientific Interest. Going forward, the intention is for the Council to administer this scheme on behalf of the partner local authorities.

6 Legal implications

6.1 The Council is only legally able to finalise a Local Plan, or grant planning permission for development where it can rule that there will be no significant adverse effects on the integrity of the Chilterns Beechwoods SAC, either alone or in-combination with other plans or projects. This is achieved through an effective Mitigation Strategy. The Council's Planning Department took independent legal advice throughout the development of the Strategy and the Council is confident that legal risks have been minimised as far as possible.

6.2 All of Dacorum is located within the 12.6km recreational Zone of Influence from Ashridge Estate, as a result it will be a continuing requirement for housing development to contribute towards both SANG and SAMMS.

6.3 SANG monies are collected on commencement of development and the requirement is that the mitigation is "on the ground" by the time dwellings are occupied.

7 Risk implications:

7.1 Without a Mitigation Strategy in place the Council is exposed to future legal challenge from an aggrieved party.

7.2 If the Council's SANG commitments are not delivered there is a risk that Natural England will object to future planning applications as mitigation would not be in place to absorb the additional recreational pressure arising from new residents. Similarly there is a risk to SANG capacity and planning decisions if new SANG sites are not found.

7.3 A reintroduction of the planning moratorium would prevent permission being granted for new homes, impacting services across the Council and on Dacorum's communities.

8 Equalities, Community Impact and Human Rights:

8.1 A Community Impact Assessment (CIA) is attached as appendix 1. The CIA confirms that the Mitigation Strategy and associated 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. The types of positive outcomes to be delivered:

- More access to natural green spaces within the borough's communities;
- Positive social, physical and mental health and wellbeing impacts for people of all ages and abilities.

8.2 Human rights – There are no Human Rights implications arising from this report.

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

9.1 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.

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

10.1 Implementing the Mitigation Strategy requires Council's resources to administer the resulting processes and to maintain Council owned SANGS. These costs will be recovered as part of the SAMMS and SANG tariffs.

11 Conclusions:

11.1 The proposed recommendations for Cabinet will enable officers to develop the sites identified into SANG, providing a supply of SANG capacity over a period during which a future Dacorum SANG strategy will be developed. The delegated authority sought will aid decision making on CBSAC Mitigation Strategy matters, this will ensure the Council's planning function can operate efficiently and planning decisions can be issued.

11.2 Having in place an up to date CBSAC Mitigation Strategy and Council SANG supply will allow the Council to demonstrate that it has discharged its legal obligations under the Habitats Regulations enabling planning permission to be granted for new housing development.

11.3 The Council has identified the next phase of Council owned SANG as **Gadebridge Park, Margaret Lloyd Park, Howe Grove Wood Local Nature Reserve and an extension to Bunkers Park**. It is recommended that these be reported to Cabinet and delegated authority is sought for the Portfolio Holders for Corporate and Commercial and Place to approve the use and delivery of these sites.

11.4 The report recommends that a **Dacorum SANG Strategy** be prepared to support identified future needs for Council led SANG arising from development. This will provide certainty for development going forward and enable the new Dacorum Local Plan to be progressed towards adoption.

11.5 In addition it seeks agreement to **delegated authority** being sought from Cabinet for the CBSAC related decisions set out in table 2 and delegated authority to the Council's Monitoring Office to

amend the constitution. This will provide clarity on CBSAC Mitigation Strategy processes and governance, and enable efficient decision making.