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Development Management Committee

Report for:	Development Management Committee
Title of report:	Briefing on proposed update to Dacorum Borough Council Constitution
Date:	1 st February 2024
Report on behalf of:	Councillor Sharon Wilkie, Portfolio Holder for Place
Part:	I
If Part II, reason:	N/A
Appendices:	
Background papers:	Strategic Planning and Environment Overview and Scrutiny Report (10 January 2024) - Suitable Chilterns Beechwoods Special Area of Conservation Mitigation Strategy and Suitable Alternative Natural Greenspace Update Agenda for Strategic Planning & Environment Overview & Scrutiny on Wednesday, 10th January, 2024, 7.30 pm (dacorum.gov.uk)
Glossary of acronyms and any other abbreviations used in this report:	

Report Author / Responsible Officer

Sara Whelan, Assistant Director - Planning



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Corporate Priorities	A clean, safe and enjoyable environment Building strong and vibrant communities Ensuring economic growth and prosperity Climate and ecological emergency
Wards affected	ALL

Purpose of the report:	1. To update on proposed changes to DBC Constitution which will be presented to Cabinet on 13 February and Council on 28 February 2024 for approval
Recommendation (s) to the decision maker (s):	1. Note report and provide any feedback to Sara Whelan, Assistant Director Planning by 8 February 2024 sara.whelan@dacorum.gov.uk
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 self contained 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.

2 Recommendation - update to DBC Constitution

- 2.1 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 realised that the DBC Constitution needs to be updated. A report presented to Strategic Planning and Environment Overview and Scrutiny on 10 January 2024 recommends changes to the DBC constitution and delegated authority to the Monitoring Officer to amend the Constitution. This report will be presented to Cabinet on 13 February 2024 and Council on 28th February 2024.
- 2.2 However, there is an additional change to the DBC constitution, hence this update to the Development Management Committee. There have been some S.106 agreements recently which the council have been required to complete but the constitution is silent regarding authority to complete these matters:
- The first was authority to complete a S.106 agreement where the application is being determined by the Secretary of State through the Development Consent process or through an appeal. In such cases the authority is required to enter into S.106 agreements to secure important infrastructure contributions but there is currently no clear authority for it to do so as Dacorum is not the authority who has determined the application.
 - Secondly, there are a number of applications, which have been previously agreed by DMC, which now require new S.106 agreements to secure mitigation related to the Chilterns Beechwood Mitigation strategy. These are not matters that need to be referred back to DMC as the development has already been approved but we require a clear delegation in the Constitution to approve such S.106s.
- 2.3 We therefore propose the following change to the Constitution which if members agree will be taken through for Cabinet approval on 13 February 2024 and onto Council 28th February for final approval:
- New section below to be added to para 2.3.1 in Part 3, which would be delegated to the Assistant Director (Planning), Head of Development Management, Development Management Team Managers and Assistant Team Managers or the Specialist Services Team Managers.

“Authority to enter into agreements under S.106 Town and Country Planning Act 1990 required in connection with Development Consent Orders or any other application or appeal determined by the Secretary of State or any S.106 agreement required to secure mitigation measures connected to the Conservation of Habitats and Species Regulations 2017 (as amended) where the development has previously been granted planning permission.”

12 Conclusions:

- 11.1 This report seeks a change to the scheme of delegation where a S106 legal agreement is required to mitigate the impacts of Habitation Regulations Assessment only on sites where planning permission has already been granted. Any changes to the parent planning permission for a major application and requires a S106 legal agreements would continue to be reported to DMC.
- 11.2 These changes will be recommended to Cabinet on 13 February 2024 and Council on 28th February 2024.