

OFFICER DECISION RECORD SHEET

Name of decision maker: Philip Stanley

Service Area: Development Management (Planning)

Title of Decision: Westbrook Hay SANG s.106 Agreement

Decision made and reasons

Decision: To agree the signing of the Westbrook Hay SANG s.106 Agreement.

Reason: Part 3 'Responsibility for Functions', Schedule 2, Part 2, Section D(e) details where Cabinet has delegated certain authorisations in respect of Suitable Alternative Natural Greenspace (SANG). This includes (no.7), "Decisions relating to the use of third party SANG by a developer".

The Westbrook Hay SANG is a third party SANG (put forward by The Box Moor Trust). This SANG will be in the control of The Box Moor Trust in the sense that they decide which developer can use this third party SANG.

Background:

Since 14 March 2022 all developments for net new dwellings are required to mitigate their impact on the Chilterns Beechwoods SAC through on-site improvements to Ashridge (i.e. SAMM payments), and provide an off-site alternative (i.e. SANG). The SANG can be provided on site for larger developments, or can be provided within the catchment of the site. All developments will be subject to an Appropriate Assessment (and consultation with Natural England) to confirm that the proposed SANG solution in each case is appropriate, bearing in mind the size and location of the development and in combination with other projects.

The Council has its own Strategic SANGS, but as this supply is finite the Council's SANG Mitigation Strategy ensures that credits from these SANGs are offered to smaller schemes, typically 1-9 dwellings. Furthermore, the catchment area of the Council's SANGs do not cover the entire geographic area of Dacorum, with the western half of the Borough not being covered. Therefore, developments that cannot provide on-site SANG and which are not (or cannot be) offered Council SANG need to seek an alternative provider, i.e. third party SANG.

Discussions and negotiations have been ongoing with The Box Moor Trust for over six months and have now reached a point where all matters are agreed and the s.106 is ready for signing / sealing.

It is important to emphasise that the 'decision-making' associated with this SANG falls on the developers and The Box Moor Trust, i.e. whether to ask for credits and whether to sell credits. The role of Dacorum Borough Council in this agreement is an overarching monitoring one. The Council needs to ensure that the SANG infrastructure is implemented and maintained to ensure that it is genuinely a SANG, whilst it must also be clear that there are credits available when granting a planning application. Therefore, there are clauses that require DBC monitoring of the land

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(and payment to DBC for these purposes) and the submission of annual reports. There is also a clause that ultimately allows DBC step-in rights, though the need to implement is considered very unlikely bearing in mind virtually all the SANG infrastructure is already in place.

Reports considered:

Cabinet Report (13th February 2024)

Officers/Councillors/Ward Councillors/Stakeholders Consulted:

None in respect of this s.106 Agreement.

Financial Comments:

There are no financial implications of this decision for the Council other than Monitoring costs which will be funded from the S.106 payments

Monitoring Officer Comments:

This S.106 agreement will enable the Boxmoor Trust to make SANG credits available to developers, which will mitigate the impact of the development on the Chilterns Beechwood SAC and allow planning consents to be approved in the Borough. The agreement will continue to be monitored by the Planning Team.

S151 Officer Comments:

No further comments to add to the report.

Implications:

There are currently several developers who have already contacted The Box Moor Trust and are awaiting the completion of this legal agreement so that they can commence their developments. As such, not signing this s.106 will result in delays in delivering much-needed housing in the Borough (the Council currently has a housing land supply position of 2 years versus the required 5 years, putting it at risk of speculative developments).

Not signing this s.106 would also put more pressure from developers on the Council for Council SANG credits, which would quickly become exhausted, impacting on the delivery of small schemes.

Value for Money:

The s.106 Agreement is the only option to secure the overarching agreement required between Dacorum Borough Council and The Box Moor Trust.

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Financial:

The s.106 agreement includes payments to Dacorum Borough Council to cover the cost of monitoring the implementation and maintenance of the SANG infrastructure during the lifetime of the SANG.

Reasons considered for rejection: n/a

Officer Signature: *P Stanley*

Date: 09.12.24