



Buckinghamshire Council

Burnham Beeches Special Area of Conservation
Strategic Access Management and Monitoring Strategy

Supplementary Planning Document

Adopted November 2020

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1 Introduction

1.1 Burnham Beeches Special Area of Conservation

1.1.1 Burnham Beeches was designated as a Special Area of Conservation (SAC) in 2005 due to the importance of its habitats which qualify under Annex I of the European Habitats Directive¹: H9120 - Atlantic acidophilus beech forests with *Ilex* and *Taxus* in the shrub layer (*Quercion roburi-petraeae* or *Illici-Fagenion*); and Beech forests on acid soils.

1.1.2 Burnham Beeches SAC lies within the south Buckinghamshire and covers 382.76 hectares. It comprises two main areas. To the south is a wooded common and Public Open Space owned and managed by a charity, for whom the City of London Corporation is the sole trustee and main financial supporter. To the north is private woodland, mostly owned and managed by the Portman Estate with timber production and pheasant shooting being the main activities; public footpaths and some permissive paths are the only access to this part of the SAC. In addition, there are small areas owned by the National Trust and a private owner.

1.1.3 The ancient pollarded beech and oak trees found on the City of London Corporation owned part of the SAC are the main features of importance for nature conservation. The trees are important because of the quantity and quality of the decaying wood habitat found within them and the species that are associated with this increasingly rare habitat. The pollards sit within former wood pasture that is in the process of being restored by the City of London Corporation with support from Natural England. This process involves grazing with livestock such as cattle and ponies and management of the land around the trees. Associated habitats, such as heathland and valley mire, are of national significance. Whilst old trees are found across the SAC, the pollards are only present on the wooded common.

¹ Council Directive 92 /43 /EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31992L0043> Date Accessed: 27/11/20]

- 1.1.4 SAC are within the top tier of nature conservation sites within England and are protected under the Conservation of Habitats and Species Regulations 2017 (as amended, hereafter referred to as the Habitats Regulations)² and are stipulated in the National Planning Policy Framework (NPPF)³. This affords SAC with the highest level of protection in England’s hierarchy of sites designated to protect the important features of the natural environment.
- 1.1.5 The Habitats Regulations contend with the impact of developments and the impact of Development Plans upon the SAC. Local Planning Authorities are identified as the “competent authority” for the purposes of determining whether a proposed development scheme or development plan document is likely to have a significant effect upon a SAC. This assessment must have regard to the SAC conservation objectives. The effect of the Habitats Regulations is to require Local Planning Authorities to ensure that any proposed development scheme or Development Plan will not adversely affect the integrity of a SAC.
- 1.1.6 The part of Burnham Beeches owned by the City of London Corporation has been a popular destination for visitors for over 130 years. First purchased under the Corporation of London (Open Spaces) Act of 1878, it still operates under the obligations of this Act as well as the more recent City of London Corporation Act (Open Spaces) 2018⁴. This part of the SAC is required to be open to the public to visit on foot; although restrictions may be placed on car parking, horse riding, cycling and similar.

² <https://www.legislation.gov.uk/ukxi/2017/1012/contents/made> [Date Accessed 27/11/20]

³ Ministry of Housing, Communities and Local Government. February 2019. National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf [Date Accessed: 27/11/20]

⁴ City of London Corporation (Open Spaces) Act 2018. Available at: <https://www.legislation.gov.uk/ukla/2018/1/contents/enacted> [Date Accessed: 27/11/20]

1.2 Purpose and scope of the Supplementary Planning Document

1.2.1 This Supplementary Planning Document (Supplementary Planning Document) sets out a mitigation strategy to avoid adverse public access and disturbance impacts from development on the integrity of the Burnham Beeches SAC. This Supplementary Planning Document solely applies to the south and east planning areas of Buckinghamshire Council. Whilst the 5.6 kilometre zone (see 2.2.5) takes in part of the western area of Buckinghamshire, the Wycombe Local Plan has its own mitigation strategy for growth in the western planning area.

1.2.2 This Supplementary Planning Document sits alongside other standing guidance including the requirements on development as set out in the 2004 Council report 'Hydrology in Burnham Beeches' which is available on the council's website.

1.3 Spatial policy framework

Table 1.1 below summarises the national and local policies that are relevant to this Supplementary Planning Document.

Adopted Policy	Policy	Comments
National Planning Policy Framework (NPPF) 2019	Chapter 15 (Conserving and enhancing the natural environment)	Para. 177 The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
Chiltern District Council Core Strategy (Adopted November 2011)	CS24 Biodiversity CS32 Green Infrastructure	These policies set out the principle of the protection of Burnham Beeches SAC in the former Chiltern District Council area. Any successive local policies will carry forward the principles set out in Policies CS24 and CS32.

Adopted Policy	Policy	Comments
South Bucks District Core Strategy (Adopted February 2011)	Core Policy 9 Natural Environment	This policy sets out the principle of the protection of Burnham Beeches SAC in the former South Bucks District Council area. Any successive local policies will carry forward the principles set out in Core Policy 9.

1.4 Strategic Environmental Appraisal of this Supplementary Planning Document

1.4.1 The European Union Directive 2001/42/EC¹ (Strategic Environmental Assessment Directive) applies to a wide range of public plans and programmes on land use, energy, waste, agriculture, transport and more (see Article 3(2) of the Directive for other plan or programme types). The objective of the Strategic Environment Assessment (Strategic Environmental Assessment) procedure can be summarised as follows: *“the objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development”*.

1.4.2 Under Article 3(3) and 3(4) of the Strategic Environmental Assessment Directive, Strategic Environmental Assessment is not required for plans and programmes which *“determine the use of small areas at a local level”* or which only propose *“minor modifications to plans and programmes”*, except where the plan or programme is determined to be likely to have a significant environmental effect.

1.4.3 Buckinghamshire Council therefore undertook a Strategic Environmental Assessment Screening of this Supplementary Planning Document. The three statutory consultees (Natural England, the Environment Agency, and Historic England) were consulted from 20 March 2020 to 15 April 2020 (under Regulation 9 of the Strategic Environmental Assessment Screening

¹ Strategic Environmental Assessment Directive. Available at: <https://ec.europa.eu/environment/eia/sea-legalcontext.htm> [Date Accessed: 27/11/20]

determination). The consultation responses are set out at the end of this Supplementary Planning Document and have been taken account of in this Supplementary Planning Document.

1.4.4 The Council has concluded that this Supplementary Planning Document is not likely to have a significant environmental effect and accordingly will not require a Strategic Environmental Assessment. The main reasons for this conclusion are as follows:

- The Supplementary Planning Document expands on policies and principles set out in the National Planning Policy Framework (NPPF), the Chiltern District Council Core Strategy (Policy CS24 and CS32) and the South Bucks District Core Strategy (Core Policy 9).
- The Supplementary Planning Document does not present any policies, and serves only to provide greater clarity about the Council's expectations in relation to existing policies within existing development plan documents; and
- The existing Chiltern District Council Core Strategy and the South Bucks District Core Strategy have already been subject to full Sustainability Appraisals (including Strategic Environmental Assessment) and were assessed as having no significant environmental effect.

1.5 Habitats Regulations Assessment of this Supplementary Planning Document

1.5.1 The application of Habitats Regulations Assessment to land-use plans is a requirement of the Conservation of Habitats and Species Regulations 2017 (as amended)⁶, the UK's transposition of European Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Habitats Regulations Assessment applies to plans and projects, including all Local Development Documents in England and Wales.

1.5.2 Under Article 6(3) of the Habitats Directive, Competent Authorities have a duty to ensure that all the activities they regulate have no adverse effect on the integrity of the Natura 2000 sites. The competent authority (in this instance Buckinghamshire Council) must assess the possible effects of a plan

or project on any Natura 2000 sites through a Habitats Regulations Assessment.

1.5.3 This process must identify any likely significant effects on a European site which may arise, either alone or in combination with other plans and projects in view of the site's conservation objective. Where likely significant effects are identified then the plan or project must be subject to an Appropriate Assessment. As part of the appropriate assessment, the adoption of mitigation measures may be considered to mitigate adverse impacts on site integrity.

1.5.4 Buckinghamshire Council therefore undertook a Habitats Regulations Assessment of this Supplementary Planning Document. Natural England, the environment Agency and Historic England were consulted on the HRA Screening Report between 10 March and 15 April 2020. It was concluded that the Supplementary Planning Document would have no adverse impact on the integrity of any European sites either alone or in-combination with other plans.

⁶ The Conservation of Habitats and Species Regulations (Various Amendments) (England and Wales) 2018. Regulation SI No. 1307. <https://www.legislation.gov.uk/uksi/2018/1307/contents/made> [Date Accessed 27/11/20]

2 Background

2.1 Public access and disturbance impacts

2.1.1 Burnham Beeches provides an attractive, accessible and open area of semi-natural habitat close to major urban areas and within an increasingly built up landscape. As such, it is a popular destination for recreation and provides an important function as a greenspace. There is one main entrance with a café, toilets, and an information point. Estimates of visitor use indicate that there were 551,000 visitors to Burnham Beeches in 2015/2016⁷. The balance of the legal obligation to the City of London Corporation to provide public access to Burnham Beeches alongside its legal conservation status is therefore a considerable challenge.

2.1.2 The numbers of visitors to Burnham Beeches has varied over time. In the past it was advertised within the London area and attracted visitors from across the region, largely by public transport. In recent years this has changed and now most visitors live much more locally and arrive by car.

2.1.3 Burnham Beeches is managed by a team of rangers who carry out the day to day management, including patrolling 365 days a year, to assist the public to enjoy Burnham Beeches safely and to protect it from inappropriate damage or abuse.

2.1.4 Growing numbers of visitors can result in conflict for space among users and demand for more facilities, such as parking, refreshments and toilets. There are also several potential ways in which public access and disturbance can have an impact on the nature conservation interest of the site. These include the following⁸:

⁷Wheater, C.P. & Cook, P.A. (2016) *Burnham Beeches Visitor Survey Report 2015/16*. Report for Corporation of London.

⁸Liley, D. (2019). *Impacts of urban development at Burnham Beeches SAC: update of evidence and potential housing growth, 2019*. Report by Footprint Ecology for Chiltern and South Bucks Councils.

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;
- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);
- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintaining the grazing regime);
- Disturbance (e.g. birds and affecting the behaviour of livestock);
- Fragmentation;
- Hydrological impacts (water availability and flow);
- Vandalism; and
- Air quality.

2.1.5

The City of London Corporation has undertaken a considerable amount of work to reduce the impact of visitors on the most sensitive features of nature conservation interest at Burnham Beeches SAC. These include the following:

- Closing internal roads to vehicles (to improve visitor safety and focus recreation on more robust areas whilst reducing air pollution);
- Surfacing of paths (to encourage their use and reduce pressure on land adjacent);
- Relocation of toilets and café to the main common (to concentrate pressure on most robust area);
- Extensive tree management such as mulching, dead hedging, fencing etc. (to reduce compaction/erosion issues);
- Introduction of Public Space Protection Orders (to reduce impact of dog fouling and other antisocial dog related issues);
- Closure of smaller outlying car parks (to reduce pressure on sensitive areas and antisocial/unlawful behaviour);
- Reinstatement of roadside boundary banks, ditches, and kerbing to prevent erosion, fly tipping and other unlawful behaviours;
- Increased patrolling from Rangers (to assist and inform visitors);
- Careful selection of grazing livestock (to minimise issues with visitors); and
- Temporary and permanent signage to inform visitors about work being carried out and the impact of their activities.

2.2 Evidence base

2.2.1 Despite the measures listed above, there is growing concern about the challenges of coping with increased levels of visitors and the potential for threats to the qualifying features of the SAC. Should new homes continue to be built around the SAC this will result in more people living nearby who are likely to visit Burnham Beeches.

2.2.2 The impacts of recreational and urban growth at Burnham Beeches SAC have been subject to extensive research and a large body of work over previous years. To update and refresh this evidence with current visitor numbers, in the context of projected housing completions and future growth, a study was undertaken by Footprint Ecology. This aimed to examine the impacts of development at Burnham Beeches SAC and options for mitigation⁸. This study was informed by several visitor surveys including the following:

- The 2013 visitor survey of Burnham Beeches SAC involving face-to-face interviews with visitors (Liley, Floyd & Fearnley 2014);
- A further visitor survey involving face-to-face interviews and recording routes of visitors using GPS units (Panter & Liley 2016); and
- A visitor survey to inform the potential introduction of Public Space Protection (Panter & Liley] 2017).

2.2.3 The study used housing data based on the governments local housing need figures for the former Chiltern and South Bucks Council areas, these were informed by indicative and approximate assumptions by the Councils on housing supply and distribution. Footprint Ecology also included estimates of the level of growth from neighbouring authorities, Slough Borough Council, the Royal Borough of Windsor and Maidenhead and the former Wycombe District Council.

2.2.4 The study concluded that new housing that is located directly adjacent to the SAC will pose public access and disturbance risks. The visitor survey data shows that visitors living within 500 metres of the linear boundary of the SAC are much more likely to visit the SAC. For instance, the data demonstrates that one house within 500 metres of the SAC would be

expected to generate a similar number of visits to 57 homes located 4km from the SAC. To reduce risks and prevent further urbanisation around the periphery of the SAC, Footprint Ecology recommend that there should be a presumption against residential development within 500 linear metres of the SAC boundary. This 500 metre zone is shown Figure 2.1.

- 2.2.5 Drawing on the visitor surveys set out above, Footprint Ecology used postcode data to derive a zone of influence within which future increases in housing would be expected to result in increased public access and disturbance pressure at Burnham Beeches SAC. The 75th percentile (i.e. the distance within which 75% of interviewees lived) from the interview data provides a good measure of a potential overall zone of influence. This has been used widely at other European sites to define a zone of influence within which additional development will be likely to result in increased levels of access. Application of the 75th percentile to the plotted postcode data obtained from the visitor surveys provided a zone of influence of 5.6 kilometres for the Burnham Beeches SAC. This zone represents the core area around the SAC where increases in the number of residential properties will require HRA and mitigation measures to avoid adverse effects on the integrity of the SAC from the cumulative impacts of development. The 5.6 kilometres zone of influence is shown on Figure 2.1.
- 2.2.6 Buckinghamshire Council stresses that the Footprint Ecology report does not apply as evidence for the preparation of Local Plans or other documents for Slough or Windsor and Maidenhead Councils. These Councils prepare their own evidence and liaise independently with the government's conservation bodies. For clarity the 5.6 kilometres zone also does not apply to Slough Borough Council or the Royal Borough of Windsor and Maidenhead. It also does not apply to the former Wycombe District Council area which now forms part of Buckinghamshire Council. This is because the former council agreed its own avoidance and mitigation measures with the government's conservation advisors.
- 2.2.7 Slough Borough Council is working with Natural England to agree suitable mitigation to protect the SAC through the implementation of measures within the Borough in connection with the assessment of planning applications and drafting Development Plan policy and guidance.

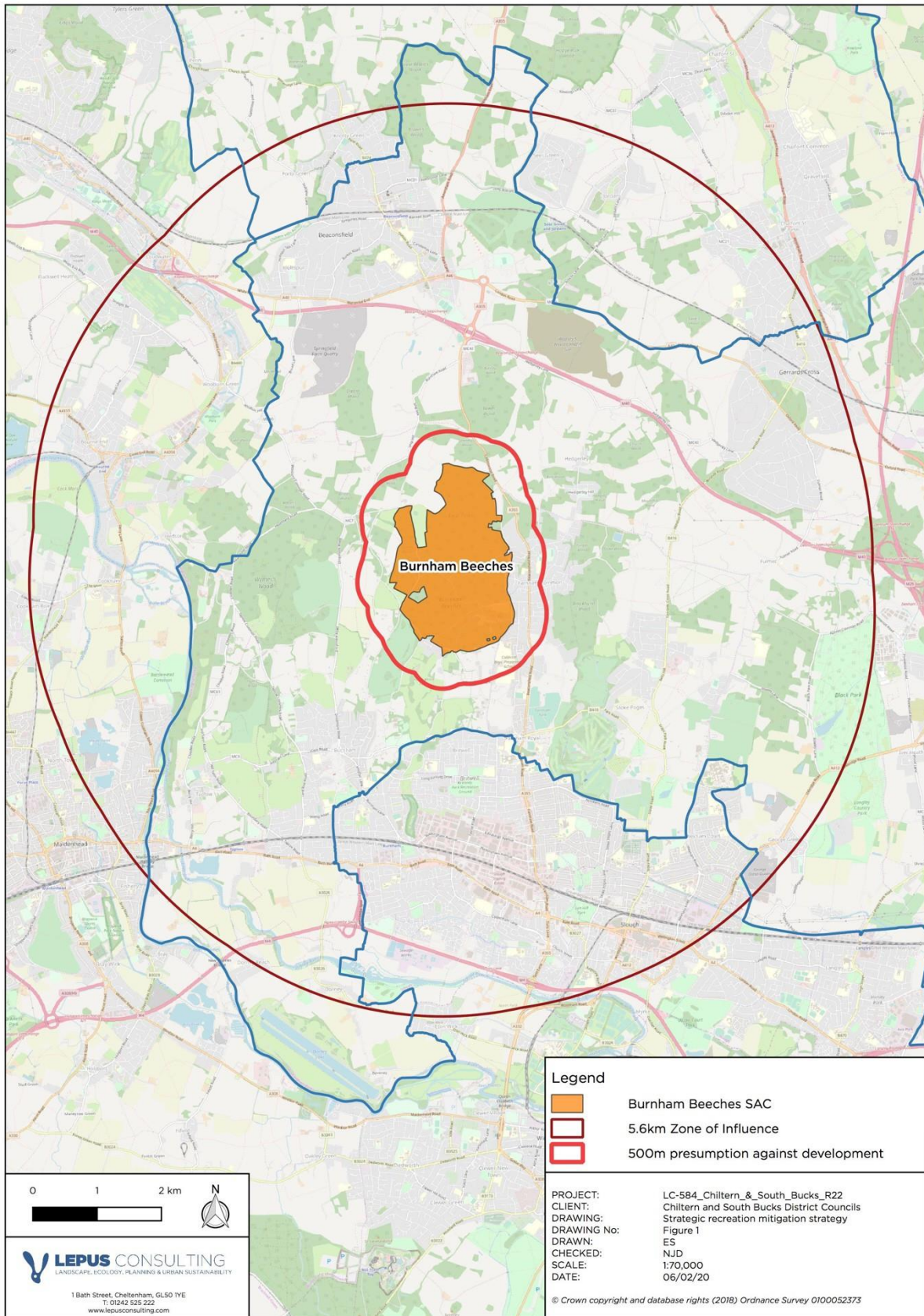


Figure 2.1: Zones of influence around Burnham Beeches SAC

3 Burnham Beeches SAC Mitigation Strategy

3.1 Introduction

3.1.1 The Burnham Beeches SAC lies entirely within the south Buckinghamshire planning area.

3.1.2 This mitigation strategy is intended to address both the requirement to avoid or mitigate adverse impacts on the integrity of Burnham Beeches SAC to prevent further deterioration of the SAC features as a result of public access and disturbance.

3.1.3 The strategy seeks to provide mitigation for the duration of the impact (in perpetuity, which is taken as 80 years) in line with the Habitats Regulations. Throughout this period, strategic reviews will take place every five years, or more frequently if changes to legislation or evidence necessitate.

3.1.4 The Burnham Beeches SAC Mitigation Strategy applies to the east and south Buckinghamshire planning areas and comprises of two components:

- Presumption against residential development within 500 linear metres of the Burnham Beeches SAC boundary (south planning area); and
- Financial contributions (set out in Table 3.1) from all net new residential development within 500 metres – 5.6 linear kilometres from the Burnham Beeches SAC boundary towards the Strategic Access Management and Monitoring Strategy at Burnham Beeches SAC (south and east planning areas).

3.2 Presumption against development

3.2.1 The Footprint Ecology report recommends that there is a presumption against development within a zone of 500 metres of the linear boundary of the SAC. This is recommended, in common with other European sites, to provide more certainty that the cumulative impacts from recreation cannot be mitigated successfully and would have a likely significant effect on the SAC.

- 3.2.2 Taking this forward for the determination of planning applications the Council's standard Appropriate Assessment for this 500 metres zone provides for this presumption against any net new homes. See Appendix 1 (a) for this Appropriate Assessment.
- 3.2.3 The Footprint Ecology report recommends that any net new homes within the 500 metres to 5.6 kilometres boundary zone of the SAC needs to mitigate the likely significant effects of the development. This is recommended, in common with other European sites, to provide more certainty that the cumulative impacts from recreation can be mitigated successfully and result in a marked reduction in the risk to the SAC.
- 3.2.4 Taking this forward for the determination of planning applications the Council's standard Appropriate Assessment for net new homes within the 500 metres to 5.6 kilometres zone requires a financial contribution to the mitigation strategy set out in table 3.1 of this Supplementary Planning Document. See Appendix 1 (b) for this Appropriate Assessment.
- 3.2.5 If the contribution is not agreed by the applicant and the applicant cannot satisfy the Council and Natural England that their alternative would have the same or better mitigation success than the Council's mitigation strategy, then the Council's standard Appropriate Assessment attached as Appendix 1 (c) applies.
- 3.3 Strategic Access Management and Monitoring Strategy**
- 3.3.1 The intention of the Strategic Access Management and Monitoring Strategy is to directly manage and avoid impacts at source and educate visitor behaviour when visiting the SAC.
- 3.3.2 The Strategic Access Management and Monitoring Strategy consists of six projects as set out in Table 3.1. Table 3.1 provides a description and cost of the projects. These costs are in perpetuity for 80 years - 2020/21 – 2100/2101. Each of these projects are costed on the best available information and evidence in consultation with the City of London Corporation who manage the majority of the visited areas of the SAC.

- 3.3.3 The projects detailed in Table 3.1 have been designed to mitigate the likely scale of development that will come forward within the 500 metres to 5.6 kilometres zone. Strategic Access Management and Monitoring Strategy projects will need to be reviewed to ensure that they remain fit for purpose.

Table 3.1: Strategic Access Management and Monitoring Strategy projects and costs

Project Description	Unit Cost	Frequency	Funding Duration (prices provided in perpetuity based on 80 years)	Occurrence over 80 years	Total Cost	Rationale and justification
Project 1: Provision of electronic interpretation	£17,000.00	Once every 10 years	2020/21 - 2100/01	8	£136,000.00	<ul style="list-style-type: none"> ➤ Bespoke interpretation to help visitors during their visit to better understand the consequences of their actions. Information will be linked electronically to visitor location. This will allow visitors to understand the areas within which they are walking. For instance, information will be provided to indicate 'dog on lead' areas or sensitive trees etc. ➤ This is an area where there is currently no provision but where future provision is required to mitigate additional impacts from Local Plan development.
Project 2: Events and promotion of activities aimed specifically at raising public awareness of recreation pressure and	£2,800.00	Annually	2020/21 - 2100/01	80	£224,000.00	<ul style="list-style-type: none"> ➤ Targeted Visitor events to improve visitor understanding of the pressures at Burnham Beeches and how these can be mitigated. ➤ Suitable events might include those aimed at dog owners or more general open days to explain the importance of the nature reserve and the work carried out to manage it. ➤ Prices assume one large or two smaller

Project Description	Unit Cost	Frequency	Funding Duration (prices provided in perpetuity based on 80 years)	Occurrence over 80 years	Total Cost	Rationale and justification
alternative places to visit. This project will be implemented by additional Ranger resource (see Project 3).						events per year. ➤ Costs are based on similar events hosted at Burnham Beeches and other local sites managed by the City of London Corporation.
Project 3: SAC Engagement Ranger/SAC Ambassador (new member of staff).	£52,118.00	Annually	2020/21 - 2100/01	80	£4,169,440.00	➤ Ranger post to raise awareness of visitor impacts, including help with enforcement of Public Space Protection Orders, promotion of sustainable transport, responsible dog ownership, impact of recreation activities on wildlife to manage additional impacts from Local Plan development. ➤ This role may include community outreach, to schools and local events.

Project Description	Unit Cost	Frequency	Funding Duration (prices provided in perpetuity based on 80 years)	Occurrence over 80 years	Total Cost	Rationale and justification
						<ul style="list-style-type: none"> ➤ This role will also ensure engagement with volunteers to help raise awareness of visitor impacts with additional visitor numbers from Local Plan. ➤ Costs are based on a full- time ranger. Note: full time ranger costs are based on Grade C post within City of London Corporation including all employee related costs e.g. uniform, training etc.
<p>Project 4:</p> <p>Visitor surveys (numbers & visitor activities).</p>	<p>£10,000.00</p>	<p>Every 10 years</p>	<p>2020/21 - 2100/01</p>	<p>8</p>	<p>£80,000.00</p>	<ul style="list-style-type: none"> ➤ Visitor surveys will be undertaken to determine the total number of visitors and visitor use. This will target the additional visitor expected to be generated by development set out within the Local Plan. ➤ Surveys will help to inform future revisions of the mitigation strategy. ➤ Surveys will be delivered by external consultants. ➤ Practical work may be by staff, volunteers, or contractors.

Project Description	Unit Cost	Frequency	Funding Duration (prices provided in perpetuity based on 80 years)	Occurrence over 80 years	Total Cost	Rationale and justification
Project 5: Monitoring visitor impacts on soils and ecology of SAC.	£20,000.00	Every 10 years	2020/21 - 2100/01	8	£160,000.00	<p>A provisional list of surveys is as follows:</p> <ul style="list-style-type: none"> ➤ Lichen surveys. ➤ Soil surveys (including soil analysis). ➤ Beech tree condition assessments (include chlorophyll fluorescence). ➤ Fixed-point photographs to monitor main erosion areas and areas of concern. ➤ Surveys will be delivered by external consultants. ➤ Practical work may be by staff, volunteers, or contractors. ➤ Surveys will be reported upon in a 10 yearly monitoring report.
Project 6: Production of access plan / carrying capacity study	£15,000	1	2020/21 – 2021/22	1	£15,000.00	<ul style="list-style-type: none"> ➤ Produce visitor access strategy for Burnham Beeches including an assessment of visitor carrying capacity.
Total for 80 years					£4,784,440.00	

Strategic Access Management and Monitoring Strategy		Mitigation Total		Projected number of new homes	Cost to each Home
		Total	£4,784,440.00	2,364	£2,023.87
P1	£136,000.00				
P2	£224,000.00				
P3	£4,169,440.00				
P4	£80,000.00				
P5	£160,000.00				
P6	£15,000.00				

4 Implementation and Review

4.1 Implementation

4.1.1 All net new homes granted planning permission from 1 March 2020 will need to contribute towards the Strategic Access Management and Monitoring Strategy Projects listed in Table 3.1 or as superseded. The developer of each net new home is required to pay the Council, through a Section 106 agreement (in addition to any Community Infrastructure Levy payment and fees), a financial contribution to support the implementation of projects in Table 3.1. The Council will pass on these contributions to the City of London Corporation for the sole purpose of implementing these or successor Strategic Access Management and Monitoring Strategy projects for the Burnham Beeches SAC.

4.1.2 The sums of monies secured by way of a Section 106 legal obligation will be subject to an inflation related clause. 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 or other Section 106 requirements.

4.2 Review and Monitoring

4.2.1 It is important to recognise that the costs provided in Table 3.1 are taken from a base year of 2020. Consequently, the costs will be updated on 1 April each year to take account of inflation. Build costs will be based on the Construction Output Price Indices published by the Office for National Statistics. Staff and consultancy costs will be based on any annual wage increase proposed by the City of London Corporation, changes to on-costs as a result for changes in nationally set levels of employer contributions for National Insurance purposes, and Consumer Price Index for consultancy costs.

4.2.2 Monitoring of the Strategic Access Management and Monitoring Strategy projects and further visitor surveys have been identified within the costings set out in Table 3.1 above.

- 4.2.3 As noted in paragraph 3.3.3 the Mitigation Strategy will be reviewed every five years, or more frequently should circumstances require. This will ensure that the Strategic Access Management and Monitoring Strategy projects listed in Table 3.1 remain appropriate and fit for purpose to mitigate the impact of public access and disturbance threats at Burnham Beeches SAC and ensure that site integrity is maintained.

Glossary

Appropriate Assessment – An assessment, required under the Habitats Directive, if a plan or project is judged as likely to have a significant effect on a Natura 2000 site.

Community Infrastructure Levy – This a planning charge, introduced by the Planning Act 2008 as a tool for Local Authorities in England and Wales to help deliver infrastructure to support the development of their plan area.

Competent Authority – The decision maker under the Habitats and Species Regulations 2017 (as amended), often the local authority, but can be the planning inspector or other bodies responsible for assessing the plan or project.

Core Strategy – Is local plan that forms part of the development plan system set out in the Town and County Planning Act 1990 and subsequent amending legislation.

National Planning Policy Framework – This is a document that sets out the government’s framework for planning policy in England. It guides planning decisions and sets the framework to produce planning documents at the local level.

European sites / Natura 2000 sites – A network of ecological sites across Europe (Special Area of Conservation [SAC] and Special Area of Protection [SPA] established under the Habitats Directive to provide protection to core breeding areas, resting sites for rare and threatened species and some rare natural habitat types.

Special Area of Conservation (SAC) – Sites designated under the Habitats Directive for the conservation purposes of particular habitats and species of interest.

Strategic Access Management and Monitoring Strategy (SAMMS) – Overseen by the City of London Corporation, implements SAMMS projects using financial contributions paid by local authorities.

Supplementary Planning Document – A planning document produced at the local level to build upon and provide more detail, advice, or guidance on local policies.

Appendix 1 (a)

Appropriate Assessment – Less than 500 metres

Application Ref. XXXX Proposal: XXXX

Summary

Buckinghamshire Council, as Local Planning Authority, has carried out a Habitats Regulations Assessment (Habitats Regulations Assessment) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (BB SAC). The Habitats Regulations Assessment screened in recreational disturbance from net new homes as having a likely significant effect on the integrity of the conservation purposes of the BB SAC. The Habitats Regulations Assessment sets out what development is likely to have significant effects on the integrity of the conservation objectives of the BB SAC. It concluded that any net new homes within 500 metres of the boundary BB SAC should be avoided. It also concluded that any net new homes between 500 metres and 5.6 kilometres of the BB SAC need to be mitigated. The conclusions of this Habitats Regulations Assessment can help inform the individual Appropriate Assessments of Planning Applications and Permitted Development.

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

Evidence from the Council's Consultants Footprint Ecology has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence.

Using this evidence, Buckinghamshire Council's Habitats Regulations Assessment determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance.

Natural England (NE), the Government's conservation advisor, support the findings in the Habitats Regulations Assessment.

Appropriate Assessment of Planning Application reference number XXXX

1. The Conservation of Habitats and Species Regulations (2017)

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations (2017), a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stages 1-3 Screening for Likely Significant Effects

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Burnham Beeches Special Area of Conservation (BB SAC). The potential likely significant effects on the integrity of the BB SAC is from recreational disturbance. A net increase in homes is likely to result in additional visits to the BB SAC with consequential erosion and pollution within the BB SAC.

At this stage Buckinghamshire Council cannot rule out the likely significant effects on the BB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies within 500 metres of the boundary of the BB SAC and represents a net increase in homes within a zone which will lead to an increase in local population and a likely increase in recreational disturbance within the SAC.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 4 Appropriate Assessment - 500 metres or less from the BB SAC boundary.

Based on the information proposed by the applicant, Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out.

Buckinghamshire Council considers that that the likely significant effects of proposals within a 500 metre linear distance of the BB SAC boundary zone are so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. The Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SAC which cannot be mitigated with the result that the Council would be required to refuse this planning application.

The application must be refused using the following reason for refusal.

5. Reasons for Refusal

The Council considers that that the likely significant effects of the proposal within a 500 metre linear distance of the BB SAC boundary zone are so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance.

Appendix 1 (b)

Appropriate Assessment – Developer Will Pay
Application Ref. XXXX Proposal: XXXX**Summary**

Buckinghamshire Council, as Local Planning Authority, has carried out a Habitats Regulations Assessment (Habitats Regulations Assessment) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (BB SAC). The Habitats Regulations Assessment screened in recreational disturbance from net new homes as having a likely significant effect on the integrity of the conservation purposes of the BB SAC. The Habitats Regulations Assessment sets out what development is likely to have significant effects on the integrity of the conservation objectives of the BB SAC. It concluded that any net new homes within 500 metres of the boundary BB SAC should be avoided. It also concluded that any net new homes between 500 metres and 5.6 kilometres of the BB SAC need to be mitigated. The conclusions of this Habitats Regulations Assessment can help inform the individual Appropriate Assessments of Planning Applications and Permitted Development.

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

Evidence from the Council's Consultants Footprint Ecology has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence.

Using this evidence, Buckinghamshire Council's Habitats Regulations Assessment determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance. It also determined that net new homes within a linear distance between 500 metres and 5.6 kilometres of the BB SAC's boundary would need to be mitigated.

The Habitats Regulations Assessment concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 5.6 kilometres zone, would have a significant likely effect on the conservation features of the BB SAC and that such applications and permitted development can only be permitted if the applicant enters in to a legal agreement with Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy.

Natural England (NE), the Government's conservation advisor, support the findings in the Habitats Regulations Assessment.

Appropriate Assessment of Planning Application reference number XXXX

1. The Conservation of Habitats and Species Regulations (2017)

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations (2017) a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stages 1-3 Screening for Likely Significant Effects

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Burnham Beeches Special Area of Conservation (BB SAC). The potential likely significant effects on the integrity of the BB SAC is from recreational disturbance. A net increase in homes is likely to result in additional visits to the BB SAC with consequential erosion and pollution within the BB SAC.

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the BB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies between 500 metres and 5.6 kilometres of the boundary of the BB SAC and represents a net increase in homes within this zone which will lead to an increase in local population and a likely increase in recreational disturbance within the SAC.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 4 Appropriate Assessment 500 metres or more to 5.6 kilometres.

Based on the information proposed by the applicant, Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal can reduce adverse effects.

The Council considers that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres from the BB SAC boundary provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council.

a. Fees and Mitigation

For this proposal the following apply:

- Buckinghamshire Council List of Fees and Charges (Fees)
- Strategic Access Management and Monitoring Strategy (SAMMS)

If paid, the project as proposed would not adversely affect the integrity of the BB SAC.

Legal Fees

To cover Buckinghamshire Council's reasonable legal costs and disbursements incurred in connection with the Unilateral Undertaking and the Council's Monitoring Fee.

The monitoring fee is £541.02 and the legal costs will be determined on a case by case basis.

Strategic Access Management and Monitoring Strategy Contribution

The development will be required to make a contribution towards the SAMMS. SAMMS includes projects for visitor access management, monitoring and education measures on the BB SAC to mitigate the effects of new development on it.

A contribution to the SAMMS of £2,023.87 is required for each net home.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.

Buckinghamshire Council considers, following consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC, pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

Provided that the applicant has entered into a Unilateral Undertaking to secure legal and SAMMS fees, the planning application will be in accordance with the SAC mitigation requirements.

Appendix 1 (c)

Appropriate Assessment – **Developer Will NOT Pay**

Application Ref. XXXX Proposal: XXXX

Summary

Buckinghamshire Council, as Local Planning Authority, has carried out a Habitats Regulations Assessment (Habitats Regulations Assessment) for net new homes in proximity to the Burnham Beeches Special Area of Conservation (BB SAC). The Habitats Regulations Assessment screened in recreational disturbance from net new homes as having a likely significant effect on the integrity of the conservation purposes of the BB SAC. The Habitats Regulations Assessment sets out what development is likely to have significant effects on the integrity of the conservation objectives of the BB SAC. It concluded that any net new homes within 500 metres of the boundary BB SAC should be avoided. It also concluded that any net new homes between 500 metres and 5.6 kilometres of the BB SAC need to be mitigated. The conclusions of this Habitats Regulations Assessment can help inform the individual Appropriate Assessments of Planning Applications and Permitted Development.

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

Evidence from the Council's Consultants Footprint Ecology has concluded that likely significant effects on the integrity of the BB SAC from recreational disturbance would derive from a net increase in new homes within a linear distance of 5.6 kilometres from the boundary of the BB SAC. The disturbance is from additional human and dog presence.

Using this evidence, Buckinghamshire Council's Habitats Regulations Assessment determined that the likely significant effects within a 500 metre linear distance of the BB SAC boundary zone were so likely to harm the integrity of the conservation purposes of the BB SAC that net new homes should be avoided as it would not be possible to mitigate the impacts from the recreational disturbance. It also determined that net new homes within a linear distance between 500 metres and 5.6 kilometres of the BB SAC's boundary would need to be mitigated.

The Habitats Regulations Assessment concluded that Planning Applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 5.6 kilometres zone would have a significant likely effect on the conservation features of the BB SAC and that such applications and permitted development can only be permitted if the applicant enters into a legal agreement with Buckinghamshire Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy. Natural England (NE), the Government's conservation advisor, support the findings in the Habitats Regulations Assessment.

Appropriate Assessment of Planning Application reference number XXXX

1. The Conservation of Habitats and Species Regulations (2017)

In accordance with Regulation 63 of The Conservation of Habitats and Species Regulations (2017), a competent authority (in this case Buckinghamshire Council), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site... (either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as Buckinghamshire Council may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Buckinghamshire Council must, for the purposes of the assessment, consult the Conservation Body, NE, and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), Buckinghamshire Council may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, Buckinghamshire Council must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stages 1-3 Screening for Likely Significant Effects

Buckinghamshire Council accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Burnham Beeches Special Area of Conservation (BB SAC). The potential likely significant effects on the integrity of the BB SAC is from recreational disturbance. A net increase in homes is likely to result in additional visits to the BB SAC with consequential erosion and pollution within the BB SAC.

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the BB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies between 500 metres and 5.6 kilometres of the boundary of the BB SAC and represents a net increase in homes within this zone which will lead to an increase in local population and a likely increase in recreational disturbance within the SAC.

As the likely significance effect cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 4 Appropriate Assessment

500 metres or more to 5.6 kilometres

Based on the information proposed by the applicant, Buckinghamshire Council must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal can reduce adverse effects.

The Council considers that the Strategic Access Management and Monitoring Strategy (SAMMS) which has been agreed with Natural England is robust and capable of mitigating the likely significant effects of the proposal over 500 metres and up to 5.6 kilometres provided the proposal pays a contribution towards the Strategic Access Management and Monitoring Strategy and legal fees to the Council. The SAMMS is attached as Appendix 1.

a. Fees and Mitigation

For this proposal the following apply:

- Buckinghamshire Council List of Fees and Charges (Fees)
- Strategic Access Management and Monitoring Strategy (SAMMS)

If paid, the project as proposed would not adversely affect the integrity of the BB SAC.

Legal Fees

To cover Buckinghamshire Council's reasonable legal costs and disbursements incurred in connection with the Unilateral Undertaking and the Council's Monitoring Fee.

The monitoring fee is £541.02 and the legal costs will be determined on a case by case basis.

Strategic Access Management and Monitoring Strategy Contribution

The development will be required to make a contribution towards the SAMMS. SAMMS includes projects for visitor access management, monitoring and education measures on the BB SAC to mitigate the effects of new development on it.

A contribution to the SAMMS of £2,023.87 is required for each net home.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SAC with the result that the Council would be required to refuse this planning application.

Buckinghamshire Council considers, following consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

Conclusion

Provided that the applicant has entered in to a Unilateral Undertaking to secure legal and SAMMS fees the planning application will be in accordance with the SAC mitigation requirements.

If the applicant does not agree with the above mitigation and enter into a Unilateral Undertaking to secure the mitigation, and has not provided an alternative agreeable to the Council and Natural England then the application must be refused using the following reason for refusal.

5. Reasons for Refusal

The occupants of the proposal would add to the recreational disturbance of the Burnham Beeches Special Area of Conservation as the proposal would not contribute satisfactorily to mitigate its impacts in this respect. In the absence of a legal obligation to secure suitable strategic access management and monitoring, to the satisfaction of the Local Planning Authority, the proposal would be contrary to the findings of the appropriate assessment.

Simon Meecham MRTPI