



# **Chiltern Beechwoods Special Area of Conservation Frequently Asked Questions**

**November 2022**



## **1. Why has the Council issued these Frequently Asked Questions?**

The council, as 'competent authority', has prepared this document to help you understand changes to the application process in relation to parts of the north, central and east planning committee areas.

[View the Buckinghamshire Area Planning Map](#)

Habitat Regulations Assessment will now be required, under the Habitats and Birds Directive, for any development which results in an additional home(s) within the Chiltern Beechwoods Special Area of Conservation. The Zones of Influence can be seen in figures 1 and 2 below and can be found on the [Dacorum Borough Council Site Map](#).

The Frequently Asked Questions apply to those planning applications which are likely to result in an increased recreational pressure. This document only applies to land within the administrative area of Buckinghamshire Council.

## **2. What is the Chilterns Beechwoods Special Area of Conservation?**

The Special Area of Conservation is an internationally recognised designation with habitats and species of significant ecological importance. The Chiltern Beechwoods Special Area of Conservation comprises of nine separate sites in the Chiltern Hills across three counties.

The relevant sites in Buckinghamshire are the Ashridge Commons and Woods Sites of Special Scientific Interest. These cover an area of 2,000 hectares of which 30% lies within Buckinghamshire.

The main qualifying features of the Special Area of Conservation are:

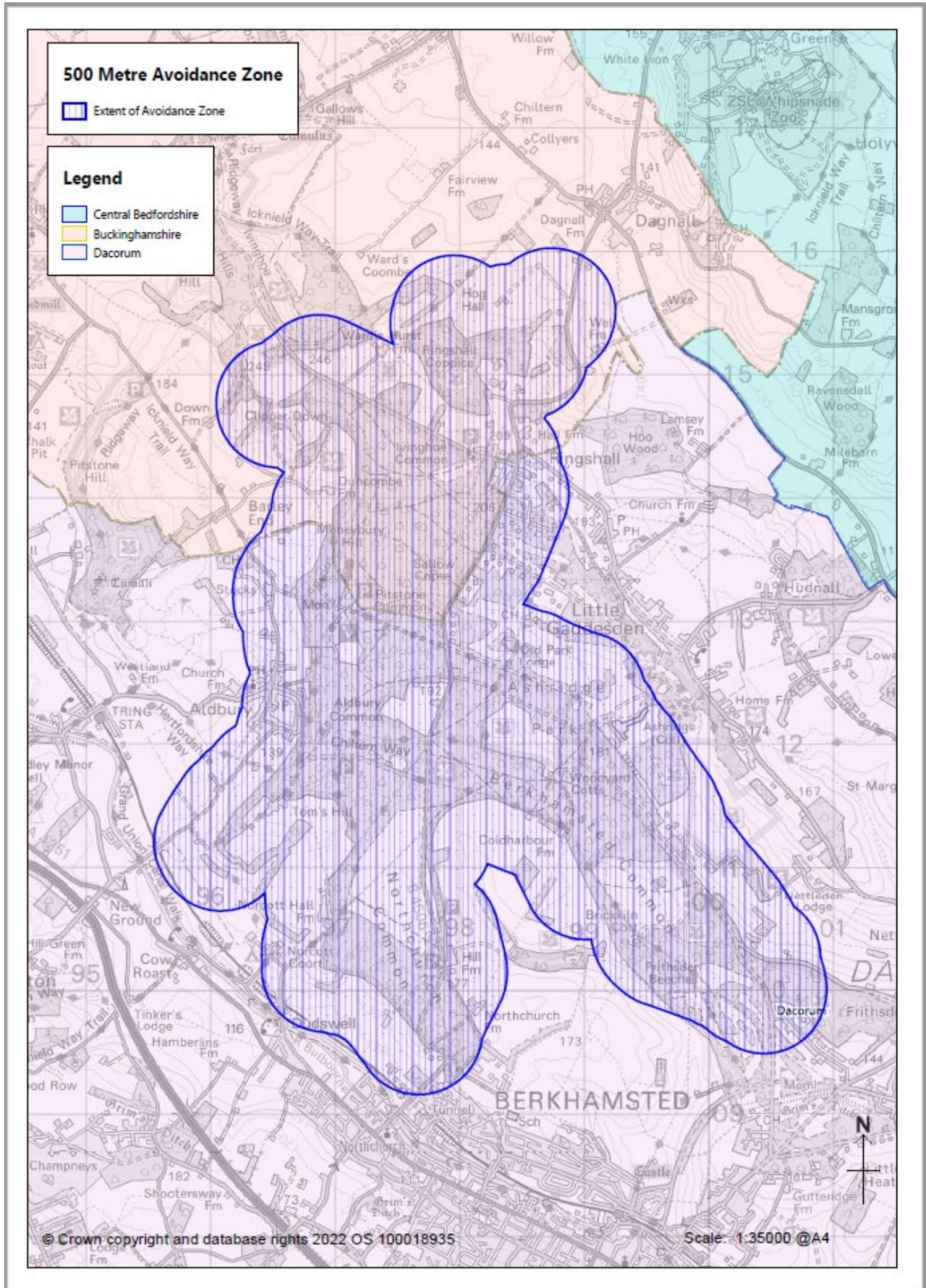
- beech forests on neutral to rich soils;
- semi-natural dry grasslands and scrub on chalk; and
- stag beetle population.

The location of the Special Area of Conservation within the Ashridge Commons and Woods Site of Special Scientific Interest is presented in Figures 1 and 2 below.

The forests form part of the most extensive area of native beech woodland in England and contain several notable and rare plants. The stag beetle is the country's largest terrestrial beetle and is of international importance. The Special Area of Conservation also has a unique character which draws visitors from a wide catchment. The designation provides the highest level of protection to ensure the integrity of the site is protected.



Figure 2: 500 metres Zone of Influence for Avoidance



### **3. What is the relevant evidence?**

A Habitats Regulation Assessment is required to assess if a plan or project could have significant effects on the qualifying features of a Special Area of Conservation. Dacorum Borough Council, a neighbouring authority, is in the process of producing a new Local Plan. As part of the ongoing work on the preparation of their Local Plan, Dacorum Borough Council was required to undertake a Habitats Regulations Assessment to understand the impacts that current and planned future growth may have on sites designated under the Habitats and Birds Directive.

A screening exercise (stage 1 of the Habitats Regulations Assessment) undertaken by Dacorum Borough Council, has identified that an increase in recreational disturbance will derive from an increase in housing numbers; and that this disturbance would have likely significant effects on parts of the Chiltern Beechwoods Special Area of Conservation that are located within and on the edge of its Borough.

The evidence underpinning the likely significant effects identifies potential for mitigation solutions to overcome those likely significant effects within Zones of Influence from the Special Area of Conservation. These Zones of Influence extend into the administrative area of Buckinghamshire Council [see Frequently Asked Question number 4]. The main impacts of this recreational disturbance include trampling, which has led to the widening of footpaths, compacting soils and churning the ground along the most 'attractive' desire lines. Other disturbance includes mountain biking damage leading to exposed and damaged tree roots, den building, informal parking, and eutrophication from dog fouling.

### **4. How does this affect my application?**

The council is required by law under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), as amended, to ensure that there are no adverse effects on such designated sites. A precautionary approach is embedded in the Habitats Regulations that includes a necessity to demonstrate that impacts will not occur either through avoidance or mitigation. The Zones of Influence [See Frequently Asked Question 3] provide geographical areas within which the council will establish mitigation measures to overcome adverse effects from development.

The Zones of Influence are a 12.6 kilometres mitigation zone (from the boundary Ashridge Commons and Woods Site of Special Scientific Interest) and a 500-metre avoidance zone (from the boundary if the Ashridge Commons and Woods Site of Special Scientific Interest). These have been identified in Dacorum's Local Plan evidence base and endorsed by Natural England. Both zones extend into Buckinghamshire. The Zones of Influence identify the area where certain development would be expected to result in increased recreational pressure and impact the Chiltern Beechwoods Special Area of Conservation (see FAQ number 3). You can also view a [plan showing the affected area within Buckinghamshire](#).

## 5. What does this mean for my application?

The council will carry out an initial screening assessment of your application to decide whether the development will have a likely significant effect (either alone or in combination with other plans and projects) on the Special Area of Conservation. It will consider the nature, scale and location of the development and undertake any relevant review. This initial review will 'screen out' proposals that do not need further assessment under the Habitats Regulations. The council may need to seek the advice of Natural England at the screening stage.

Figure 1 (above) extends in to the council's north, central, west and east planning areas. This is due to the figure indicating a 12.6 kilometres Zone of Influence from the boundary of the Ashridge Commons and Woods Site of Special Scientific Interest. However, the evidence of visitor numbers from the west planning area is below the threshold that Natural England requires mitigation. Mitigation is therefore not currently required for planning applications in the west planning area for the Chilterns Beechwoods Special Area of Conservation.

## 6. Which applications are affected?

It will depend on the type of application that has been submitted.

As required under the Habitat Regulations, your application will be screened to identify if it will require further assessment for recreational pressure on the Special Area of Conservation. The restrictions will affect us issuing a decision where it would lead to additional recreational pressure. A summary table of the qualifying types of development are set out below:

<b>Development Type (Use Class)</b>	<b>Affected by the restrictions</b>
Student accommodation (C2)	Yes
Residential care homes and institutions (C2)	Yes
Dwelling houses (C3)	Yes
Houses in Multiple Occupations (HMOs) (C4)	Yes
Residential caravan sites	Yes
Permanent residential boat moorings	Yes
Gypsies, Travellers and travelling show people plots	Yes
Ancillary accommodation (such as a granny annex)	No, provided that the occupation of the ancillary accommodation is tied to that of the main dwelling
Replacement dwelling houses	No
Extensions to dwelling houses	No
Other (for example, cafes, shops, hotels, yurts, hostels in close proximity to the site). Some applications depending on their scale and location could lead to a significant impact on the Special Area of Conservation. Each case will need to be considered on its own merits	Potentially

The Habitat Regulations apply to consents or permissions which the applicant requires the council to give for the development to proceed. These include consents and permission for reserved matters and where the discharge of conditions is sought.

The types of application that are affected are set out below:

<b>Application type (where they include qualifying development)</b>	<b>Affected by the restrictions</b>
Full Planning Permission	Yes
Outline Planning Permission	Yes
Applications for Permission in Principle and Technical Details Consent	Yes
Applications for reserved matters	Yes
Applications for prior approval / permitted development Rights	Yes
Applications subject to appeal	Yes
Applications under s73 of The Town & Country Planning Act 1990 (as amended), where construction works have not yet started	Yes
Applications where there is a resolution to grant planning permission but where a formal decision has not been issued (for example subject to satisfactory completion of a legal agreement)	Yes
Discharge of Pre-Commencement conditions that go to the heart of the planning permission and must be discharged in order to lawfully implement the planning permission	Yes
Applications under s96A of the Town and Country Planning Act 1990 (as amended)	No
Lawful Development Certificate  Some Lawful Development Certificate applications, where they are reliant on an extant planning permission or relating to implementation of a pre- 1 April 2005 planning permission	Potentially

## **7. Why is the decision on my application being delayed at this current time?**

The evidence produced in support of the emerging Dacorum Borough Local Plan identifies



adverse effects on the integrity of the Special Area of Conservation. The evidence is that certain types of development will lead to an increase in visitor numbers using Ashridge Commons and Woods Special Site of Scientific Information and Tring Woodlands Special Site of Scientific Information.

The Habitats Regulations are clear that development proposals must not give rise to adverse effects on the integrity of the Special Area of Conservation either alone or in combination with other plans or development proposals. If it is likely, or even where it is uncertain that a significant adverse effect will occur, then measures must be secured to either avoid or mitigate the impact. If it is not possible to avoid or mitigate an adverse impact, then planning permission will be refused.

The council is prioritising the preparation of a mitigation strategy working with partner organisations. In line with steps taken on other designated sites in England, this requires us to identify and implement mitigation measures in perpetuity.

The council will continue processing planning applications however it will not be able to issue decisions on such applications, until acceptable mitigation strategies to manage the recreational pressures and adverse effects of new development on the Special Area of Conservation have been identified. Acceptable mitigation will need to be secured by legal agreement.

While strategies for mitigation and avoidance are put in place Planning Officers will continue to work on those applications which are unable to be determined for reasons relating to Habitat Regulations Assessment, to ensure that delays are kept to a minimum. Applicants will be requested to agree extensions of time to cover this period, until a mitigation strategy is in place. Where there are fundamental issues in addition to the impact on the Special Area of Conservation, that are unable to be resolved then this is likely to **result in refusal of permission**.

## **8. What if my application lies within the 500 metres avoidance Zone?**

There is only a small area of the 500 metres avoidance zone which extends into the Buckinghamshire north planning committee area, as shown in Figure 2 (above).

If your application site lies within 500 metres of the Special Area of Conservation, the council considers that the likely significant effects of additional homes unlikely to be able to be mitigated. The evidence indicates that the effects of new development in close proximity to the Special Area of Conservation, within walking distance, is more likely to be of risk to the beechwoods through frequent use by residents. Residents within 500 meters are also unlikely to use suitable alternative green space in preference to the Special Areas of Conservation for recreational use.

Therefore, there is a presumption against any net increase of new homes or development that would result in a recreational pressure within 500 metres of the Special Area of Conservation. Unless it can be evidenced otherwise through your own shadow Habitats Regulations Assessment and the council agrees with you, the application will be refused.

## 9. What progress has the Council made?

The council has agreed the Strategic Access Management and Monitoring Strategy with Natural England and also its partner authorities, Dacorum Borough Council, St Albans City and District Council and Central Bedfordshire Council. It has been agreed with Natural England that both a financial contribution towards the Strategic Access Management and Monitoring Strategy and the provision of Suitable (or semi suitable) Alternative Natural Green Space will mitigate the likely significant adverse impacts of net new homes within the 12.6 kilometer Zone of Influence. Any financial contribution would be secured through a S106 bilateral or unilateral undertaking.

The financial contributions will go towards mitigation projects for the Chiltern Beechwoods Special Area of Conservation. Mitigation will include projects to avoid, reduce, or divert recreational pressures on the protected areas. These measures include financial contributions towards additional rangers, education, interpretation, physical work on sensitive sites and an access strategy. The projects will be subject to regular review by the council. There is also further technical work being carried out by Dacorum Borough Council in respect of air quality and hydrology impacts on those qualifying sites in the Habitats and Birds Directive. The impacts are not known at this stage, but Dacorum Borough Council has advised that these will be considered separately, require their own evidence bases, and if necessary, separate mitigation packages and modelled outputs.

The government has provided advice on the [Habitats Regulations Assessment process and protecting European sites](#) and [appropriate assessment](#).

Dacorum Borough Council have produced further information about the Chiltern Beechwoods Special Area of Conservation. See their [Chilterns Beechwoods SAC page](#) and [Chilterns Beechwoods SAC - Habitats Regulations Map \(arcgis.com\)](#).

## 10. When will the Council be able to issue a decision on my application?

The council is developing three measures to achieve mitigation:

- a Strategic Access Management and Monitoring Strategy which is a payment from each net new home to pay for projects that directly address the improvements required to restore the damage from recreational disturbance within the Ashridge Commons and Woods Site of Special Scientific Interest
- Suitable Alternative Natural Greenspace
- Gateway Suitable Alternative Natural Greenspace in partnership with the National Trust

### **Strategic Access Management and Monitoring Strategy**

In November 2022, the council agreed the Strategic Access Management and Monitoring Strategy with its partner authorities, Dacorum Borough Council, St Albans City and District Council, Central Bedfordshire Council and the government's conservation body Natural England.

### **Suitable Alternative Natural Greenspace**

As of November 2022, the council is in discussion with a number of developers, trusts, other local authorities and conservation bodies to secure the provision of Suitable Alternative Natural Greenspace.

For developments of 10 or more homes, specific Suitable Alternative Natural Green Spaces within the proximity of the site will need to be identified and provided. For developments of 9 or less homes (or equivalent) the council is seeking solutions for offsite Suitable Alternative Natural Green Space and has commissioned consultants to help it assess sites that may be capable of becoming mitigation hosts for Suitable Alternative Natural Green Space. This study should conclude this winter with host sites coming forward in 2023.

### **Gateway Suitable Alternative Natural Green Space**

The council is also in discussion with the National Trust for Gateway Suitable Alternative Natural Greenspace. A Gateway Suitable Alternative Natural Greenspace is one which is within the Ashridge Estate. Until the Gateway / Suitable Alternative Natural Green Space(s) are secured, the Habitats Regulation Assessment process will prevent the council making positive decisions on impacted development.

The council will expect its Local Plan allocations and windfall developments of ten or more homes to provide Suitable Alternative Natural Green Space on-site. If this cannot be achieved, applications may be refused unless a suitable site within proximity to the application site, can be found.

An applicant can choose to produce their own project level Habitats Regulations Assessment (or Shadow Habitats Regulations Assessment). It is considered that a Shadow Habitats Regulation Assessment will be unlikely to satisfy the council but there may be exceptional cases. These types of studies are normally costly and as such caution is advised on this approach.

When your application is pending determination, the council will need to agree an extension of time to cover this period, until a mitigation and avoidance strategy is put in place. The council are aware of the impact delays in decision making are having on customers and are working hard to deliver strategies at the earliest opportunity.

## **11. Can I appeal against the non-determination of my application?**

You can still exercise a right of appeal where it exists.

The Secretary of State, acting through the Planning Inspectorate, will usually be the body deciding whether to grant permission for an application that is appealed.

The Planning Inspectorate will be the 'competent authority' for the purposes of the Habitat Regulation Assessment and will be responsible for carrying out the appropriate assessment to inform that decision.

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