



## **Chiltern Beechwoods Special Area of Conservation**

### **Frequently Asked Questions**

**February 2024**

## 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:

<https://buckinghamshire.moderngov.co.uk/documents/s6882/BuckinghamshireAreaPlanningMap.jpg.pdf>

Habitats Regulations Assessment is required, under the Habitats and Birds Directive, for any development which results in additional home(s) within 12.6 kilometres of the boundary of the Ashridge Commons and Woods Site of Special Scientific Interest (which forms part of the Chiltern Beechwoods Special Area of Conservation). The 12.6 kilometres Zone of Influence can be seen in Figure 1 and can be found here: [Dacorum Borough Council Site Map](#). There is also a 500 metres Avoidance Zone of Influence from boundary of the Ashridge Commons and Woods Site of Special Scientific Interest. Here there is a presumption against any new homes. This can be seen in Figure 2 below.

These Frequently Asked Questions apply to those planning applications which are likely to result in 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 Chilterns Beechwoods Special Area of Conservation comprises of nine separate sites in the Chiltern Hills across three counties.

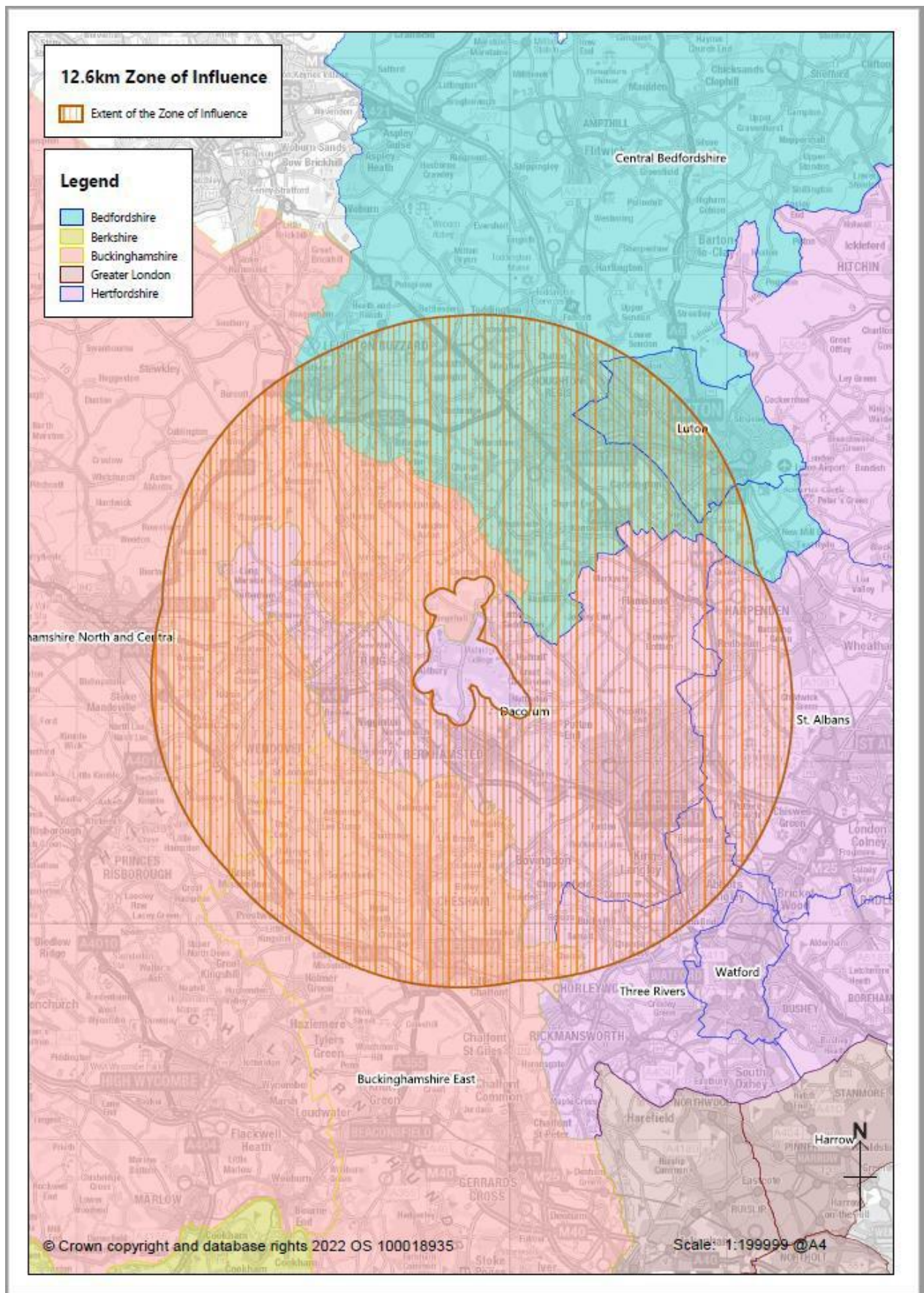
The relevant site in Buckinghamshire is the Ashridge Commons and Woods Sites of Special Scientific Interest. The main qualifying features of this Special Area of Conservation are:

- 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 covering 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 contains 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 1: 12.6 Kilometres Zone of Influence for Mitigation Measures







### **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 disturbances include 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 Frequently Asked Question number 3]. A plan showing the area within Buckinghamshire affected can be found here: [Dacorum Borough Council Site Map](#).

## 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 into 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 (e.g., granny annex)         | No *   |
| Replacement dwelling houses                          | No   |
| Extensions to dwelling houses                        | No   |
| Hotels**   | Potentially  |
| Other (e.g., cafes, shops and yurts)                 | Case by case basis if within 500m avoidance zone. No if outside 500m avoidance zone but within the 12.6 Zone of Influence. |

*\* Provided that the occupation of the ancillary accommodation is tied to that of the main dwelling*

*\*\* 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.*

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 *   | Potentially                         |

*\*Some Lawful Development Certificate applications, where they are reliant on an extant planning permission or relating to implementation of a pre- 1<sup>st</sup> April 2005 planning permission*

## **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 are 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?

Mitigation and avoidance measures are required for Ashridge Commons and Woods Site of Scientific Interest within the Special Area of Conservation. These measures comprise two separate mitigation solutions that all proposals outside the 500 metres avoidance zone will be required to provide:

1. financial contributions to improve site management through a Strategic Access Management and Monitoring (SAMM) involving access management and engagement work wholly within the boundary of the Ashridge Commons and Woods Site of Special Scientific Interest component of the Special Area of Conservation; and
2. either provision on site of, or financial contributions towards, Suitable Alternative Natural Greenspace (SANG) involving the provision of alternative recreation opportunities away from the Special Area of Conservation.

It has been agreed with Natural England that both solutions will be required to mitigate the likely significant adverse impacts of net new homes within the 12.6 kilometres Zone of Influence.

### 1. Strategic Access Management and Monitoring Strategy

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. Any financial contribution will be secured through a S106 bilateral agreement or unilateral undertaking. The Strategic Access Management and Monitoring Strategy is set out in the Statement of Common Ground for the Ashridge Commons and Woods Site of Special Scientific Interest which was prepared jointly between Dacorum Borough Council, Buckinghamshire Council, Central Bedfordshire Council and St. Albans City and District Council, to mitigate development within the 12.6 kilometres Zone of Influence. The strategy identifies the mitigation works required and the cost of the projects over 80 years. To implement the SAMM payments a Collaboration Agreement between the Councils set out in the Statement of Common Ground is being drafted to ensure the transfer of funds to the National Trust so that mitigation on the SAC can be implemented.

The council agreed the Statement of Common Ground on 4 November 2022 and the report can be found on the council's [Modern Gov website](#).

The total cost of Strategic Access Management and Monitoring as of 2022 is £18,275,510

This cost is to be apportioned between the four authorities:

Table 1

| Council Administrative Area                 | SAMMS apportionment | Cost per dwelling    |
|---|---------------------|----------------------|
| Dacorum Borough Council                     | £9,420,290          | £913.88 per dwelling |
| Central Bedfordshire Council                | £1,626,536          | £182.49 per dwelling |
| St. Albans City and District Council        | £212,123            | £828.61 per dwelling |
| Buckinghamshire Council (North and Central) | £6,998,025          | £566.23 per dwelling |
| Buckinghamshire Council (East)              | £18,536             | £87.03 per dwelling  |

The inflationary costs of these figures will be reviewed annually by the council.

The financial contributions will go towards mitigation projects Ashridge Commons and Woods component of 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.

## 2. Suitable Alternative Natural Greenspace

Considerable discussion has taken place with developers, trusts, other local authorities and conservation bodies to secure Suitable Alternative Greenspace(s) within the 12.6 kilometres zone of influence. This includes discussions with Natural England for a third strategic solution ‘Gateway SANGs’ in partnership with the National Trust. These sites have different criteria to SANG and fall within the close vicinity of the SAC.

The Council is confident that it will have certainty over the delivery of its first Suitable Alternative Natural Greenspace at Kingsbrook Meadow, Aylesbury by Spring 2024 with an anticipated reserved matters application due in March 2024. This will be subject to the necessary legal agreements being completed and planning permission being granted. All developments within the Zone of Influence for 9 dwellings or less can be mitigated within the Kingsbrook strategic SANG. Sites of 10 dwellings or over will be required to be within 5km catchment area of the Kingsbrook strategic SANG to be used for mitigation. Sites outside the 5km catchment will be required to make their own provision for bespoke SANG. We are also in discussion with landowner/developers regarding a further strategic SANG to the southern part of the 12.6km zone of Influence.

Work is being undertaken on Suitable Alternative Natural Greenspace capacity, qualifying criteria and allocations process, as well as the financial contribution. The Council acknowledges that it is further behind Dacorum Borough Council and Central Bedfordshire Council as it does not own any existing open space within the Zone of Influence capable of being upgraded to provide Suitable Alternative Natural Greenspace. It is currently exploring Suitable Alternative Natural Greenspace options with various partners. [Guidelines](#) for Suitable Alternative Natural Greenspace has been published (April 2023). An extract of the guidelines is below:

Planning weight will be given to those Suitable Alternative Natural Greenspaces meeting all the quality criteria below.

| Suitable Alternative Natural Greenspace |   |               |              |
|---|---|---------------|--------------|
|   | Criteria  | Current state | Future state |
| Essential                               |   |               |              |
| 1                                       | Parking on all sites larger than 4 hectares (unless the site is intended for use within 400 metres only). |               |              |

|   |   |  |  |
|---|---|--|--|
| 2                                       | Circular walk of 2.3-2.5 kilometres.                                      |  |  |
| 3                                       | Car parks easily and safely accessible by car and clearly sign posted.    |  |  |
| 4                                       | Access points suitably located for the intended visitors to the           |  |  |
| Suitable Alternative Natural Greenspace |   |  |  |
|   | Suitable Alternative Natural Greenspace.                                  |  |  |
| 5                                       | Safe access routes on foot from the nearest car park and/or footpath.     |  |  |
| 6                                       | Circular walk which starts and finishes at the car park.                  |  |  |
| 7                                       | Perceived as safe – no tree and scrub cover along the walking routes.     |  |  |
| 8                                       | Paths stable, well maintained and free draining but mostly unsurfaced.    |  |  |
| 9                                       | Perceived as semi-natural with little intrusion of artificial structures. |  |  |

|   |  |  |  |
|---|--|--|--|
| 10                                      | If larger than 12 hectares then a range of habitats are present.   |  |  |
| 11                                      | Access largely unrestricted – plenty of space for dogs to exercise freely and safely off the lead.                 |  |  |
| 12                                      | No unmitigated unpleasant  |  |  |
| Suitable Alternative Natural Greenspace |  |  |  |
|   | intrusions (e.g., sewage treatment smells etc.)  |  |  |
| Should have                             |  |  |  |
| 13                                      | Clearly sign posted or advertised in some way.   |  |  |
| 14                                      | Leaflets or website advertising their location to potential users  |  |  |
| Desirable                               |  |  |  |
| 15                                      | Dog owners able to take dogs from the car park to the Suitable Alternative Natural Greenspace safely off the lead. |  |  |
| 16                                      | Gently undulating topography.  |  |  |



|    |  |  |  |
|----|--|--|--|
| 17 | Access points with signage outlining the layout of the Suitable Alternative Natural Greenspace and routes available to visitors. |  |  |
| 18 | Naturalistic space with areas of open countryside and dense and scattered trees and shrubs. Provision of open                    |  |  |



- Gateway Site in partnership with the National Trust.

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

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 in November 2022.

### **Suitable Alternative Natural Greenspace**

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 agreed.

For developments of 9 or less homes (or equivalent) the council will seek financial contributions for offsite Strategic Suitable Alternative Natural Green Space within the Zone of Influence

Large sites are expected to make provision on site for their own bespoke Suitable Alternative Natural Greenspace solution and early discussion with the council and Natural England is encouraged through the relevant pre-application processes or use a strategic SANG where developments fall within the strategic SANG catchment area.

### **Gateway Site**

The council is also in discussion with the National Trust and Natural England for the provision of a 'Gateway' Site within the Ashridge Estate. The purpose of a Gateway is to create an attractive alternative to Ashridge that deflect users away from Monument Drive, reducing recreational pressures as a result..

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.