



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

### **Frequently Asked Questions**

**September 2025**

## 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>

This follows on from the Chiltern Beechwoods Special Areas of Conservation Mitigation Strategy referred to as the 'Mitigation Strategy', which has been approved by the Council as a requirement to meet the Habitats Regulations.

The Mitigation Strategy sets out in detail the requirement for a payment of a Strategic Access Management and Monitoring Strategy (SAMM) and provision of a Suitable Alternative Natural Greenspace (SANG) to mitigate development that results in an adverse impact on the Chiltern Beechwoods Special Area of Conservation.

Habitats Regulations Assessment is required, under the Conservation of Habitats and Species Regulations (2017), 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 on our online interactive [map](#).

There is also a 500 metres Avoidance Zone 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 and our online interactive [map](#).

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

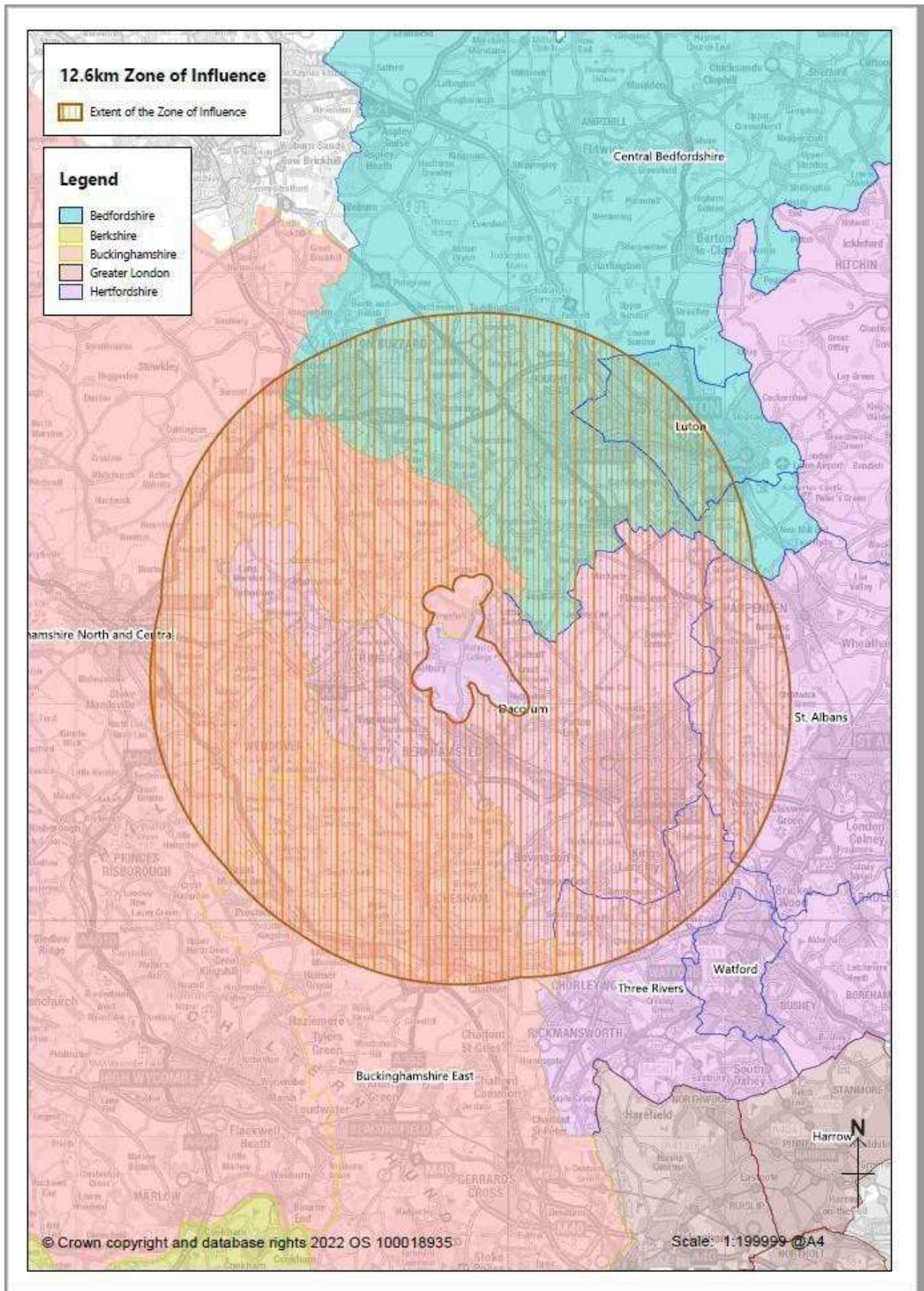
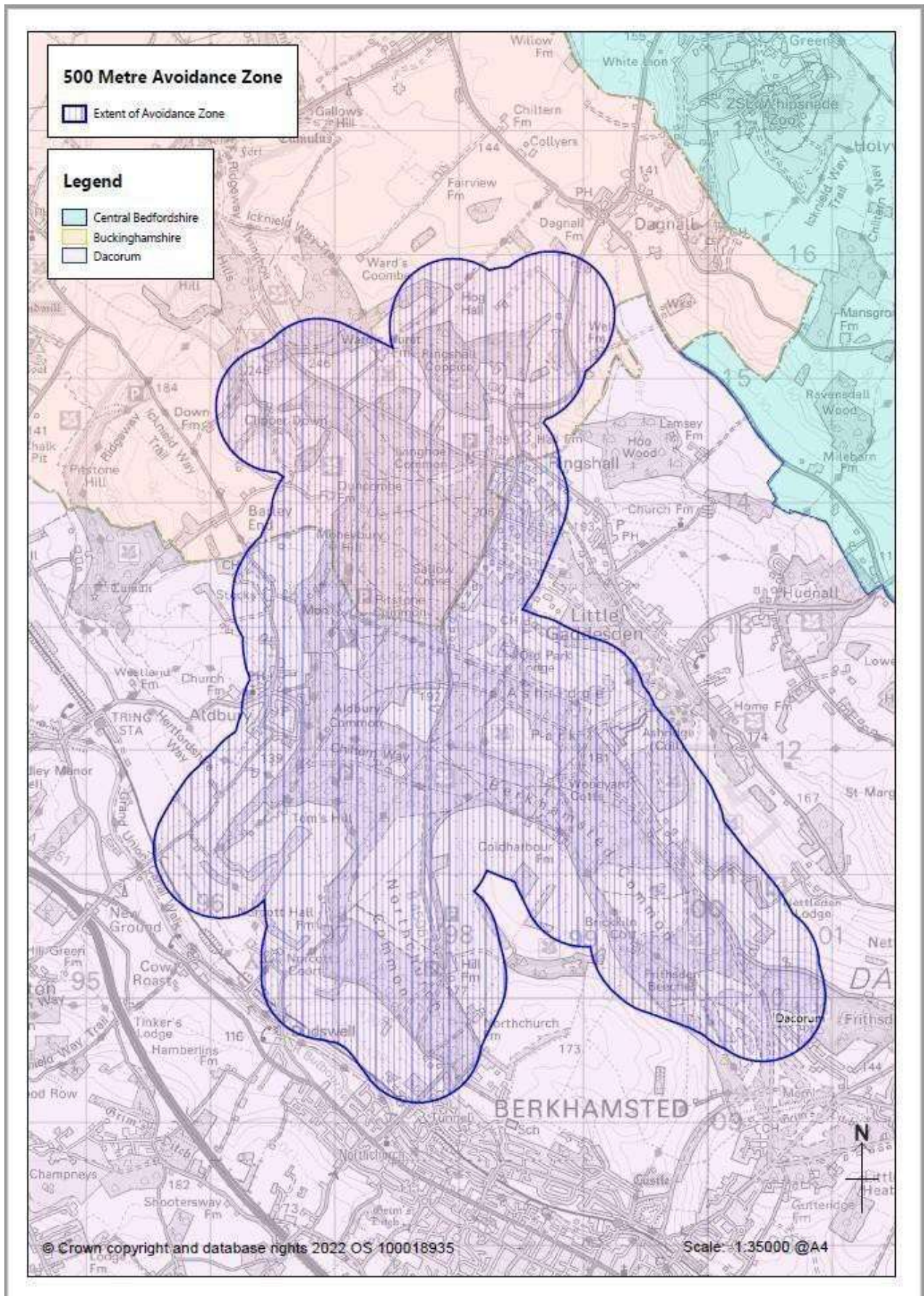


Figure 2: 500 metres Zone of Influence for Avoidance



### 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 HRA 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 has established mitigation measures to overcome adverse effects from development (see Buckinghamshire Chiltern Beechwoods SAC Mitigation Strategy).

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]. An online map showing the area within Buckinghamshire affected can be found [here](#).

#### **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 require an Appropriate Assessment to be carried out in order for a decision to be made on your planning application where it would lead to additional recreational pressure. A summary table of the qualifying types of development are set out below and identified in Table 2 of the Chiltern Beechwoods SAC Mitigation Strategy:

Development Types:

Use Type/Class	Screening Determination	
	500m Avoidance Zone	Zone of Influence
Dwelling Houses (C3) <i>Any net new additional dwellings</i>	Screened In	Screened In
Dwelling Houses (C3) <i>Extension or residential ‘Granny’ annexe</i>	<i>Case by Case Depends if it functions as a separate unit to the main dwelling.</i>	<i>Case by Case Depends if it functions as a separate unit to the main dwelling.</i>
Dwelling Houses (C3) <i>Replacement dwellings</i>	Screened Out	Screened Out
Residential Institutions (C2/C2A) <i>Accommodation and care to people in need of care, including Nursing Homes, hospitals and secure institutions</i>	<i>Case by Case Depends on the type of scheme proposed, the level of mobility of residents and potential for parking to be used by visitors to the SAC.</i>	<i>Case by Case Depends on the type of scheme proposed, the level of mobility of residents and potential for parking to be used by visitors to the SAC.</i>
Residential Institutions (C2) <i>School, college or training centre</i>	<i>Case by Case Depends on the type of scheme and its functional relationship to the SAC</i>	Screened Out
Hotels (C1) <i>A hotel, boarding or guest house</i>	<i>Case by Case Depends on offer and type of users expected</i>	<i>Case by Case Depends on offer and type of users expected</i>
House in Multiple Occupation (C4 / Sui Generis) <i>This also includes managed student accommodation.</i>	Screened In	Screened In

Holiday Dwellings (Sui Generis) <i>Self-contained holiday accommodation, caravan and touring holiday accommodation</i>	Screened In	Case by Case <i>Depends on offer and type of users expected</i>
Gypsy and Traveller Pitches (Sui Generis) <i>Net new pitches that are either temporary or permanent.</i>	Screened In	Screened In
Residential Boat Moorings ( )	Screened In	Screened In
Café/Shop/Visitor Centre/Museum ( )	Case by Case <i>Depends on offer and type of users expected</i>	Screened Out

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
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*\*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 has prepared a Mitigation Strategy to mitigate the impacts on the Chiltern Beechwoods Special Area of Conservation. This has been developed working with partner authorities and Natural England. In line with steps taken on other designated sites in England, the Mitigation Strategy 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 in line with the Mitigation Strategy 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.**

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 to allow time for the Mitigation Strategy to be implemented.. 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.

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 without mitigation identified 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.

## 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) and our online [map](#).

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?

The Mitigation Strategy has been approved and this sets out the mitigation and avoidance measures that 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.

The Mitigation Strategy in consultation with Natural England identifies that both solutions will be required to mitigate the adverse effects 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 has been approved by Cabinet and agreed with the partner authorities (see Appendix D of the Mitigation Strategy) 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 SAMM payments will be index linked to take account of inflationary costs. 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.

To date there have been two approved SANGs, at Kingsbrook and Hampden Fields, Aylesbury. Both of these are bespoke SANGs which aim to meet the requirements of those residential developments and to be managed by a suitable enduring body. These were secured by S106 agreements prior to planning permission being granted.

In terms of a strategic SANG, a reserved matters application was submitted in June 2024 for a Strategic Suitable Alternative Natural Greenspace at Kingsbrook Meadow, Aylesbury, and is available to view on the Council's web site under the planning application reference 24/01740/ADP. There has been a recent submission of supporting documentation and amended plans, including a Management Plan which provides details on the delivery and management of the proposed SANG and contribution cost per dwelling. The Council have taken a step forward in the decision making process and published a report recommending approval under delegated powers subject to the completion of a legal agreement for the Kingsbrook SANG. This is not a determination of the application but indicates the way forward as the legal agreements has not yet been completed. The Council anticipate that it will be in a position to determine this application in the next month. Once a decision has been made case officers will contact those applicants qualifying for credit allocations.

If the Council grants planning permission for the SANG to be used as mitigation, the Council requires there to be certainty on delivery of the SANG. This means completion of all necessary legal agreements. In the event the Kingsbrook Meadow SANG is approved all planning applications for developments within the 12.6 km Zone of Influence for 9 dwellings or less will be able to demonstrate suitable CB SAC mitigation within the Kingsbrook strategic SANG. Planning applications for developments of 10 or more dwellings will be required to be located within 5km catchment area of the Kingsbrook strategic SANG in order to demonstrate suitable CB SAC mitigation. Sites outside the 5km catchment will be required to make their own provision for bespoke SANG or rely on another strategic SANG should one be granted permission and the appropriate legal agreements completed. We are also in discussion with landowner/developers regarding a further strategic SANG to the southern part of the 12.6km zone of Influence.

There are further strategic SANG applications pending consideration which will be considered in due course:

- i. change of use of land to Suitable Alternative Natural Greenspace (SANG) with associated landscape works, new footpaths and parking at Land at Halfway Farm House, Missenden Road, Chesham, HP5 1JY, (application reference PL/24/0459/FA).
- ii. The importation of inert material and the revised working of permitted chalk reserves for use in the restoration of Pitstone Quarry with enhanced landscaping and biodiversity measures, and to create a new outdoor recreation resource, with a network of footpaths, open water swimming lake, welfare units and car parking facilities, for use in part as a Suitable Alternative Natural Green Space (SANG) at Pitstone Quarry Upper Icknield Way Pitstone (application reference CM/002/24)
- iii. Change of use from agricultural land to a Suitable Alternative Natural Green Space (SANG), together with the provision of a new vehicular access, car park and associated landscaping at Land To The West Of Bell Lane, Little Chalfont (application reference PL/24/3925/FA). The Council have also taken a step forward in the decision making process and published a report recommending approval under delegated powers subject to the completion of a legal agreement and an amended Management Plan. This is not a determination of the application but indicates the way forward as the legal agreement and amended Management Plan are outstanding.

Therefore once a SANG application has been determined and approved it would enable the council to determine those applications which have requested and would qualify for a SANG allocation to be determined, subject to legal agreements being completed securing the necessary financial contributions towards SANG and SAMM mitigation. There will be a requirement for occupations to be restricted until the SANG is delivered and open to the public. Further information is provided under *Strategic SANG: What are the next steps to be taken.*

The Mitigation Strategy identifies qualifying criteria for Suitable Alternative Natural Greenspace and allocations process for Strategic Suitable Alternative Natural Greenspace.

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. We continue to explore Suitable Alternative Natural Greenspace options with various partners.

Natural England will be consulted on any SANG proposal and consideration given to those Suitable Alternative Natural Greenspaces meeting all the quality criteria below.

Planning weight will be given to those Suitable Alternative Natural Greenspaces meeting all the quality criteria as identified in table 4 for of the Mitigation Strategy and set out below:

Paths	A minimum circular walk of 2.3-2.5 kilometres to be provided.	Expected
	Where parking is provided, circular path should start and finish at that location.	Expected
	Paths should be stable, well maintained and free draining but mostly unsurfaced.	Expected
	Paths should be perceived as semi-natural with little intrusion of artificial structures.	Expected
	Paths should be perceived as safe, easily identifiable and kept clear of obstructions, such as no tree and scrub cover along the walking route.	Expected
	Information boards and/or signage at access points outlining the layout of the site and routes available to visitors.	Expected
		Desirable
Parking	Parking, including for cyclists, on all sites larger than 4 hectares (unless the site is intended for use within 400 metres only).	Expected
	Car parks are to be easily and safely accessible by car and to be clearly sign posted.	Expected
	Dog owners able to take dogs from the car park to the SANG safely off the lead.	Expected
		Desirable
Access	Access points suitably located for the intended visitors to the SANG.	Expected
	Safe access routes on foot from nearest car park and/or footpath.	Expected
	Access should be largely unrestricted within the site, with plenty of space for dogs to exercise freely and safely off the lead.	Expected
	SANG should be clearly sign posted or advertised in some ways	Expected
	Leaflets or website advertising their location to potential users	Desirable
		Desirable

Character of space	Perceived to be semi-natural, with little intrusion of artificial structures. There should be little intrusion of built structures such as dwellings, buildings, fencing (not constructed using natural materials), etc.	Expected
	If the site is larger than 12 hectares, a range of habitats should be present.	Expected
	No unnatural intrusions (e.g. odour from sewage treatment works, noise from busy roads).	Expected
	Naturalistic space with areas of open countryside with dense and scattered trees and shrubs.	Desirable
	Gentle undulating topography. Steep slopes are likely to deter visitors.	Desirable
	Focal point such as a viewpoint or monument within the site and accessible via walking routes.	Desirable
	Provision of open water.	Desirable

#### *Other technical work*

There is also further technical work being carried out by Dacorum Borough Council as part of their HRA, in respect of air quality and hydrology impacts on those qualifying sites protected by the Habitats Regulations. 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:

<https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

<https://www.gov.uk/guidance/appropriate-assessment>

Dacorum Borough Council have produced further information about the Chiltern Beechwoods Special Area of Conservation which can be accessed via the following website:

[www.dacorum.gov.uk/chilternsbeechwoodssac](http://www.dacorum.gov.uk/chilternsbeechwoodssac)

[Chilterns Beechwoods SAC - Habitats Regulations Map \(arcgis.com\)](http://www.dacorum.gov.uk/chilternsbeechwoodssac)

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

The council is developing measures to achieve mitigation:

- a Strategic Access Management and Monitoring Strategy which is a financial contribution 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; AND
- Suitable Alternative Natural Greenspace.

### **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. Buckinghamshire Council's Cabinet agreed the Collaboration Agreement be approved to secure this mitigation.

### **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.

*Strategic SANG: What are the next steps to be taken:*

The next steps to be taken for those pending applications which may qualify to be allocated credits for use of a strategic SANG in accordance with the Mitigation Strategy (see section 7.2 of the approved Mitigation Strategy) where this is administered by Buckinghamshire Council are set out below:

<b>Steps</b>	<b>Strategic SANG procedure</b>	<b>Status/comments</b>
Step 1	Approval of the Chiltern Beechwoods SAC Mitigation Strategy	Cabinet report on 16 July 2024 approved the Mitigation Strategy with delegated authority to the Corporate Director for Planning, Growth and

		Sustainability, in consultation with the Cabinet Member for Planning and Regeneration, to approve any necessary amendments to the Mitigation Strategy.
Step 2	a) Enter into a S106 legal agreement with the Council to secure the SANG in perpetuity; and b) Planning permission granted for strategic SANG application	The completion of both steps 2a) and b) will secure the SANG, provide certainty over its delivery and management and maintenance in perpetuity.
Step 3	Undertake Appropriate Assessments for third party applications relying on a specific identified strategic SANG and Appropriate Assessment to be agreed with Natural England (21 day consultation).	This will establish if the SANG is appropriate mitigation for the relevant qualifying development.
Step 4	Completion of the necessary S106 legal agreements with the council to pay SAMM and SANG contributions and determination of third-party qualifying applications.	Planning permission to be issued once S106 completed with BC's agreement to use the relevant SANG
Step 5	Implementation in accordance with the planning permission and S106 agreement.	Payment of contributions for both SAMM and SANG.

*What do you need to provide for a Unilateral undertaking or S106 agreement:*

- Draft heads of terms in electronic form setting out the matters to be dealt with in the agreement and define by reference to a plan identifying the land to which it relates (pdf format 1:2500).
- Details of each person's title in respect of the land the subject of the application to ensure that everyone who has an interest in the land is bound by the agreement. To enable us to verify the title we would request details of the Land Registry Title number(s). Where a developer has only an option to purchase the land, they and the current landowners will need to be party to any obligation binding the land
- Details of your solicitor or contact acting for you on the agreement including e mail address and contact details.
- If a Solicitor is instructed they will then need to provide an undertaking to meet all the council's reasonable costs in connection with the agreement, whether or not this is completed. If not instructing Solicitors, a payment will be required upfront, on account, for such costs.

- Confirmation of when contributions to be paid (either on completion of the legal agreement or prior to commencement of development) and details of parties to be invoiced for monies due on completion.

**Please Note:** We will not accept the submission of a draft or completed unilateral undertaking or bilateral agreement. Where a draft template has been provided to an applicant this is for information only and is not to be amended or submitted.

*The use of a Grampian style condition:*

Planning conditions should only be used where they satisfy the following 6 tests: necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. In order for a planning condition to be valid and enforceable, all 6 tests must be met.

The use of Grampian style conditions is not new or novel and in some circumstances such a condition can be appropriate where a SANG is not yet operational.

If a strategic SANG has been granted planning permission (with sufficient spare capacity to enable the development to come forward without any further grant of planning permission for that SANG) but is not yet operational and the occupation of a dwelling may precede the opening of the SANG, a Grampian-style condition would normally be placed on the third party residential planning permission or a requirement included within a Section 106 planning obligation preventing occupancy of the development until the strategic SANG on which it relies to mitigate its impact on the SAC is operational.

This would be worded along the lines:

*No dwelling shall be occupied until written confirmation has been obtained from the Local Planning Authority that Suitable Alternative Natural Green Space (SANG) to mitigate the impact of the development has been secured and the works required to bring the land up to acceptable SANG standard have been completed.*

And is similar to conditions imposed by other authorities.

Where planning permission has not yet been granted for a strategic SANG upon which the residential development relies, the use of a Grampian style condition would not normally be appropriate as there is not sufficient certainty that permission would be granted for the SANG to mitigate the effect on the SAC. Such an approach does not meet the tests referred to above. This will be considered by planning officers having regard to the particular circumstances of an application and on a case-by-case basis.

*Bespoke SANG:* generally serve large developments to provide avoidance measures for a specific development. If submitted as a separate application the steps set out above will be followed. If submitted as an integral part of a development, steps 2-3 outlined above will be merged.

*Third Party SANGs:* are privately provided and owned open spaces, approved through a planning permission, whereby developers can directly purchase SANG capacity by private contract in agreement with the local authority.

*Requirement for a S106 agreement:* Long term management is normally secured through a S106 agreement to ensure that the land is transferred to public ownership, or an appropriate enduring body, with maintenance sums to fund its long-term management in perpetuity.

Whether the site is ultimately considered to be a satisfactory SANG will depend on the outcome of an Appropriate Assessment carried out pursuant to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, in relation to whichever residential or other qualifying planning application(s) rely on the relevant SANG for mitigation. In order for the application site to be deemed appropriate as SANG, the proposed SANG will need to meet Natural England SANG criteria, demonstrate that it is viable and would be maintained by an appropriate enduring body in perpetuity, and be secured through a S106 agreement.

*Pre application advice:* is recommended to establish the process and requirements prior to submission of an application with the Council and through Natural England's discretionary advice service.

## **11. What other Strategic Solutions are being considered?**

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. The National Trust are developing a spatial strategy which proposes two Gateway sites, Hill Farm (located in Dacorum Borough) and Wardhurst Farm (located in Buckinghamshire). Both these proposed Gateway sites are at an early stage and there unlikely to be available in the short term.

## **12. 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.

