



APPENDIX I Habitats Regulations Appropriate Assessment (HRA)

Buckinghamshire Council

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Habitats Regulations Assessment (HRA)

Site: Land Adjacent South Side Marlow Road And A404 Junction, Westhorpe Park, Little Marlow, Buckinghamshire

Project: Full planning permission for production space and supporting buildings for screen-based media and associated services/industries. The development of approximately 168,718 sqm GEA total floorspace comprising : sound stages, workshops , office accommodation, studio hub associated outdoor space such as backlots and unit bases; entrance structures and reception; security infrastructure, mobility hub; cafes; parking; bridge; incidental supporting buildings; associated infrastructure; public art; upgraded vehicular access onto Marlow Road; new cycle and pedestrian accesses; a new cultural/educational/recreational building; a new community building and associated landscaping, publicly accessible recreational land and ecological and environmental enhancements/habitat creation

Ref: 22/06443/FULEA

Summary:

Buckinghamshire Council, as Local Planning Authority and Competent Authority, has carried out a Habitats Regulations Assessment as required by The Conservation of Habitats and Species Regulations 2017 (as amended) ('the Habitat Regulations'), to assess whether there are likely significant effects on the Chiltern Beechwoods Special Area of Conservation (SAC) and Burnham Beeches Special Area of Conservation (SAC) arising from this development, either alone or in combination with other plans and projects.

An Appropriate Assessment has been required in relation to air pollution effects on Chiltern Beechwoods SAC.

Buckinghamshire Council accepts the outcomes stated in the Shadow HRA, prepared May 2022 and the Technical Note- Habitats Regulations Assessment March 2023 (Appendix 8 – Addendum Planning Statement – HRA Technical Note). The Council as Competent Authority is satisfied that the development will not result in any adverse effect on the integrity of the Chiltern Beechwood SAC nor Burnham Beeches SAC, either alone or in-combination.

Informing individual Appropriate Assessment of Planning Applications and Permitted Development

Buckinghamshire Council's supporting documentation to the Wycombe Local Plan included a Habitats Regulations Screening report, September 2017, which concluded that the Wycombe District Local Plan will not result in an adverse air quality effect on the integrity of Chilterns Beechwoods SAC or the Burnham Beeches SAC at either modelled location. The Wycombe Local Plan is not predicted to adversely affect the Chilterns Beechwoods SAC either alone or in-combination with other plans or projects.

The ES accompanying this application and Shadow HRA prepared by Waterman, dated May 2022 and Technical Note 2023 submitted in support of the application screened in air quality as having the potential to result in likely significant effect in combination on the integrity of the conservation purposes of the Chilterns Beechwoods SAC.

In light of this, under the Habitat Regulations air quality impacts are screened in and as such a Stage 2 'Appropriate Assessment' has been carried out by Buckinghamshire Council as 'Competent Authority' of the impact on the Bisham Woods component of the Chiltern Beechwood SAC. This has concluded that there will be no adverse effects on the Chilterns Beechwoods SAC alone or in combination and there is no need for mitigation.

Appropriate Assessment of Planning Application reference number 22/06443/FULEA

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
- c. 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, Natural England, 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: 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 Chiltern Beechwoods Special Area of Conservation or Burnham Beeches Special Area of Conservation.

Location in relation to relevant SACs:

The site is located within 2km of the Chiltern Beechwoods SAC (0.75km from Bisham Woods, 4.1km from Hollowhill and Pullingshill Woods, 9.9km away from Naphill Common) and 6.6km from Burnham Beeches SAC.

Potential Impact Pathways:

In terms of the proposed development, the main factors which could lead to potential impact pathways on the SACs are:-

Chiltern Beechwoods SACs:

- Impact on mobile species. Stag Beetles disperse up to 2km to breed before females return to where they have emerged (Bisham Woods).
- Recreational pressure. Bisham Woods has open access (Hollowhill and Pullingshill Woods do not have open access and can be ruled out for any further scrutiny).
- Water abstraction risk. All aspects of the woodland habitat depend on the maintenance of a favourable hydrological regime. Water abstraction can impact and modify this.
- Increased air pollution which may change the composition of soils and encourage more tolerant species at the expense of more sensitive plants and invertebrate communities, which can impact on larger animals too, by reason of impact on supporting habitats.

Burnham Beeches SAC:

- Recreational pressure. Burnham Beeches has open access.
- Water abstraction risk- all aspects of the woodland habitat depend on the maintenance of a favourable hydrological regime. Water abstraction can impact and modify this.
- Increased air pollution which may change the composition of soils and encourage more tolerant species at the expense of more sensitive plants and invertebrate communities, which can impact on larger animals by reason of impact on supporting habitats.

The screening exercise carried out in the shadow HRA submitted with the application identifies that:

Chiltern Beechwoods SAC (Bisham Woods):

- Mobile Species- likely significant effects can be ruled out alone.
- Recreational Pressure- likely significant effects can be ruled out alone.
- Water Abstraction- likely significant effects can be ruled out alone or in combination with other plans and projects.
- Air Pollution- likely significant effects cannot be ruled out and an Appropriate Assessment of the impact on the Bisham Woods component of the Chiltern Beechwoods SAC is required.

Burnham Beeches SAC:

- Recreational Pressure- likely significant effects can be ruled out either alone or in combination with other plans and projects.
- Water Abstraction- likely significant effects can be ruled out alone or in combination with other plans and projects.
- Air pollution- likely significant effects can be ruled out.

In response to concerns raised by Natural England in February 2023, the applicants Technical Note identifies additional measures and information that have been included in the application on visual effects and noise:

- Sufficient screening on the east boundary to ensure that the development does not detract from the semi-natural feel of the SANG. The screening will be required to be managed in perpetuity (minimum 80 years) to ensure that the development remains well screened in the long term;
- Noise surveys/modelling. The maximum acceptable noise limit on a SANG is 60dB and therefore the development should not be contributing to noise levels above this limit on the adjacent SANG.

The Technical Note provides an analysis of the impact on the SANG within the council owned Spade Oak land based on the LVIA submitted and conclude that *“is not considered to impact on the viability of the SANG from a landscape impact perspective”*. In terms of noise it states:

“3.2 With regards to the proposed Development, the majority of the noise generating activities would take place within the sound screens themselves. These are buildings which are highly acoustically insulated so as to prevent noise break-in and break-out of the structures. Similarly, the majority of works associated with Site would take place within the buildings and as such noise associated with said activities would be minimal.

3.3. The key activities which would have the potential to generate noise which could potentially impact upon the SANG are HGV and vehicle movements around the proposed Development, construction of sets in the backlot area and filming in the backlot area. It should be noted that the backlot area is located over 1.2km to the west of Spade Oak Lake SANG.

3.4. Noise levels associated with HGV deliveries, construction of sets and filming in the backlot area have been completed and are presented within the submitted Environmental Statement (ES) (Chapter 11: Noise and Vibration) although it is noted that specific noise

levels within the SANG have not been presented. Based upon the predicted noise levels presented in the noise levels at the closest boundary of the SANG have been extrapolated and are presented below.”

- HGV Movements 40dB LAeq
- Construction in backlot area 50dB LAeq
- Filming in backlot area 32dB LAeq 3.5.

3.5 “With reference to the above it can be seen that noise levels generated by the proposed Development would fall significantly below those required within a SANG, and therefore the proposed Development would not result in undermining the mitigation required to address any incombination effects with Allocation BE2 - Hollands Farm “.

Additional Considerations on recreational pressure on Burnham Beeches

Whilst the Shadow HRA and Technical Note prepared by Waterman has screened out recreational pressure on Burnham Beeches SAC either alone or in combination, directly arising from the use as a film studio as proposed, the Council must have regard to the development of this site and the impact on the site’s ability to deliver the SANG mitigation to support development allocations in the Wycombe District Local Plan as an indirect affect on the integrity of the SAC.

In preparing the Wycombe District Local Plan, the Council needed to demonstrate that developments allocated in that plan, such as Hollands Farm and Slate Meadow in Bourne End, would not have an adverse impact on the Burnham Beeches Special Area of Conservation (SAC). The Council undertook an Appropriate Assessment to satisfy both the Council and Natural England that residents of the new developments had a suitable alternative natural greenspace (known as a SANG) to use rather than increase the recreational impact on Burnham Beeches.

The Appropriate Assessment concluded; *“Provided that the mitigation measures identified in the Local Plan are implemented, no adverse effects on the SACs integrity due to recreational pressures are foreseen, either as a result of the plan alone or in combination with other plans and programmes”*

In August 2021 the Council adopted a Development Brief for Hollands Farm allocation at Bourne End, policy ‘BE2’ of the Wycombe Local Plan. As part of the Development Brief an Appropriate Assessment was also undertaken to satisfy the Council as Competent Authority in consultation with Natural England that residents of the new development would have a SANG to use rather than increase the recreational impact on Burnham Beeches. A list of mitigation measures was identified at Little Marlow Lakes Country Park, utilising land within the Council’s ownership and the existing rights of way network, including improvements to footpaths/cycleways, provision of new signposts, Way markers and information boards, dog waste bins, benches and a new car park. This includes the site the subject of the application and improvements to footpaths within the site. It was deemed, in consultation with Natural England, that the mitigation identified in the Development Brief, would provide suitable SANG to support the Hollands Farm allocation in the Wycombe District Local Plan if the identified priorities are implemented.

Policy RUR4 of the Wycombe District Local Plan (2019) allocates the land the subject of this current application in its entirety for outdoor recreation. It is clearly set out in the adopted policy that any development within the country park should provide for environmental improvements, including the provision of publicly accessible open space, ecological and biodiversity enhancements, and contribute to the continued development and long-term management of the Country Park.

Policy RUR4 continues to apply to planning applications as part of the planning process. Policy RUR4 specifically states:

Planning permission will not be granted for development within the Country Park that has an adverse effect upon the amenities or setting the River Thames, watercourses, lakes, wet woodlands, adjoining conservation areas, or listed buildings, or which prejudices the function of the area for the purposes of a Country Park.

The Wycombe District Local Plan states at paragraph 5.5.22 *“By providing an alternative local Country Park destination, improvements to the Park provide an opportunity to offset the impacts of proposed housing growth at Bourne End and beyond on Burnham Beeches – a Special Area of Conservation. On the two strategic sites within this area (see BE1 and 2), where sufficient space to meet Natural England’s requirements cannot be provided on site, a S106 contribution will be sought to invest in the park, and access to it. Further improvements will also be eligible for CIL funding. This will assist in the wider delivery of green infrastructure in this part of the District. The Council will monitor how many developments are permitted within the District, which fall within a 5 km radius around Burnham Beeches, and if necessary, and in consultation with Natural England, the plan review can modify the policy approach to the Country Park.”*

A report to Cabinet on 11 October 2022 and subsequent report to the Growth Infrastructure & Housing Select Committee on 15 December 2022 resolved amongst other measures to develop a scheme and pursue formal designation of land within the Council’s ownership as a Country Park which as a minimum would be a Suitable Alternative Natural Greenspace (SANG) compliant facility. The resolution included that the Service Directors of Property and Assets, and Planning and Environment, in consultation with the Cabinet Member for Accessible Housing and Resources, be delegated authority to negotiate and agree a suitable restoration plan in consultation with Natural England for the Spade Oak Lake site which would be SANG compliant. The area of land identified does not include the current application site.

Work has since progressed on developing the suitable plan for focusing the SANG on Spade Oak within land under the Council’s control, including visitor surveys. A report on survey outcomes and mitigation measures is being prepared and discussions have taken place with Natural England on a route for the circular walk for the SANG. A management plan will then be prepared by the end of 2023 to deliver a SANG on the Spade Oak site. As a result of this commitment by the Council and the progress to date to deliver the Spade Oak SANG to address any risk of undermining of the recreational pressure mitigation in place for Allocation BE2 (Hollands Farm) and any Likely Significant Effects that would result either alone or in-combination, it is concluded that whilst there is the potential for the delivery of suitable alternative mitigation on the land within the Council’s ownership to meet the Local

Plan commitments for SANG to support the Hollands Farm and Slate Meadow allocations, and not rely on the land within the Marlow Film studio red edge land for such mitigation there is no certainty at this stage over its delivery.

Natural England advised that a revised Suitable Alternative Natural Greenspace (SANG) proposal including a masterplan and SANG Management Plan is required in order to remove NE's objection to the proposed application.

In terms of visual impact and noise affecting the SANG identified to support the Hollands Farm allocation in the Wycombe District Local Plan likely significant effects cannot be ruled out.

Thus the conclusions relating to the impact of the development on recreational pressure on Burnham Beeches is that likely significant effects cannot be ruled out either alone or in combination with other plans and projects.

Screening Conclusion:

At the screening stage Buckinghamshire Council cannot rule out any likely significant effects on the Chiltern Beechwoods Special Area of Conservation (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the Chiltern Beechwoods Special Area of Conservation by reason of air pollution. The impact on recreational pressure cannot rule out any likely significant effects on recreational pressure on Burnham Beeches cannot be ruled out either alone or in combination with other plans and projects arising from the uncertainty over the delivery of the SANG on Spade Oak.

An Appropriate Assessment of this impact is necessary.

STAGE 2 APPROPRIATE ASSESSMENT

A) AIR POLLUTION IMPACT ON CHILTERN BEECHWOODS SAC:

Based on the information provided 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.

Methodology:

Air pollution analysis has been carried out and detailed in the Air Quality section of the submitted Environmental Statement (ES). This took account of how predicted growth in the area could lead to changes in traffic over the foreseeable future (as detailed in the Transport and Access section of the ES). The analysis has been based on levels of nitrogen oxide, ammonia, nitrogen and acid deposition. Predicted values for each pollutant were modelled at two points- at the kerbside and at 200m (to reflect values at their highest and lowest). All values also reflect the impact of the project in combination with other plans and projects.

Results:

- Nitrogen oxides- there is no reasonable doubt that an adverse effect can be ruled out alone or in combination. There is no need for mitigation or further assessment.
- Nitrogen deposition- at kerbside the result lies marginally above the 1% threshold where adverse effects are ruled out (1.5%). However, this is similar to a 1.38% result encountered during the HRA process at Royal Borough of Windsor and Maidenhead, whereby it was concluded (following consultation with Natural England) that adverse effects could be ruled out. As a result, in relation to this assessment of nitrogen deposits, it is considered that the results show that there is no reasonable doubt that an adverse effect can be ruled out alone or in combination. There is no need for mitigation or further assessment.
- Ammonia- there is no reasonable doubt that an adverse effect can be ruled out alone or in combination. There is no need for mitigation or further assessment.
- Acid- here is no reasonable doubt that an adverse effect can be ruled out alone or in combination. There is no need for mitigation or further assessment.

B) RECREATIONAL PRESSURES ON BURNHAM BEECHES

Based on the information provided 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.

Having regard to the information provided by the applicant and outlined above and the advice from Natural England, the Council cannot rule out the likely significance effects on the Burnham Beeches Special Area of Conservation (alone or in combination with other plans or projects) arising from the development of this site and the ability to deliver the SANG mitigation to support development allocations in the Wycombe District Local Plan as an indirect affect on the integrity of the SAC. This is because there is a risk of undermining of the recreational pressure mitigation in place for Allocation BE2 (Hollands Farm) and have an adverse impact on the National Protected Habitat and Species at Burnham Beeches Special Area of Conservation (SAC). The proposals are therefore contrary to the NPPF and the Habitats Regulations 2017.

Conclusion of the Appropriate Assessment:

The Appropriate Assessment concludes that the air quality analysis has shown that adverse effects on the integrity of the Bisham Woods component of the Chiltern Beechwoods SAC can be ruled out. Although the development will lead to some increases in airborne pollution, these either do not exceed established thresholds, or for nitrogen, where there is exceedance, this is modest with effects on the ground not visible, measurable and it is implausible that the objectives to secure the species composition, distribution and abundance of the beech forest, could be compromised. Consequently, there is no

reasonable scientific doubt that adverse effects on the integrity of Chiltern Beechwoods, in combination, can be avoided. The air quality analysis is considered to be consistent with the outcome of the Wycombe Local Plan HRA.

In relation to recreational pressure, the Council cannot rule out the likely significance effects on the Burnham Beeches Special Area of Conservation (alone or in combination with other plans or projects) arising from the development of this site and the ability to deliver the SANG mitigation to support development allocations in the Wycombe District Local Plan as an indirect affect on the integrity of the SAC

The Appropriate Assessment is considered to be in accordance with the Habitats Regulations 2017.

Overall Conclusion:

The Council does not adopt the findings of the shadow HRA dated May 2022 and Technical Note 2023 submitted with planning application 22/06443/FULEA.

The Council as Competent Authority, in consultation with Natural England, is satisfied that the development is likely to have a significant effect upon the integrity of the Chiltern Beechwood Special Area of Conservation with the result that the Council would be required to refuse this planning application without the certainty over delivery of an alternative mitigation to meet the Local Plan commitments for SANG to support the Hollands Farm and Slate Meadow allocations.

Case Officer: John Fannon

Date: 12.10.2023

Clearing Officer: Susan Kitchen

Date: 12.10.2023