



Report to Leader (Planning and Enforcement portfolio)

Decision Date: 20 November 2020

Reference number: PE02.20

Title: Burnham Beeches Special Area of Conservation Mitigation Strategy – Supplementary Planning Document - Adoption

Relevant councillor(s): Councillor Warren Whyte , Cabinet Member for Planning and Enforcement

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Ward(s) affected: Farnham Common & Burnham Beeches;

Recommendation: To adopt the Burnham Beeches Special Area of Conservation Mitigation Strategy as a Supplementary Planning Document

Reason for decision:

1. Executive summary

- a) Burnham Beeches Special Area of Conservation (BB SAC) has the highest level of environmental protection. The Council in its remit for preparing plans and projects and undertaking Appropriate Assessments on Planning Applications must have regard to the protection of the BB SAC's conservation purposes.
- b) To discharge this responsibility, a Supplementary Planning Document (SPD) was prepared and put out to public consultation. The Statement of Representations attached to this report provides the comments received during the consultation and the proposed modifications to the SPD.

2. Burnham Beeches Special Area of Conservation Draft Supplementary Planning Document

- 2.1 BB SAC has the highest level of environmental protection. The Council in its remit for preparing plans and projects and undertaking Appropriate Assessments when considering relevant planning applications must have regard to the protection of its

conservation purposes. These are Atlantic acidophilus beech forests with Ilex and Taxus in the shrub layer (*Quercus robur-petraeae* or *Ilici-Fagenion*); and Beech forests on acid soils. Or more simply ancient pollarded beech trees, oak trees and shrubs.

2.2 The public consultation on the SPD concluded on 3 September 2020. It attracted 385 comments from 253 individuals / organisations. The SPD received support from many individuals and organisations which include: the City of London Corporation, the Chilterns Conservation Board who also consider it should be held up as a model, the Chiltern Society, the Woodlands Trust and Gerrards Cross Town Council.

2.3 The SPD also attracted objections. These were largely based on three matters outlined below.

Consultation Response	BC Response	Proposed Modification
<p>Suitable Alternative Natural Greenspace (SANG) is no longer a feature of the strategy to protect the SAC.</p>	<p>The Council published a Statement of Common Ground with Natural England and the City of London Corporation in March 2020 (here) confirming support for the approaches taken in this SPD. This would have in effect led to a main modification to Policy BP9 of the Publication Local Plan removing the requirement for a SANG had the Local Plan not been withdrawn.</p>	<p>None</p>
<p>There is no reference to the environmental or visitor impact on Burnham Beeches from the 20,000 square metres of commercial space the Council are proposing for Beaconsfield</p>	<p>The proposed commercial allocation was very unlikely to cause significant effects to the conservation purposes of the SAC. In other words, it is unlikely that occupants of the commercial space would frequently bring dogs to work and then walk on to the SAC.</p>	<p>None</p>
<p>There is no reference to an Air Quality Management Strategy, that should be a key element of environmental mitigation.</p>	<p>Air Quality has been screened out of the mitigation requirements for the SAC and so does not feature in the SPD. The Council published a Statement of Common Ground with Natural England and the City of London Corporation in January 2020 (here) to this effect.</p>	<p>None</p>

2.4 Officers recommend that the following proposed modifications to the SPD are agreed for the adopted version of the SPD as set out in the table below:

Consultation Response	BC Response	Proposed Modification
There is still reference to SANG in table 1.1.	This was subject to proposed main modifications to the Chiltern and South Bucks Local Plan. All references to this plan will be removed.	Remove references to the Chiltern and South Bucks Local Plan
Comments were received on a hydrology report which is used by development management and also referred to in the Publication Local Plan	Neither the hydrology report or the Publication Local Plan form part of this consultation and now that the Council has withdrawn the Publication Local Plan references will be removed from the SPD.	Remove references to the Chiltern and South Bucks Local Plan
Section 1.4 of the SPD should be retitled 'Strategic Environmental Assessment of this SPD' as it relates to the SEA rather than the Sustainability Appraisal.	This is a correct observation and should be altered.	Revise section heading as proposed.
It is requested that the SPD is amended to make it clearer that it does not set a precedent for either new housing in Slough or the emerging Slough Local Plan	<p>Buckinghamshire Council officers have agreed the following text for Slough BC to withdraw their objection to the SPD.</p> <p><i>2.2.6 Buckinghamshire Council stresses that the Footprint Ecology report does not apply as evidence for the preparation of Local Plans or other documents for Slough or Windsor and Maidenhead Councils. These Councils prepare their own evidence and liaise independently with the government's conservation bodies. For clarity the 5.6 kilometre zone also does not apply to</i></p>	Revise section as proposed.

Consultation Response	BC Response	Proposed Modification
	<p><i>Slough Borough Council or the Royal Borough of Windsor and Maidenhead. It also does not apply to the former Wycombe District Council area which now forms part of Buckinghamshire Council. This is because the former council agreed its own avoidance and mitigation measures with the government's conservation advisors.</i></p> <p><i>Slough Borough Council is working with Natural England to agree suitable mitigation to protect the SAC through implementation of measures within the Borough in connection with the assessment of planning applications and drafting Development Plan policy and guidance.</i></p>	

2.5 Adoption of SPD is a key decision for the delegated authority of the Portfolio Holder for Planning and Enforcement.

3. Other options considered

3.1 The alternative is to not adopt the SPD. This most likely would mean that each planning application would need to be consulted upon with Natural England. It would also mean that there would be less guidance for developers and householders in this complex matter resulting in inconsistencies in the approach taken on proposed development by the council, developers and householders within the BB SAC zones.

3.2 This option was considered but officers concluded it was not an appropriate option for the reason set out in 3.1.



4. Legal and financial implications

4.1 Legal Implications

A Supplementary Planning Document (SPD) is a document that contains additional detail on how the Local Planning Authority will interpret and apply specific policies in its Development Plan. Any guidance contained in a SPD must not conflict with the adopted Development Plan and be linked to a Development Plan policy. SPDs are material considerations in the determination of planning applications. The SPD is drafted appropriately in relation to the Chiltern and South Bucks Core Strategies.

4.2 Financial Implications

There are no additional financial implications adopting the SPD. The financial benefit derives from having had the draft SPD consulted upon and the comments received taken account of to underpin the councils discharge of its duties under the BB SAC when determining applications.

5. Corporate implications

5.1 Equalities Impact Assessment

An Equalities Impact Assessment (EIA), in accordance with the requirements of the Equality Act 2010, has been undertaken in connection with the draft SPD. The EIA undertaken, a copy of which can be viewed by contacting the CSB Planning Policy Team did not identify any adverse equality issues and as a result no further action or mitigation is considered appropriate.

5.2 Consultation

Officers have consulted with the public and organisations and the results form attachments to this report.

6. Next steps and review

6.1 Adoption of the SPD incorporating the proposed modifications.

7. Background papers

7.1 Burnham Beeches Recreation Report 2019.

https://www.southbucks.gov.uk/media/13813/Burnham-Beeches-Recreation-Report-FINAL/pdf/Burnham_Beeches_Recreation_Report_FINAL.pdf?m=637061400679730000

8. Your questions and views (for key decisions)

If you have any questions about the matters contained in this report, please get in touch with the author of this report. If you have any views that you would like the Cabinet Member to consider please inform the Democratic Services team. This can be done by telephone 01296 382343 or email democracy@buckinghamshire.gov.uk

