

## **APPENDIX J: Appropriate Assessment Application Ref. 16/01040/AOP**

Proposal: Outline application with means of access (in part) to be considered for up to 102,800 sq m employment (B1/B2/B8), up to 1,100 dwellings (C3), 60 residential extra care units (C2), mixed-use local centre of up to 4,000 sq m (A1/A2/A5/D1), up to 5,700 sq m hotel and Conference Centre (C1), up to 3,500 sq m Leisure facilities (A1/A3/A4), up to 16 ha for sports village and pitches, Athletes Accommodation (10 x 8 bed apartments), and up to 2 ha for a primary school (D1), with a strategic link road connecting with the ELR (N) and the A41 Aston Clinton Road, transport infrastructure, landscape, open space, flood mitigation and drainage.

Site: Aylesbury Woodland, College Road North, Aston Clinton, Buckinghamshire

### **Summary**

Buckinghamshire Council, as Local Planning Authority and 'Competent Authority', has carried out a Habitats Regulations Assessment (HRA), 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 Beechwood Special Area of Conservation (CB SAC) arising from this development, either alone or in combination with other plans and projects.

The current 2016 application and accompanying ES and addendum, and updated November 2020 ES addendum supporting the application makes reference to the Hampden Fields HRA report (reference: 16/00242/AOP) and 'screened in' recreational disturbance from the net new homes as having the potential to result in likely significant effect in combination on the integrity of the conservation purposes of the Chiltern Beechwood Special Area of Conservation. The recently published evidence from Dacorum Borough Council (March 2022) also supports the conclusion that there is likely significant effects on the Chiltern Beechwood Special Area of Conservation arising from recreational pressure from the increased population within the 12.6kn zone of influence within which this site lies. In light of this, under the Habitat Regulations air quality impacts and recreational pressure are 'screened in' and as such a Stage 2 'Appropriate Assessment' has been carried out by Buckinghamshire Council as 'Competent Authority'. This has concluded that the impacts can be adequately mitigated to ensure that there will be no significant adverse effects on the Chiltern Beechwood Special Area of Conservation.

### **Informing individual Appropriate Assessment of Planning Applications and Permitted Development.**

Buckinghamshire Council's supporting documentation to the Vale of Aylesbury Local Plan VALP included a Habitats Regulations Appraisal report which stated that Natural England supported the conclusions reached. This was updated in November 2020 as part of the Further Main Modifications, in response to the updated county-wide road traffic modelling predicted AADT. The HRA assessed the potential of likely significant effects arising from the growth

identified in VALP on Chiltern Beechwoods Special Area of Conservation, including impacts of recreation. This screened in recreational disturbance for net new homes in proximity to the Chiltern Beechwoods Special Area of Conservation as having a likely significant effect on the integrity of the conservation purposes of the Chiltern Beechwoods Special Area of Conservation. An Appropriate Assessment was carried out as part of that process. This concluded that VALP as proposed to be modified, which includes natural greenspace that contributes to alleviating visitor pressure on the Chilterns Beechwoods Special Area of Conservation is not predicted to adversely affect the Chilterns Beechwoods Special Area of Conservation either alone or in-combination with other plans or projects.

In response, Natural England response concluded that either stand alone or in combination with other plans or projects, the proposal would not be likely to have a significant effect upon this Chilterns Beechwoods Special Area of Conservation and that an appropriate assessment was not required. VALP is now an adopted local plan.

The applicant's evidence submitted in support of the current 2016 application with accompanying ES and addendum, updated November 2020 recognises that a likely significant effect cannot be ruled out and therefore further scrutiny is required as part of an appropriate assessment on recreational pressures. This concludes that the impact avoidance and mitigation measures in the form of the public open space design and accessibility would be successful in addressing any net increase in visitor numbers and recreational pressure on the Chilterns Beechwoods Special Area of Conservation and would not contribute towards any adverse effect in combination with other developments.

New evidence has been published by Dacorum Borough Council (March 2022) on the impacts of recreational and urban growth on Chilterns Beechwoods Special Area of Conservation. Natural England support the conclusions and recognises that new housing within 12.6km of the Chiltern Beechwood Special Area of Conservation can be expected to result in an increase in recreation pressure. The 12.6km zone represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the Chiltern Beechwood Special Area of Conservation from the cumulative impacts of development. There is also a 500m exclusion zone around the Ashridge Commons and Woods SSSI where any new residential unit or accommodation should be avoided.

The application site lies within the 12.6km zone of influence and outside the 500m exclusion zone.

#### **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

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, NE, 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. Stage 1 'Screening'**

Buckinghamshire Council, as 'Competent Authority' accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of the Chiltern Beechwood Special Area of Conservation (CB SAC). The potential likely significant effects on the integrity of the Chiltern Beechwood Special Area of Conservation is from recreational disturbance. A net increase in homes is likely to result in additional visits to the Chiltern Beechwood Special Area of Conservation with consequential erosion and pollution within the Chiltern Beechwood Special Area of Conservation .

At this stage Buckinghamshire Council cannot rule out the likely significance effects on the CB SAC (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of the SAC. This is because the proposal lies within 5 kilometres of the boundary of the CB SAC, within the 12.6Km zone of influence identified in the March 2022 evidence to the emerging Dacorum Local Plan, and represents a net increase in homes within this zone which will lead to an increase in local population and a

likely increase in recreational disturbance within the Chiltern Beechwood Special Area of Conservation.

As the likely significance effect cannot be ruled out at this stage, a Stage 2 'Appropriate Assessment' must be undertaken.

### **3. Stage 2 Appropriate Assessment**

Based on the information proposed by the applicant, and the evidence published by Dacorum in relation to their emerging local plan, 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.

The ES and addendum accompanying this application considered the impacts on recreational activity and human presence on the Chiltern Beechwood Special Area of Conservation arising from the development either stand alone or in combination with other plan or project accompanying this application when mitigation measures in the form of natural greenspace were considered.

The Council concludes that the impact avoidance and mitigation measures in the form of the on-site public open space design and accessibility would be successful in addressing any net increase in visitor numbers and recreational pressure thereby not resulting in any significant adverse effects from recreational pressures for the Chiltern Beechwood Special Area of Conservation either alone or in combination with other plans and projects.

### **4. Conclusion**

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. With mitigation measures for recreational disturbance the Appropriate Assessment concludes that the development would not have any significant adverse effect upon the integrity of the Chiltern Beechwood Special Area of Conservation .

Buckinghamshire Council considers, subject to consultation with NE, that the above measures will prevent a likely adverse effect on the integrity of the BB SAC. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017), and permission may be granted subject to any other planning considerations.

Provided that the applicant has entered in to a S106 agreement to secure the public open space on the site the planning application will be in accordance with the Chiltern Beechwood Special Area of Conservation mitigation requirements.