

## APPENDIX D

### Appropriate Assessment

#### Application Ref. PL/22/4074/FA

**Site Address:** St Leonards Church Hall, Glebe Way, Chesham Bois, Buckinghamshire, HP6 5ND.

**Proposal:** Redevelopment of the site to create a new multifunctional Parish Centre with cafe, day nursery building, replacement rectory with detached garage, 2 outbuildings to provide prayer room and substation/bin and bicycle store, associated parking and landscaping.

### 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) arising from this development, either alone or in combination with other plans and projects.

Having regard to the evidence published by Dacorum Borough Council from the consultants, Footprint Ecology, in March 2022, Buckinghamshire Council concludes that under the Habitat Regulations, recreational pressure is screened in and as such a Stage 2 'Appropriate Assessment' has been carried out by Buckinghamshire Council as Competent Authority. This has concluded that an increase in recreational disturbance will derive from an increase in housing numbers and that this disturbance would likely have significant effects on parts of the Chiltern Beechwoods Special Area of Conservation.

The proposal does not result in an increase in housing numbers. However, the evidence has identified that 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.

In this case, given the distance and travel time between the application site and the Chiltern Beechwoods SAC, as well as the availability of other green open spaces in much closer proximity, it is unlikely that the development would have a significant effect upon the integrity of the Chiltern Beechwoods SAC. This is supported by comments provided by Natural England who raise no objection to the proposal.

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

Evidence has been published by Dacorum Borough Council (March 2022) from the consultants

Footprint Ecology on the impacts of recreational and urban growth on Chilterns Beechwoods Special Area of Conservation. Natural England supports this evidence which concludes that likely significant effects on the integrity of the Chiltern Beechwoods Special Area of Conservation from recreational disturbance would derive from a net increase in new homes within a linear distance of 12.6 kilometres from the boundary of the Ashridge Commons and Woods Site of Special Scientific Interest in the Chiltern Beechwoods Special Area of Conservation. The disturbance is from additional human and dog presence.

Development within easy walking distance of the Chiltern Beechwoods Special Area of Conservation is more likely to be of risk to the Beechwoods, unrestricted by accessibility factors such as car parking provision, or travel times, etc. It is highly likely that residents living within easy walking distance would use the Chilterns Beechwoods Special Area of Conservation frequently and it is unlikely that they would be diverted to use suitable alternative natural green space in preference to the Chilterns Beechwoods Special Area of Conservation. For these reasons, Footprint Ecology recommend a presumption against a net increase of homes within 500 metres of the Ashridge Commons and Woods Site of Special Scientific Interest in the Chilterns Beechwoods Special Area of Conservation and Natural England support this 500 metre Avoidance Zone.

The evidence has also determined that planning applications and Permitted Development, which provide for a net increase in new homes within the 500 metres to 12.6 kilometres zone, would have a significant likely effect on the conservation features of the Chiltern Beechwoods Special Area of Conservation and that such applications and permitted development can only be approved if the applicant enters in to a legal agreement with the Council, as Local Planning Authority, to pay towards Buckinghamshire Council's Strategic Access Management and Monitoring Strategy.

## **Appropriate Assessment of Planning Application reference number PL/22/4074/FA**

### **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, 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 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 way 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 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. The potential likely significant effects on the integrity of the Chiltern Beechwoods Special Area of Conservation is from recreational disturbance. Although there is no net gain in dwellings, the scale and nature of the proposed development could result in additional visits to the Chiltern Beechwoods Special Area of Conservation with consequential erosion and pollution within the Chiltern Beechwoods Special Area of Conservation.

At this stage Buckinghamshire Council cannot rule out the 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.

As the likely significant effect cannot be ruled out at this stage, an Appropriate Assessment must be undertaken.

## **3. Stage 2 Appropriate Assessment - 500 metres or more to 12.6km from the boundary of the Ashridge Commons and Woods Site of Special Scientific Interest within Chiltern Beechwoods Special Area of Conservation.**

Based on the evidence published by Dacorum BC in relation to their 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.

In this case, the application site is approximately 11.3km (or 7 miles) from the boundary of the SSSI within the Chiltern Beechwoods Special Area of Conservation. According to Google Maps, this is a 25 minute drive and involves travelling through Chesham and Berkhamsted. The proposed development is for a new parish centre which includes 2 multi-purpose halls, a café, offices and meeting rooms; new pre-school, prayer room, and replacement Rectory (single dwelling). The following sets out different scenarios in which the development could impact upon the Chiltern Beechwoods SAC:

### **1. Users of the new parish centre combining trips to Chiltern Beechwoods SAC.**

It is intended that the new parish centre will be used by a number of community groups for a range of different events. The halls, offices and meeting rooms will attract people

using the centre for a specific purpose and it is unlikely that they would travel to the Chiltern Beechwoods SAC before or after their visit to the parish centre. This is due to the distance and travel time involved, and the availability of other open spaces closer to the application site.

## 2. Users of the café combining trips to the Chiltern Beechwoods SAC

The café is intended to be used by anyone who wants to visit, creating a social hub and to encourage social interaction. It is likely that people using the other facilities within the site (such as the halls, offices, prayer room and pre-school) may also use the café whilst there. It is unlikely that people will use the café on the site and combine it with a trip to the Chiltern Beechwoods SAC before or after their visit. This is due to the distance and travel time involved and the presence of many other cafés located much closer to the SAC. In the Council's published FAQs on the SAC, it is stated that occasionally new developments other than residential may impact on the SAC, in terms of increasing visitor numbers. However, this is explicitly stated to include, "Other (e.g., cafes... in close proximity to the site" (author's underlining). Given the distance to the SAC, it cannot be said that this new café is in close proximity to Ashridge, particularly when there are multiple other cafés and similar facilities located much closer, in Berkhamsted, Tring and even Chesham.

## 3. Users of the pre-school combining trips to the Chiltern Beechwood SAC

Given the distance and travel time from the proposed pre-school to the Chiltern Beechwood SAC, and the availability of other open spaces with playgrounds in much closer proximity, it is unlikely that people using the pre-school would combine it with a trip to the Chiltern Beechwoods SAC.

It is also relevant to note that Natural England have been consulted on the proposed development and have stated that "Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection."

Furthermore, although there has been significant objection to the proposed development from the public, their reasons for objecting are not related to the impact on the Chiltern Beechwoods SAC.

## 4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. The Appropriate Assessment concludes that the development is unlikely to have a significant effect upon the integrity of the Chiltern Beechwood Special Area of Conservation. This is because people using the new facilities on the site are visiting for a specific purpose and given the distance and travel time involved, as well as the availability of other open spaces in much closer proximity, it is not considered that the proposal will increase recreational pressure on the Chiltern Beechwoods SAC.