

Matter 1 – Legal Compliance

Issue 7 – Habitats Regulations Assessment

12. The Chilterns Beechwoods Special Area of Conservation – Evidence Paper – September 2024 (EDH 06.01) refers to a 12.6km Zone of Influence around the Ashridge Commons and Woods Site of Special Scientific Interest. This extends into the western part of St Albans.
13. In seeking to mitigate the effects of additional recreational pressure, a mitigation strategy has been established. It comprises 2 elements; a Strategic Access Management and Monitoring Strategy (SAMMS) and the creation of Suitable Alternative Natural Greenspaces (SANGS). Contributions are required to the SAMMS and all new developments in the Zone of Influence will also need to make provision for either SANGS onsite, or through contributions to the SANG at the Jersey Farm site.

Q1 Which allocations in the Plan fall within the Zone of Influence and will therefore require the provision of mitigation? How was this taken into account as part of the site selection process?

Which allocations in the Plan fall within the Zone of Influence and will therefore require the provision of mitigation?

- 1.1 The document which identifies which allocations fall within the Zone of Influence (Zoi) and therefore will require the provision of mitigation is the Habitats Regulations Assessment (2024) (LPCD 04.01), paragraph 5.3.2 of which states that:

.....nine allocations for residential development are located within the 12.6km core recreational ZOI These are:

- H1 - North Hemel Hempstead, AL3 7AU
- H2 - East Hemel Hempstead (North), HP2 7HT
- H3 - East Hemel Hempstead (Central), HP2 7LF
- H4 - East Hemel Hempstead (South), HP2 4PA4
- B3 - West Redbourn, Redbourn, AL3 7HZ
- M6 - South of Harpenden Lane, Redbourn, AL3 7RQ
- M7 - Townsend Lane, Harpenden, AL5 2RH
- M16 - Falconers Field, Harpenden, AL5 3ES
- P3 - Friends Meeting House, Blackwater Lane, Hemel, HP3 8LB
- UC33 - Land Rear of 53 Snatchup, Redbourn, AL3 7HF

How was this taken into account as part of the site selection process?

- 1.2 The Zoi was taken into account through the site selection proforma process which is set out in the Local Plan Site Selection Proforma Methodology (LPSS 02.02) in the

section 'Other Key Constraints' which refers to the Chiltern Beechwoods SAC Zone of Influence on page 14, as set out below:

OTHER KEY CONSTRAINTS					
Category	Criteria	Land Use	WEAK	MEDIUM	STRONG
Physical	Is the site located within the Chiltern Beechwoods SAC Zone of Influence	Housing, Employment or Other	Site is located within the Chiltern Beechwoods SAC Zone of Influence	Site is adjacent/very close to the Chiltern Beechwoods SAC Zone of Influence	Site is not located near the Chiltern Beechwoods SAC Zone of Influence

- 1.3 The application of the Zol criteria for the strategic sites at Hemel Garden Communities (HGC) can be found in Green Belt Sites Recommended HGC Proformas (2024) (LPSS 02.03). The HGC strategic sites were considered against 'other key constraints' which included 'Chiltern Beechwoods SAC Zone of Influence' and were scored as 'weak' - 'Site is located within the Chiltern Beechwoods SAC Zone of Influence'.
- 1.4 The application of the Zol criteria for sites at West of Redbourn and Land at Gaddesden Lane, can be found in Green Belt Sites Recommended Broad Location Proformas (2024) (LPSS 02.04). The sites were considered against 'other key constraints' which included 'Chiltern Beechwoods SAC Zone of Influence' and was scored as 'weak' - 'Site is located within the Chiltern Beechwoods SAC Zone of Influence'.
- 1.5 The application of the Zol criteria for sites at Falconers Field, Harpenden; Townsend Lane, Harpenden; and South of Harpenden Lane; can be found in Green Belt Sites Recommended Medium & Small Site Proformas (2024) (LPSS 02.06) The sites were considered against 'other key constraints' which included 'Chiltern Beechwoods SAC Zone of Influence' and were scored as 'weak' - 'Site is located within the Chiltern Beechwoods SAC Zone of Influence'.
- 1.6 The application of the criteria for site at Friends Meeting House, Blackwater Lane, Hemel Hempstead, can be found in Green Belt Sites Recommended PDL Site Proformas (2024) (LPSS 02.07). The site was considered against 'other key constraints' which included 'Chiltern Beechwoods SAC Zone of Influence' and were scored as 'weak' - 'Site is located within the Chiltern Beechwoods SAC Zone of Influence'.
- 1.7 Other Green Belt sites were considered against 'other key constraints' which included 'Chiltern Beechwoods SAC Zone of Influence' and were scored as 'strong' which means that the 'Site is not located near the Chiltern Beechwoods SAC Zone of Influence'.
- 1.8 For site UC33 Land Rear of 53 Snatchup, Redbourn, AL3 7HF, the Chiltern Beechwoods SAC Zone of Influence was not mentioned in the site selection proforma, but it was included in the relevant site policy requirements in the Reg 19 Local Plan Part B (2024) (LPCD 02.02).

Q2 Is it sufficiently clear to users of the Plan when, where and how the necessary mitigation will be provided?

2.1 Yes, it is sufficiently clear to users of the Plan when, where and how the necessary mitigation will be provided. Key references from Reg 19 Local Plan Part A (2024) (LPCD 02.01) are set out below:

2.2 Strategic Policy SP1: A Spatial Strategy for St Albans District

The Local Plan also supports:... Protection and enhancement of the Chilterns Beechwoods Special Area of Conservation (CBSAC);...

2.3 LG3 - Hemel Garden Communities Growth Areas Place Principles

To enable the transformation of Hemel Hempstead, the design and delivery of HGC Growth Areas within the Hemel Garden Communities Programme Area must to adhere to the following requirements:...

b) Provide Suitable Alternative Natural Green Space (SANG) as part of an appropriate mitigation strategy for Chilterns Beechwood Special Area of Conservation (CBSAC);

2.4 Chapter 10, paragraph 10.11 states that:

An assessment of the Chilterns Beechwoods Special Area of Conservation (SAC) by Dacorum Borough Council in 2022 revealed that more action is needed to help protect Ashridge Commons and Woods Site of Special Scientific Interest on the Hertfordshire Buckinghamshire border which is under increasing visitor pressure from the surrounding areas. If nothing is done, new development will lead to further visitor pressures and damage to the integrity of the SAC. A buffer Zone of Influence of 12.6km around this covers part of St Albans District, and the Council is legally required not to issue decisions within this buffer until appropriate mitigation is secured through a Mitigation Strategy. A key element in the Mitigation Strategy will be the identification and / or creation of Suitable Alternative Natural Greenspace (SANG) to draw people away from using the SAC.

2.5 Strategic Policy SP10 – Natural Environment, Biodiversity and Green and Blue Infrastructure states that:

...The Council will support proposals that ensure the protection and improvement of the District's green infrastructure and the wider natural environment, where the proposals:...

f) Make appropriate contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS), where the proposal is for additional housing within the Chilterns Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI). Such development proposals will also need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere; ...

- 2.6 In addition to the above, the Reg 19 Local Plan Part B (2024) (LPCD 02.02) has further references for all Local Plan residential allocations located within the 12.6km ZOI. Text is included under 'Key development requirements' for all sites within the ZOI as set out below:

The site lies within the Chilterns Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI). Appropriate contributions must be made towards the Strategic Access Management and Monitoring Strategy (SAMMS). Development proposals will also need to make provision for a new Suitable Alternative Natural Greenspace (SANG)...

- 2.7 Sites within the ZOI, except those at HGC, contained an additional reference to SANG in the 'Key development requirements' as set out below:

..or alternatively contribute towards the maintenance of a suitable SANG project elsewhere..

- 2.8 The Local Plan cross refers to the Chiltern Beechwoods Special Area of Conservation (CB SAC) Mitigation Strategy and a copy is attached at M1 I7 Q2 Appendix 1. This strategy provides more detail as to when, where and how the necessary mitigation will be provided, including the following:

- 2.9 Paragraph 1.4.2.

The guidance applies to Ashridge Commons and Woods SSSI and a broader geographic area that extends 12.6 kilometres from this designated area. This is commonly referred to as the "Zone of Influence"

- 2.10 Paragraph 4.1.1.

All net new homes granted planning permission from 14 March 2022 will need to contribute towards the Strategic Access Management and Monitoring (SAMMS) Projects (listed in Appendix A or as superseded) and secure or make proportionate contributions towards the delivery of Suitable Alternative Natural Greenspace (SANG).

- 2.11 Paragraph 4.1.4.

The sums of monies will be secured via appropriate mechanisms as set out in Part B of this document and will be subject to an inflation related clause. In addition, the costs of individual components may be reviewed as part of the annual update based on the outcomes of individual project evaluation if this identifies that there has been either an underestimation or overestimation of the costs attributed. These contributions are in addition to any CIL, Section 278, Section 106 or other requirements that may arise through reforms to the planning system.

2.12 Paragraphs 6.1.2 and 6.1.3 Option 1: Unilateral Undertaking (UU) under Section 106

This is most suited to smaller developments. Reason: A Unilateral Undertaking can be provided at the application stage which commits to the contributions being paid prior to commencement of development. A UU template is available which meets the Council's requirements. The UU gives certainty that mitigation will be provided at the appropriate time after planning permission is granted and gives the Council sufficient powers to enforce in cases of non-payment. Certain legal information is required when submitting a UU. It can only be entered into by the landowner and proof of title will be required. The UU is a legal agreement which is registered as a land charge against the property.

A UU should only be used where contributions are being made to SAMMS and to a Strategic SANG. A UU is not feasible where the applicant is proposing a bespoke SANG solution.

2.13 Paragraph 6.1.5. Option 2: Section 106 Agreement (S.106 Agreement)

This is most suited to larger scale developments that are required to deliver other significant infrastructure or financial payments through a S.106 Agreement. Reason: Larger developments are generally required to deliver other forms of infrastructure on site or provide financial contribution in lieu, and provide other important elements such as affordable housing. The mechanism for securing these is through a S.106 Agreement - this is drawn up by the landowner's solicitor and the Council's legal team but can include multiple parties. Given that such a legal agreement will already be progressed for such proposals, it can be extended to include the securing of necessary contributions and/or the delivery of a bespoke SANG solution.

Q3 How will the provision of mitigation affect the deliverability and viability of sites, especially strategic-scale allocations in the Plan?

3.1 The following strategic site viability reports 2024 demonstrate how the provision of mitigation affects the deliverability and viability of sites, especially strategic-scale allocations in the Plan. They include appropriate cost assumptions for SAMMS and SANG and the viability testing concludes that all the strategic sites are viable.

- East Hemel (Central) Site Viability Report (2024) (INF 10.02)
- East Hemel (North) Site Viability Report (2024) (INF 10.03)
- East Hemel (South) Site Viability Report (2024) (INF 10.04)
- North Hemel Hempstead Site Viability Report (2024) (INF 10.09)
- West of Redbourn Strategic Site Viability Report (2024) (INF 10.13)

3.2 For East Hemel Hempstead (South), Paragraph 3.2.15 and table 3.2.1.14.1 states:

3.2.15 SAMMS and SANG

Policy SP10 of the LPPD requires contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG). As this site falls within the Chiltern Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI) the Council has advised that this site would be subject to a SAMMS cost of £828.60 per dwelling totalling £1,988,640. We highlight that the cost requirement for SANG has been reflected in the ARUP S106 calculations summarised in Table 3.2.14.1 under the Green Infrastructure heading.

Table 3.2.14.1: Section 106 contributions

Contribution description	Contribution	Comments on contribution
Green infrastructure: Open Space/SANG	£2,354,047	Based on ARUP Costings

5 Conclusions and Recommendations states:

This testing demonstrates that the East Hemel Hempstead (South) strategic site is viable and developable having regard to both the Council's planning policy requirements including 40% affordable housing and additional planning policies as set out in our LPVS.

3.3 For East Hemel Hempstead (North), Paragraph 3.2.15 and table 3.2.1.14.1 states:

Paragraph 3.2.15 SAMMS and SANG states that:

Policy SP10 of the LPPD requires contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG). As this site falls within the Chiltern Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI) the Council has advised that this

site would be subject to a SAMMS cost of £828.60 per dwelling totalling £1,358,904. We highlight that the cost requirement for SANG has been reflected in the ARUP S106 calculations summarised in Table 3.2.14.1 under the Green Infrastructure heading.

Table 3.2.14.1: Section 106 contributions

Contribution description	Contribution	Comments on contribution
Green infrastructure: Country Park/SANG	£630,480	Based on ARUP Costings

5 Conclusions and Recommendations

'This testing demonstrates that the East Hemel Hempstead (North) strategic site is viable and developable having regard to both the Council's planning policy requirements including 40% affordable housing and additional planning polices as set out in our LPVS.

3.4 For North Hemel Hempstead, Paragraph 3.2.15 and table 3.2.14 states:

3.2.15 SAMMS and SANG

Policy SP10 of the LPPD requires contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG). As this site falls within the Chiltern Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI) the Council has advised that this site would be subject to a SAMMS cost of £828.60 per dwelling totalling £1,242,900. We highlight that the cost requirement for SANG has been reflected in the ARUP S106 calculations summarised in Table 3.2.14.1 under the Green Infrastructure heading.

Table 3.2.14: Section 106 contributions

Contribution description	Contribution	Comments on contribution
Green infrastructure: Country Park/SANG	£5,846,500	Based on ARUP Costings

5 Conclusions and Recommendations

'This testing demonstrates that the North Hemel Hempstead strategic site is viable and developable having regard to both the Council's planning policy requirements including 40% affordable housing and additional planning polices as set out in our LPVS.

3.5 For East Hemel Hempstead (Central), Paragraphs 3.2.10 and 3.2.11 states:

3.2.10 Section 106 Obligations

The Council have advised that the site will be subject to a payment for Open Space/SANG at an assumed cost of £40,000 per hectare which equates to a total payment of £792,000.

3.2.11 SAMMS and SANG

Policy SP10 of the LPPD requires contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG). As this site falls within the Chiltern Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI) the Council has advised that the travellers and gypsy pitches would be subject to a SAMMS cost of £828.60 per dwelling totalling £16,572. We highlight that the cost requirement for SANG has been reflected in the S106 calculations summarised in section 3.2.10'

5 Conclusions and Recommendations states that:

This testing demonstrates that the East of Hemel Hempstead strategic site is viable and developable having regard to both the Council's planning policy requirements.

3.6 For West of Redbourn, Paragraph 3.2.11 states:

3.2.11 SAMMS and SANG

Policy SP10 of the LPPD requires contributions towards the Strategic Access Management and Monitoring Strategy (SAMMS) and Suitable Alternative Natural Greenspace (SANG). As this site falls within the Chiltern Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI) the Council has advised that a payment of £7,431.60 per unit will be required which equates to a total payment of £4,050,222. However, should the developer/landowner provide SANG off site they will not pay the Council directly.

5 Conclusions and Recommendations states that:

This testing demonstrates that the West of Redbourn strategic site is viable and developable having regard to both the Council's planning policy requirements including 40% affordable housing and additional planning policies as set out in our LPVS.

3.7 In addition, the BNPPRE Local Plan Viability Report SADC (2024) (INF 10.01) study methodology compares the residual land values of a range of development typologies reflecting the types of developments expected to come forward in the district over the life of the emerging Local Plan. It includes the testing of SAMMS and SANG S106 contributions in the CBSAC Zone of Influence and key references are set out below:

3.8 Paragraph 1.7 and 7.2 states:

S106 Contributions and SAMMS/SANG: We have tested the S106 contributions provided to us by the Council which range from £14,082 to £16,245 per unit in

addition to emerging policy SP10 that requires a payment towards SAMMS/SANG in the Zone of Influence at £7,432 per unit. Our appraisals indicate that these payments can be viably absorbed alongside affordable housing.

3.9 Paragraph 6.9 states:

Viability is slightly more challenging within the Zone of Influence despite having the same value per sq/sm as the Rest of St Albans which can be attributed to the additional S106 contribution towards SAMM/SANG of £7,431.61 per unit. When benchmarked against the car park and greenfield site values the typologies can support 40% affordable housing.

Q4 Will the mitigation strategies be effective in ensuring that the policies and allocations in the Plan will avoid significant adverse impacts on the integrity of relevant European sites?

4.1 Yes, the mitigation strategies will be effective in ensuring that the policies and allocations in the Plan will avoid significant adverse impacts on the integrity of relevant European sites. This is demonstrated in the Habitats Regulations Assessment (2024) (LPCD 04.01) as shown below:

4.2 Paragraph 7.1.3

....A recreational Zone of Influence of 12.6km around the SAC covers part of St Albans District, and the Council is legally required not to issue decisions within the recreational ZOI until appropriate mitigation is secured through a Mitigation Strategy. The Mitigation Strategy comprises of two elements, a Strategic Access Management and Monitoring Strategy (SAMMS) and SANG strategy. The SAMMS requires developer contributions per net new dwelling to enable interventions within the Ashridge Estate. A second element in the Mitigation Strategy will be the identification and/ or creation of Suitable Alternative Natural Greenspace (SANG) to draw people away from using the SAC.

4.3 Paragraph 7.1.4

All Local Plan residential allocations located within the 12.6km core recreational ZOI include text that identifies that they are located within the core recreational ZOI and that... 'The site lies within the Chilterns Beechwoods Special Area of Conservation (CBSAC) Zone of Influence (ZOI). Appropriate contributions must be made towards the Strategic Access Management and Monitoring Strategy (SAMMS). Development proposals will also need to make provision for a new Suitable Alternative Natural Greenspace (SANG), or alternatively contribute towards the maintenance of a suitable SANG project elsewhere.

4.4 Paragraph 7.1.5

The Local Plan contains suitable policy wording to ensure that any allocations and any windfall development that falls within the 12.6km core recreational ZOI does not result in a likely significant effect and also adheres to the forthcoming Mitigation Strategy.

4.5 Paragraph 7.1.6

Following an analysis of the current position relating to the availability, deliverability and timing of SANG provision in relation to the expected delivery time frames for residential development, it was concluded that, whilst not all allocations have a SANG strategy identified, those without a SANG solution in place are not to be occupied until at least year 6 of the Local Plan. The Council has confirmed that they are confident that appropriate SANG solutions will be delivered for all of the relevant

sites within the Local Plan. This confidence is in part demonstrated by the Council's commitment to the Chilterns Beechwoods SAC Mitigation Strategy as agreed in the Council's Policy Committee March 2023⁵². It is considered that with the Chilterns Beechwood SAC Mitigation Strategy in place, and the Council's confidence to deliver SANG in a timely fashion, (acknowledging the excess SANG capacity at Hemel Garden Communities), that no adverse effects on the integrity of the Chilterns Beechwoods SAC would result.