

Committee(s):	Date(s):
Epping Forest and Commons Committee	13 Nov 2013
South Bucks District Council - Development Management Local Plan update.	Public
The Superintendent of Burnham Beeches and Stoke Common.	For Information
Summary	
<p>The purpose of this report is to update members concerning progress with South Bucks District Council's Development Management Local Plan (DMLP).</p>	
Recommendation(s)	
<ul style="list-style-type: none"> • Members views on this report will be received. 	

Main Report

Background

1. South Bucks District Council, one of four local planning authorities affecting Burnham Beeches, is currently developing the 'local element' of their Core Planning Strategy. This 'Development Management Local Plan' (DMLP) will set the context and determine planning permission criteria over the next decade or so, on land in close proximity to Burnham Beeches. There currently exists an opportunity for the City of London to influence the DMLP to minimise and/or mitigate harm to Burnham Beeches.
2. SBDC is required to take into account the Conservation of Habitats and Species Regulations 2010 (The Habitats Regulations). This sets out a legal requirement to protect SACs (Special Areas of Conservation) such as Burnham Beeches, from harm. This includes control of development that may have a detrimental impact on the SAC 'either alone or in combination with other developments'. The features protected under the Regulations 'the citation' are 'Acidic Beech Woodland and associated Epiphytes'.
3. The Regulations make it clear that SBDC, as the controlling influence on planned development, are the Competent Authority and as such can be held responsible for causing harm to the site.
4. SBDC took Counsel at an early stage and subsequently accepted their responsibilities under the EU Regulations. Your Superintendent has also ensured the involvement of Natural England (NE) (the body that oversees the management of SSSI's) and the Environment Agency (EA) (who consider

flood, pollution and other environmental issues) to ensure that the development of the DMLP also reflects their requirements.

Current Position

5. The Superintendent and Conservation Officer continue to work closely with all parties on this matter and are of the view that the final version of the DMLP should seek to protect the Beeches from harm by limiting the type and scale of development in the vicinity of the SAC. Those developments that are allowed should contribute to the long term care and maintenance of the site (as mitigation).
6. This approach demands evidence of 'likely significant impact' of harm from developments upon the SAC. Unfortunately, the science required to provide this is largely absent so, following guidance from NE and the EA, SBDC and the City of London are in the process of establishing the following baseline data to support the case to protect the site:
 - i. Demographic data
 - ii. Hydrological data
 - iii. Visitor access preferences (where they walk, what numbers etc)
 - iv. Soil health
 - v. Beech tree health
 - vi. Lichen analysis (air quality)
7. The outcome of this research will be available from January 2014 and used to inform the draft DMLP. The research has been designed to indicate the effect of the most common impacts of development upon the features included in the EU citation.
8. Further research may be needed as additional knowledge gaps are highlighted. The implications of this are set out later in this report.
9. In the interim period the Superintendent will strive to ensure that any current planning applications are examined in light of the issues being considered by the draft DMLP process. It has been a particular challenge to ensure consistent comments are provided by NE and this will remain a focus of activity.

Proposals

10. To continue to work closely with SBDC, NE and the EA to ensure that the research findings inform the draft DMLP as failure to do so may lead to long-term and permanent harm to the Beeches from inappropriate development.
11. To keep members updated as to progress on the development of the draft DMLP as appropriate. SBDC's timetable remains uncertain but the next update to this committee is anticipated in May 2014.

Corporate & Strategic Implications

12. The proposals support the Strategic aims of the City and Open Spaces Department by:

Quality. Providing, safe, secure and accessible Open Spaces and services on behalf of London and the Nation.

Inclusion. Involving communities and partners in developing a sense of place through the care and management of our sites

Environment. Delivering sustainable working practices to promote the variety of life and protect the Open Spaces for the enjoyment of future generations

Implications

13. Research and staff costs for Burnham Beeches and SBDC for 2013/14 amount to:

Research/Resource	City of London	SBDC	Cost
Demographic data and access patterns	X		£5000
Soil nutrient and compaction data	X		£8000
Lichen monitoring and data	X		£3000
Beech Tree Health	X		£1000
Staff time	X	X	£17000 (£5000+£12000)
Hydrological Study		X	£10000
Total	£22000	£22000	£44000

14. The Superintendent has sought to gain value for money by combining the demographic element of this research with information required for the implementation of Dog Control Orders at Burnham Beeches.
15. To deter developers in the longer-term it is possible that additional research evidence will be required and costs are likely to accrue over the next year or more. These will have to be met from local risk budgets
16. It may also be necessary to seek specialist counsel if the City of London is to be content that the final version of the DMLP is sufficiently robust in its defence of the Open Space. This cost may need to be met from local risk budgets.
17. It is likely that this same process will commence with the remaining three local authorities and whilst the research costs should diminish the impact on the Superintendent and his management team in terms of time and resources dedicated to the issue is likely to remain significant for the foreseeable future.

18. The financial issues highlighted above were presented to the Open Spaces and Policy and Resource Committees in their meeting of October 2013 where it was approved that a sum of £25,000 will be made available (ring fenced for this use) in 2013/14 for use across the Open Spaces Department.

Conclusion

19. Partnership working with SBDC, NE and the EA to inform the DMLP is making good progress.
20. This issue has placed a significant workload on the management team at Burnham Beeches and has required unplanned expenditure in the current financial year. These pressures are likely to continue over the next 2-3 years as the three remaining planning authorities commence similar work.
21. A recent decision by the OS and P&R committees has made £25,000 available (ring-fenced) to the Open Spaces to help support the cost of this work in 2013/14.
22. In the interim i.e. until the DPLP is implemented, the Superintendent will continue to seek consistent planning decisions across all organisations to minimise any harmful impacts upon Burnham Beeches.

Appendices - None

Background Papers:

- i. Planning Commitments for City of London Open Spaces – October 2013. Open Spaces and City Gardens and Policy and Resource Committees.

Andy Barnard

Superintendent of Burnham Beeches and Stoke Common

T: 0207 332 6676

E: andy.barnard@cityoflondon.gov.uk