

Committee(s):	Date(s):
Epping Forest & Commons	18/11/2019
Subject: South Bucks District Council Local Plan – Examination in public	Public
Report of: Director of Open Spaces	For Decision
Report Author: Helen Read	
Summary	
<p>South Bucks District Council (SBDC) within which Burnham Beeches is situated, submitted its Local Plan to the Secretary of State on 26 September 2019. Dates for public Hearing Sessions have yet to be published but are anticipated soon. This report seeks your Committee’s approval for Officers to attend the Hearing Sessions thereby ensuring that representations on the Local Plan are heard and an appropriate mitigation strategy is adopted that seeks to protect Burnham Beeches.</p>	
Recommendation(s)	
<p>Members are asked to approve:</p> <ul style="list-style-type: none"> • The proposals encompassed in Option A. • That Officers continue to work with SBDC to create a full and effective Mitigation Strategy. • That Officers report to your Committee with the outcomes of the Hearing Sessions and the Inspector’s findings and main modifications. 	

Main Report

Background

1. Burnham Beeches falls entirely within the boundary of South Bucks District Council (SBDC), which for the last few years has been in a Joint Service Agreement with the neighbouring Chiltern District Council.
2. Officers have been working closely with SBDC and Natural England (NE) over the development of SBDC’s Local Plan. Because of the designation of Burnham Beeches as a Special Area of Conservation (SAC) there are additional legal obligations placed on the Local Authority. The partnership approach has to date:
 - a. Sought supporting environmental information such as air quality and visitor demographics to the Local Plan.

- b. Held regular meetings, with other key partners such as the Environment Agency.
 - c. Published (by SBDC) interim planning guidance for developers regarding Burnham Beeches SAC.
 - d. Increased awareness amongst SBDC officers and ensured that they have the necessary information to determine planning applications relevant to the SAC.
3. The Local Plan covers the 20 years up to 2036, during which period there is a need to meet a target of 15,260 new homes. There are proposals for 5,750 of these to be accommodated in a neighbouring District, leaving 11,000, (763 per year) to be delivered. This excludes opportunistic developments that might significantly increase that number. Further restraints exist in addition to those associated with Burnham Beeches SAC. The majority of the District is Greenbelt, parts are in the Chilterns AONB and other areas are subject to flood risk.
4. The Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2010 on 7 June 2019. It sought representations from the public and other bodies under Regulation 20, over an 11-week period that concluded on 23 August 2019.
5. The City Corporation submitted comments on the Local Plan as previously approved by the Chairman and Deputy Chairman under delegated authority. A copy of that document is attached as Appendix 1.
6. The Local Plan, as currently published, includes policy DM NP3 relating to Burnham Beeches SAC. This states that:
 - a. Permission will not be granted for developments resulting in net additional homes within 400m of the Burnham Beeches SAC boundary
 - b. Development within 10m of a water course flowing into Burnham Beeches will not be permitted
 - c. Residential developments between 400m and 5.6km from the SAC, that result in a net increase in homes, will be required to demonstrate 'no adverse impact on the SAC' and make financial contributions to the Burnham Beeches access management scheme (or provide alternative green space for recreation)
 - d. Development must contribute to the Burnham Beeches Air Quality Mitigation Scheme
7. Following that public consultation and to reflect the issues arising, SBDC intend to inform the forthcoming examination process by submitting 'Main Modifications' (MM) to the plan. There is an expectation that one of the MMs will be the extension of the inner zone (no net increase in additional homes) from 400m to 500m. This is a significant increase in the protected area and supports one of the comments submitted by the City Corporation that has already been published in the new Habitats Regulations Assessment for the plan.

Current Position

8. Following the submission of the Local Plan by SBDC on 26 September 2019, two Inspectors have been appointed to carry out an independent examination into the soundness of the plan. They will hold Hearing Sessions, which are informal debates at which representations regarding the plan can be made. At the end of the examination process, the Inspectors will produce a report that will include precise recommendations. Details of the Hearing Sessions are yet to be given. SBDC have requested that this process proceed quickly because Local Authority restructuring is in process and Buckinghamshire will become a unitary authority from 1 April 2020. Other Districts within the new authority (other than Chiltern which is going forward with SBDC as a joint plan) already have local plans adopted.
9. While officers are supportive of the (as modified) Burnham Beeches policy in the Local Plan, there remains a level of detail that has yet to be finalised. Notably, Officers are still working with SBDC on the mitigation strategy for recreation. Officers have provided a range of options and associated costs on this matter but further clarification is required to determine precisely what developers' contributions will support, how the system would operate and the level of payment.
10. In addition, a contract let by SBDC to carry out air quality modelling to gain an insight into any changes in air pollutants because of actions within the Local Plan has subsequently been discredited due to the choice of data input into the model. It therefore has had to be repeated meaning that it is still not clear if mitigation is required and, if so, what form it will take. It appears that this detail will be finalised in parallel with preparations for the Hearing Sessions and potentially even after they have been completed.
11. Although the timetable for the next steps has not yet been confirmed, Officers remain resolved to ensure the best outcome for Burnham Beeches in the Local Plan. It may yet be possible to clarify the uncertainties regarding the mitigation for recreation pressure and air quality between Officers to the satisfaction of all. However, if this is not possible, or the level of detail has still not been confirmed by the time of the Hearing Sessions, Officers may consider it prudent to attend these sessions and make representations concerning issues relating to submissions made during the plan consultation. At this point it is not clear how much time may be involved.

Options.

Option A – Officers continue to engage with SBDC to resolve details of mitigation strategies and associated issues prior to the Hearing Sessions if possible. Should resolution not be reached or uncertainty exist, Officers (with legal support as deemed necessary) attend hearings as appropriate and make representations according to progress made in the intervening period. **This option is recommended** as it gives greater flexibility in case of new information that may be provided by SBDC.

Option B – to request that officers continue to engage with SBDC but do not attend hearings and leave the Inspector to determine the position from our

written submissions as part of the consultation process alone. **This option is not recommended.**

Proposals

12. It is proposed that **Option A** is pursued so that Officers can react to the situation in the most appropriate manner to clarify and reinforce our representations if necessary, including at the Hearing Sessions should this be necessary.
13. It is proposed that Officers continue to work closely with SBDC and NE to resolve outstanding issues regarding mitigation for recreation pressure and potential mitigation for air quality should this prove to be required once the updated modelling results have been received.

Corporate & Strategic Implications

14. **City of London Corporate Plan 2018 - 2023:** the protection of the Internationally and nationally-important habitats of Burnham Beeches directly underscore the *third pillar* of the Corporate Plan, which is to “**shape outstanding environments**”. This *third pillar* of the Corporate Plan is measured by four outcomes. The protection and conservation of the outstanding environment of Burnham Beeches contribute significantly to the achievement of two of these: firstly, *Outcome 11* “We have clean air, land and water and a thriving and sustainable natural environment” and secondly, *Outcome 12* “Our spaces are secure, resilient and well-maintained”.
15. **Open Spaces Department Business Plan 2016-19:** The Strategic Vision of this Business plan is to *enrich people’s lives by enhancing and providing access to ecologically diverse open spaces and outstanding heritage assets across London and beyond*. One of the Departments top line objectives is *Open spaces and historic sites are thriving and accessible* and that *Our open spaces, heritage and cultural assets are protected, conserved and enhanced*.
16. **Burnham Beeches Management plan 2010-2020:** The responses on the Local Plan are encompassed in Object 3 of the site management plan under project 3.22 protect protected species and habitats from harm.

Implications

17. **Financial and Legal implications.** Costs associated with staff time and legal representation will be met from Local Risk budgets. These have yet to be fully assessed but are currently anticipated to be relatively low i.e. in the region of £2,000 - £5,000 dependant largely upon the need for any legal representation. This range may change dependent upon the outcome of discussions with SBDC prior to the Hearing Sessions.

Open Spaces Charities

18. Burnham Beeches and Stoke Common is Registered Charity No 232987. Members will note that decisions they take in relation to the relevant charity must be taken in the best interests of that charity.

Conclusion

19. Representations were made on the SBDC Local Plan consultation under delegated authority but the plan as submitted to the Secretary of State currently lacks details of mitigation strategies for recreation and air quality. Recent work has also questioned the level of mitigation required for air quality issues.
20. SBDC are planning to submit Main Modifications to the submitted plan but the scope of these are unclear and will require public consultation.
21. SBDC have requested that the process proceeds as swiftly as possible due to the forthcoming local authority restructuring whereby the County will become Unitary on 1st April 2020 and SBDC will cease to exist.
22. Due to the uncertain and potentially tight time scales, this report seeks your Committee's approval for Officers to attend hearings should details of the mitigation strategies not be resolved to full satisfaction prior to the Hearing Sessions.

Appendices

- Appendix 1: Response to Local Plan consultation – June 2019

Background Papers:

None.

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