



## Habitats Regulations Assessment and Planning Applications

### Frequently Asked Questions (FAQs) for the Chilterns Beechwoods Special Area of Conservation (SAC) – Ashridge Commons and Woods SSSI and Tring Woodlands SSSI

#### Summary Version

March 2022

Version 1.1

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PLEASE NOTE: These Summary FAQs will remain a live document and will be regularly updated. The following table provides a summary of the versions which have been released and the questions/page numbers where changes have been made:

Version	Published	Changes made	
		Page Number	Question Number
Version 1.1	14 March 2022	-	-

## Introduction

We want to make you aware of major changes we are having to introduce to deal with certain planning applications and how we prepare our new Local Plan. This is as a result of emerging work resulting from the Habitats Regulations Assessment (HRA) process.

The HRA is going to affect how the Council processes and decides planning applications going forward. This could impact on a number of developers, landowners and agents. In time, it is also likely to affect how the Council develops its strategy for the new Local Plan.

The Council will be working at pace over the coming months to minimise any disruptions as a result of these changes.

The Council has prepared this brief Frequently Asked Questions (FAQs) as a quick guide to the HRA process. Please note that a more detailed version of this is available if you have greater interest in this matter or this hasn't answered all of your queries.

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## Q1. Why is the HRA process so important?

Certain sites around the borough form part of the wider Chilterns Beechwoods Special Areas of Conservation (CBSAC) because of their special habitat and species that they support. They are internationally recognised and are within the top-tier of nature conservation sites nationally.

The CBSAC includes two sites in the borough:

- Ashridge Commons and Woods SSSI (which includes the Ashridge Estate); and
- Tring Woodlands SSSI.

Part of Ashridge Estate, approximately 30%, extends into Buckinghamshire Council.

Under the Habitats Regulations<sup>1</sup>, the CBSAC has the highest level of protection in order to safeguard their important features. The Council must fulfil a number of legal responsibilities as a result.

The Habitats Regulations requires us, as the “competent authority”, to undertake a Habitats Regulations Assessment (HRA) to understand whether our Local Plan or other projects (such as planning applications) might result in harm to the integrity of the CBSAC.

The Council first screens the plan or project to see if there is likely to be harm, or that the potential for such harm cannot be excluded beyond reasonable scientific doubt. If the potential for harm could occur, both alone or in-combination with other plans or projects, then the Council must undertake what is known as an “Appropriate Assessment”. The Appropriate Assessment requires the Council to investigate the potential for harm further. If the risk still remains, then appropriate mitigation needs to be identified and secured to remove the risk.

Furthermore, there are also specific statutory controls in place which exclude the granting of planning permission for development that may adversely affect such internationally important habitats and species.

### FACTS:

- [Natural England GIS mapping of SACs in the UK](#)
- Natural England [Chilterns Beechwoods SAC](#), as well as the SSSI documentation for [Ashridge Commons and Woods SSSI known as Ashridge Estate](#) and [Tring Woodlands SSSI](#)
- Dacorum’s evidence base (available at [www.dacorum.gov.uk/sac](http://www.dacorum.gov.uk/sac)):
  - Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan, Footprint Ecology dated March 2022
  - Topic Paper dated November 2020

<sup>1</sup> [Conservation of Habitats and Species \(EU exit amendment\) Regulations 2019](#) and [Conservation of Habitats and Species Regulations 2017, as amended](#).

## Q2. What is the HRA process telling us so far?

The Habitats Regulations requires us to undertake an initial screening (Stage 1 of the HRA) of our Local Plan to assess the impact of current and future growth on the CBSAC. We have asked consultants to carry out this work. They were unable to rule out the potential for likely significant effects on parts of the CBSAC.

Following the outcome of the screening, the Council now has to undertake the more detailed Appropriate Assessment (Stage 2 of the HRA) to identify the current condition of these two sites. If necessary, the Council will have to find ways of avoiding and offsetting (mitigating) any negative effects identified.

Initially, the Council has been focussing on understanding the impact of recreational (visitor) pressures on the CBSAC, although we still need to complete other assessments.

Our expert consultants have carried out a variety of surveys of these sites during 2021. Their research has concluded that there is damage to the conservation interest of the CBSAC from public access and disturbance, particularly at Ashridge Estate.

It is the Council's legal responsibility now to take steps to ensure that the protected features of the CBSAC are safeguarded from the additional visitor pressure generated by new development.

### FACTS:

- Dacorum's evidence base (available at [www.dacorum.gov.uk/sac](http://www.dacorum.gov.uk/sac)):
  - Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan, Footprint Ecology dated March 2022

## Q3. How does the HRA process affect planning applications?

Natural England, as the "appropriate conservation body", has been guiding us throughout the process. They are advising the Council to develop a mitigation strategy to address the identified impacts and harm to the special features of the CBSAC. The strategy seeks to safeguard the integrity of the CBSAC from future recreational pressure arising from new homes and other forms of development. The CBSAC will continue to deteriorate without avoidance and mitigation measures in place.

We will need to work with a number of partner organisations to produce a strategy to address these recreational pressures including:

- Natural England;
- National Trust;
- Hertfordshire County Council (ecology team); and
- those neighbouring authorities falling within the defined Zone of Influence.

We will involve other key stakeholders or land owners, as appropriate to ensure a speedy and acceptable outcome.

Critically, under the Habitats Regulations we have a responsibility to ensure the integrity of the Chilterns Beechwoods SAC is not adversely affected.

**Until a mitigation strategy is in place that addresses the identified harm, the Council is unable to issue a decision on certain forms of planning applications at this current time.**

**FACTS:**

- Letter received from Natural England dated 14 March 2022 confirming approach going forwards since the release of the Footprint Ecology evidence. Available at [www.dacorum.gov.uk/sac](http://www.dacorum.gov.uk/sac)
- Other local examples of this matter: [Thames Basin Heaths](#), [Epping Forest](#) and [Burnham Beeches](#)

**Q4. Will it affect my application?**

This will depend on the type of proposal and where it is located (see Q.5 and Q.6 below).

These changes mean that the Council need to screen all applications to check that they do not undermine the integrity of the CBSAC.

**FACTS:**

- Natural England and Hertfordshire County Council (as ecological advisors to Dacorum) will be consulted upon on planning applications where relevant and highlighting how they are affected by this new HRA evidence.
- The Council continues to accept (and is receiving planning applications) in the normal manner via: [Applications - Planning Portal](#) or [Planning applications \(dacorum.gov.uk\)](#).

**Q5. What parts of Dacorum are affected by the HRA?**

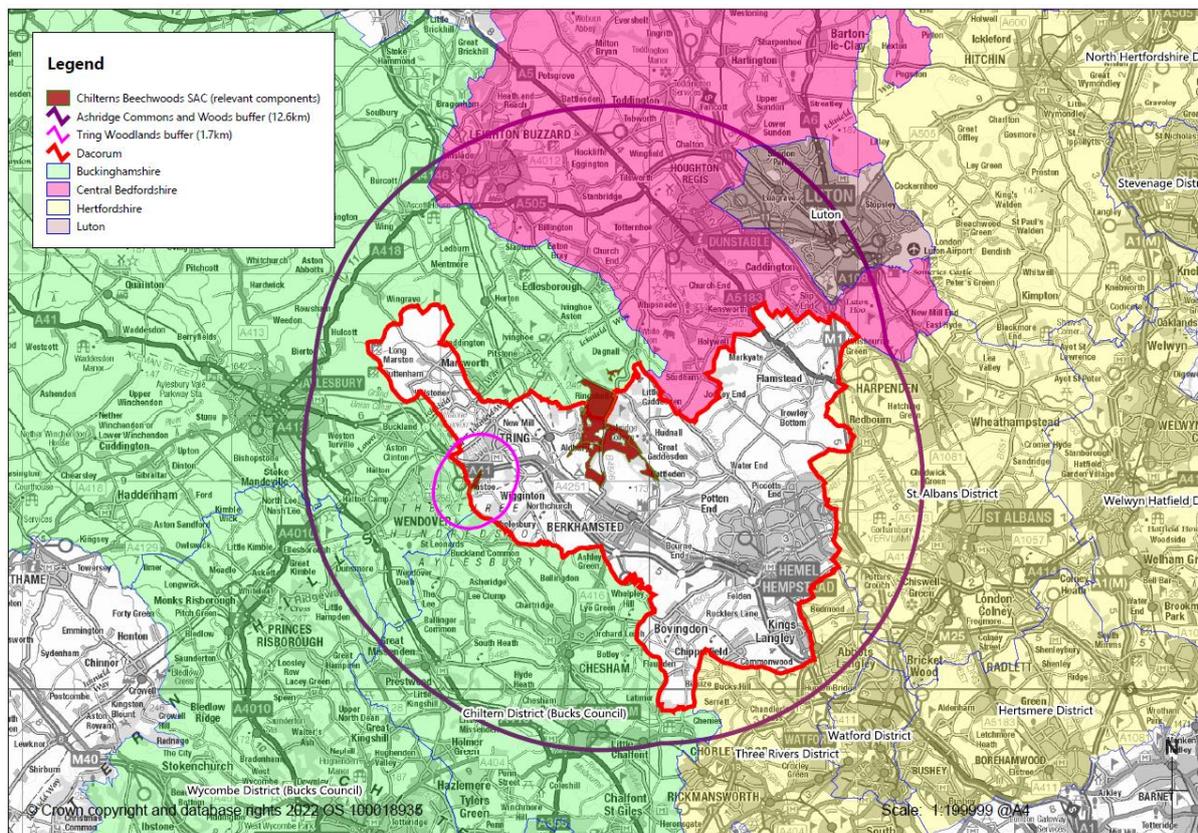
The HRA process is going to impact on relevant applications (see Q.6 below) across the whole of the borough. There are no exceptions in terms of an application site's location at this stage.

This area affected is based on the on-site postcode survey of visitors to the CBSAC collated by our consultants during 2021. They have identified that the majority of visitors are coming from a 12.6km radius of Ashridge Estate, the busiest part of the CBSAC. This area extends across all of Dacorum and into the edges of a number of adjoining authorities. Those Councils also affected by this evidence (due to the volumes of visitors recreating at Ashridge Estate from these areas) are:

- [St Albans City and District Council](#)

- [Buckinghamshire Council](#)
- [Central Bedfordshire Council](#)

In the case of Tring Woodlands, it is a smaller attraction and draws visitors from a more localised area. Tring Woodlands Zone of Influence is defined as 1.7km.



It is this area (termed a 'Zone of Influence') that is seen as most likely to give rise to current and future recreational pressure on Ashridge Estate and Tring Woodlands.

#### FACTS:

- Dacorum's evidence base (available at [www.dacorum.gov.uk/sac](http://www.dacorum.gov.uk/sac)):
  - Visitor Survey, recreation impact assessment and mitigation requirements for the Chilterns Beechwoods SAC and the Dacorum Local Plan, Footprint Ecology dated March 2022
- An interactive map is available to view the Zones of Influence and Exclusion Zones in more detail: <https://arcg.is/1eTHGK1>
- A joint press release has been issued by Buckinghamshire Council, Dacorum Borough Council and the National Trust.

#### Q6. Will it affect my particular proposal?

This will depend on the specific nature of the proposal sought.

The HRA is concerned with visitor pressure on the CBSAC across the Zone of Influence. Any scheme by itself or in-combination with others that leads to increased recreational use will be affected. In simple terms, this could mean anything which results in an increase in the local population or provides an opportunity for more individuals to reside with Dacorum.

**Normally, this will apply to applications that result in any net gain in new homes on a site or some other forms of development that in turn can lead to extra visitors to the CBSAC. These will be referred to as ‘qualifying applications’ and includes those normally granted through permitted development rights.**

**Where such development is located close to the CBSAC, it may need to be refused, as there will be no reasonable forms of mitigation available to prevent adverse effects on the internationally important habitats and species.**

**We will not be able to issue a decision to approve such applications until certain steps are in place (see Q.7 below).**

Other forms of householder, commercial and non-residential development should be unaffected by such changes and the Council will be able to process these applications as normal.

**FACTS:**

- We have sent notification letters out to affected applicants and will continue to do so as relevant.
- Officers are making applicants aware during pre-application discussions.
- The Council continues to accept (and is receiving planning applications) in the normal manner via: [Applications - Planning Portal](#) or [Planning applications \(dacorum.gov.uk\)](#).

**Q7. When will the Council be able to issue a formal decision on my application?**

This will rest on how quickly the Council, working with partners, can put in place a mitigation strategy that focusses on specific mitigation measures at Ashridge Commons and Woods SSSI and Tring Woodlands SSSI.

Qualifying applications will experience some delays and the Council will work hard to minimise this and to keep applicants informed of progress.

The Council is also starting work with our partners on a wider ‘strategic solution’ as this will result in the most comprehensive solution (and include other forms of mitigation away from the CBSAC). However, this will take a longer time to deliver.

In the meanwhile, we will progress those affected applications as far as we can before we have to put them on hold pending resolution of the mitigation strategy. Applicants have the alternative option to produce a ‘project-level HRA’ for their affected application, and submit this to the Council for our consideration. Our understanding

from speaking with other authorities with similar experience is that it is very difficult for any such work to satisfy the requirements of the HRA during this interim phase.

We will follow a precautionary approach to determining applications. This may result in some additional information being requested from you, or the introduction of further processes to ensure the legal requirements of the HRA are followed going forwards.

This could include the need for us to secure future payments from applicants in support of mitigation measures before the decision is issued. Some larger developments may have to provide additional forms of on-site mitigation.

**FACTS:**

- We will keep relevant applicants informed of progress on this work at key milestones to ensure you are aware of where we are with developing and adopting a mitigation strategy.

**Q8. Where can I find out more detailed information?**

The Council understands that residents and applicants may have a number of questions about these changes.

We will be working hard to keep all those affected up to date and to minimise any disruption caused as a result of the HRA process.

The Council has produced a number of other documents, including a more detailed FAQs, downloadable maps, interactive maps and other guidance that customers may find useful. In the first instance any new information or updates will be posted on our dedicated Chilterns Beechwoods website: [www.dacorum.gov.uk/sac](http://www.dacorum.gov.uk/sac)

If you still require further information then please use the following contacts:

<b>Matters specific to planning applications:</b>	Applicants will need to continue to liaise with their allocated case officer either: <ul style="list-style-type: none"><li>• via email <a href="mailto:planning@dacorum.gov.uk">planning@dacorum.gov.uk</a> or</li><li>• by calling 01442 228000 (asking for Planning or the name of the officer).</li></ul>
<b>General questions regarding the Chilterns Beechwoods SAC:</b>	Please contact: <ul style="list-style-type: none"><li>• via email <a href="mailto:SAC@dacorum.gov.uk">SAC@dacorum.gov.uk</a> or</li><li>• by calling Strategic Planning on 01442 228 660.</li></ul>

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If you have any questions please contact:

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[www.dacorum.gov.uk/strategicplanning](http://www.dacorum.gov.uk/strategicplanning) or [www.dacorum.gov.uk/sac](http://www.dacorum.gov.uk/sac)