

Mitigation Strategy re new residential development and protection of Burnham Beeches.

A strategy to reduce visitor pressure on sensitive natural habitat at Burnham Beeches, a Special Conservation Area, as a result of new residential development.

Initial strategy - enhancing natural habitat at Upton Court Park.

DRAFT 6

October 2022

1.0 Introduction

- 1.1 Burnham Beeches is a Special Area of Conservation; a protected site under the Conservation of Habitats and Species Regulations 2017 (hereafter referred to as the Habitats Regulations). Greater numbers of visitors to Burnham Beeches are causing damage to its sensitive habitat. New residential development in Slough can increase visitor numbers to the Beeches. When considering residential development planning applications the Council has a duty under the Habitats Regulations to address the impact on the Beeches (relative locations shown in appendix 1).
- 1.2 To mitigate potential significant environmental effects developer contributions under Section 106 planning obligations can fund appropriate natural habitat enhancements within Slough, to attract residents to alternative open spaces. A strategy for how contributions will be spent is needed.
- 1.3 This initial strategy focuses on enhancements at Upton Court Park (appendix 2), in Slough, for mitigating the likely effects on Burnham Beeches in connection with new residential development expected over the next few years. A further strategy will follow to address mitigation in connection with residential development over a longer period. It will involve other suitable open spaces in and around Slough as well as the Park.
- 1.4 A proposal for an Upton Court Park masterplan (Appendix 3) identifies a range of enhancement proposals covering both natural habitat and general recreation. It is a stand-alone plan for the Park. But only certain natural habitat and related access proposals are relevant to this initial strategy. A summary of those mitigation proposals is at para 1.8.
- 1.5 The Strategy follows on from Planning Committee's agreement, in June 2021 (ref. 1), to the principle of seeking developer contributions via planning obligations to fund an increase in natural habitat at Upton Court Park and other recreation spaces in Slough to address the need for mitigation related to protection of Burnham Beeches. The Committee also agreed for the worked up developer contributions to be published in supplementary planning guidance in the near future. This Strategy is the next step leading to preparation of the guidance.
- 1.6 *Separate to Planning matters the Council as owner of Upton Court Park has formally adopted this Strategy in particular treating the park as a 'suitable alternative natural greenspace' and implementation of enhancement projects, linked to mitigation, as detailed in the appended Park masterplan document. And it has committed to implement the projects when developer contributions are received and commits to maintain them long term from invested developer contributions.
[the above subject to Cabinet approval 17th October 2022]*
- 1.7 Below is detailed background information on the need for mitigation

followed by what has influenced proposals that form the mitigation package in particular guidance from and discussions with Natural England. It is followed by the proposed natural habitat and access enhancements at Upton Court Park which form the core of this Strategy plus calculation of the number of new homes that would be supported by the proposed mitigation.

1.8 Summary of the mitigation package.

- Applies to developments of 10 or more dwellings (net)
- Within 5.6 km of Burnham Beeches boundary
- Total value of mitigation projects £ 980,600
- Value of developer contribution to be equivalent to £ 570/dwelling
- To be spent on specified mitigation projects and associated long term maintenance.
- Projects specified in this Strategy are at Upton Court Park.
- The specified projects mapped on appendix 2 are in summary :
 - Create a continuous walking and cycling route in park.
 - Central wetlands restoration (core area, margins and access)
 - New seating and bins (on walking routes)
 - Interpretation boards (re wetland biodiversity)

2 Background regarding why mitigation is needed

2.1 Burnham Beeches is designated a Special Area of Conservation under the European Habitats Directive¹ and is protected under the Habitats Regulations. It is managed by the City of London and its southern boundary is just over 1 km from the north boundary of the Borough at Farnham Lane (Appendix 1).

2.2 Special Areas of Conservation (SAC) are within the top tier of nature conservation sites within England and are protected under the Conservation of Habitats and Species Regulations 2017 (as amended, hereafter referred to as the Habitats Regulations) and are stipulated in the National Planning Policy Framework (NPPF). This affords SAC with the highest level of protection in England's hierarchy of sites designated to protect the important features of the natural environment

2.3 The Habitats Regulations contend with the impact of developments and the impact of Development Plans upon the SAC. Local Planning Authorities are identified as the "competent authority" for the purposes of determining whether a proposed development scheme or development plan document is likely to have a significant effect upon a SAC. This assessment must

have regard to the SAC conservation objectives. The effect of the Habitats Regulations is to require Local Planning Authorities to ensure that any proposed development scheme or Development Plan will not adversely affect the integrity of a SAC.

- 2.4 Under Habitat Regulations the Council as local planning authority has to take account of the impact of new development on Burnham Beeches as a Special Area of Conservation. Large new developments cannot be approved without a Habitat Regulations Assessment having been carried out to determine what impact new development might have on Burnham Beeches. And the Council has to be satisfied, through an Appropriate Assessment, that development can go ahead without a significant environmental effect on the Beeches either alone or in combination with other projects. National Planning Policy Framework para. 175 and Core Strategy policy 9 (Natural and Built Environment) are also relevant to this matter in terms of protecting natural habitat and biodiversity.
- 2.5 The City of London have found evidence of damage to biodiversity and the sensitive environment because of the number of visitors to the site (Footprint report. Ref 3). They are now managing access to the site in various ways to limit further damage. New residential development in the surrounding area will create additional visitor pressure so the City of London, supported by Natural England and Buckinghamshire Council, seek ways to limit this pressure i.e. to mitigate it. In brief they seek ways to fund their continuing programme of access management, restoration work and creation of alternative natural or semi natural habitat spaces that can be used for informal recreation.
- 2.6 This type of contribution requirement is found in other Council areas where development takes place near Special Areas of Conservation or similar environmentally sensitive sites. Buckinghamshire adopted in November 2020 a Supplementary Planning Document - Burnham Beeches Special Area of Conservation - Strategic Access Management and Monitoring Strategy. The document requires developers to contribute £2,024 per dwelling for mitigation irrespective of dwelling type or size of development in a zone between 0.5 and 5.6 km from Burnham Beeches. The sum was established by calculating total mitigation costs and dividing it by the current estimate of new homes proposed for the area within the zone
- 2.7 The aim of creating the above mentioned alternative recreation spaces is firstly to attract visitors who might have otherwise travelled to Burnham Beeches and secondly to improve biodiversity for the area in general that, in terms of context for the Beeches, helps support biodiversity as part of a network of spaces. People can enjoy regular walks in local woodland or an area with natural habitat without necessarily going to Burnham Beeches on a regular basis. This is particularly so for dog walkers

- 2.8 The need for mitigation is only applicable to development within a zone 5.6 km from Burnham Beeches (see plan at Appendix 1) a zone referred to in Footprint report (ref 3) and used by Buckinghamshire Council. This zone covers the northern and western parts of the town up to and including the town centre.
- 2.9 Natural England have objected to some recent major new residential development planning applications. They withdrew their objection to the Horlicks and Akzo Nobel site schemes based upon developer contributions to mitigation works secured. For withdrawal of their objections to Montem Leisure Centre and Canal Basin site planning applications (and some more recent applications) they have requested formal approval of a mitigation strategy that will cover future development, outline appropriate mitigation proposals and state a level of developer contribution sufficient to fund the specified mitigation works. Consequently a Strategy needs to be approved by the Council and agreed with Natural England to avoid future objections. The objection to the Montem application has subsequently been withdrawn on the basis of a draft of this Strategy.

3 Background to the Mitigation Strategy

- 3.1 Upton Court Park, as described in Appendix 3, is used for general recreation and formal sports but because of its size and varied landscape/habitat it is not used intensively. There is scope for more people to use it without it appearing busy and there is an opportunity for quiet walks through natural habitat which make up part of the Park.
- 3.2 A key part of this Strategy is treating Upton Court Park as a 'Suitable Alternative Natural Greenspace' (SANG) combined with implementation of enhancement works which count as mitigation. Below is a quote from Natural England guidelines (ref 2) regarding SANG for Thames Basin Heaths Special Protection Area but adapted to refer to the Burnham Beeches SAC.

Its role is to provide alternative green space to divert visitors from visiting the Burnham Beeches (Special Area of Conservation (SAC)). SANG are intended to provide avoidance measures for the potential impact of residential development on the SAC by preventing an increase in visitor pressure on the SAC. The effectiveness of SANG as mitigation will depend upon the location and design. These must be such that the SANG is more attractive than the SAC to users of the kind that currently visit the SAC.

- 3.3 Whilst SANG are often created from land with other uses or no public access the guidelines also provide for SANG to be :

existing open space, which is already accessible, but which could be changed in character so that it is more attractive to the specific group of visitors who might otherwise visit the SAC (Burnham Beeches)

- 3.4 The guidelines also list features that are 'must haves' and 'desirable' for

land to become a SANG. Natural England are happy with the location of the Park and agree there is scope for it to become a SANG. How the Park and enhancements meet the guidelines is at Appendix 4. They have identified certain projects in the Park masterplan as appropriate to be treated as mitigation for this initial strategy.

- 3.5 Regarding the location of the Park the edge of it is 1 km from the middle of the town centre. Most new residential development over the next 20 years is planned to be located in and around the town centre as outlined in the Council's Spatial Strategy 2020. So the Park will be easily accessible to many new residents either on foot or bike. Its also accessible by car there being a large car park; accessibility by car is a Natural England guideline criteria.
- 3.6 The Park is large enough to create a 2.3 km walk route – one of the key criteria of the guidelines. And as an added benefit the Park adjoins open countryside with public path/cycle route links to nearby open spaces including the Jubilee River.
- 3.7 The number of new homes the enhanced Park can provide mitigation for – known as carrying capacity - is determined by Natural England guidelines. Based upon the guideline of 8ha of SANG needed per 1000 population, discounted by 50% because the Park is already in use for recreation; average occupancy of 2.4 people per home and 66 ha eligible area of the Park the mitigation proposals can be associated with 1,720 relevant new dwellings..
- 3.8 The Park is 68 ha in size but about 2 ha (primarily the moto cross track) is excluded from the calculation as it is not accessible to the public. The precise carrying capacity calculation is $((66/8) \times 1000)/2.4 \times 0.5 = 1719$ (rounded to 1720).
- 3.9 Relevant dwellings means those that will be associated with mitigation because of, firstly, their location within the 5.6 km Burnham Beeches zone of influence and secondly are treated as needing mitigation i.e. those within developments of 10 or more homes (net). This will be confirmed in forthcoming planning guidance.
- 3.10 The carrying capacity of the Park will be reviewed once visitor surveys have been carried out and any request from Natural England to adjust the area of the Park. The 50% discount on capacity is likely to be an over estimate. The review will also take account of Natural England's acceptance of an alternative project based calculation more suited to more dense urban areas with very few spaces suitable as SANG. (This alternative is being piloted by some London Boroughs). Consequently Upton Court Park may be able to provide mitigation for a greater number of homes than 1719.

4 The mitigation proposals.

4.1	Projects (brief details)	Part of package in masterplan
	Create a continuous walking and cycling route in park	Walking and cycling infrastructure
	Central wetlands area Restoration – core area, margins and access	Blue infrastructure and wetlands developments
	New seating and bins along walking route	Improvements to the parks infrastructure
	Interpretation boards (wetland area biodiversity)	Biodiversity and environment improvements

4.2 The above mitigation proposals are marked blue on the map at Appendix 2. These are projects identified by Natural England in liaison with the Council as key for mitigation associated with 1720 homes. Those projects will be the focus of this initial Mitigation Strategy. Developer contributions linked to those homes would fund the proposals (capital and maintenance costs).

4.3 Further details of the projects are within Masterplan Appendix A along with approximate costs at Appendix C (see Appendix 3 of this report for both). The costs list includes figures for long term maintenance, inclusive of renewals where relevant, for a period of at least 80 years. Maintenance cost estimates are based on the Council’s experience of grounds maintenance and reference to industry advice. The long term estimates, which reflect estimates of inflation and investment income are based on information provided by Wokingham Borough Council and Bracknell Forest Borough Council re how they have dealt with Thames Basin Heath SPA mitigation. The calculations are in a background paper for the Masterplan document.

4.4 The details and costs in the appended Masterplan document include both recreation and natural habitat works. The latter is ‘long list’ of possible natural habitat related projects.

4.5 A future review of the Strategy may allow more proposals than those at para 1.8 to be funded via the mitigation route (and consequently more homes covered) once the carrying capacity has been reviewed (re para 3.10). Funding from other sources might allow implementation of other projects on the long list.

4.6 The level of contribution per relevant new home needs to be sufficient to

provide a fund that will pay for works and associated maintenance that can be judged as a meaningful enhancement of natural habitat relevant to the aim of making the Park attractive for visitors that might otherwise have visited Burnham Beeches. Some contributions, from specific developments, will pay for a complete project(s) others will be pooled to fund larger projects.

- 4.7 Taking account of the type of eligible enhancements proposals in the master plan and advice from Natural England the projects at para 4.1 have been judged as necessary as mitigation for 1,720 relevant new homes. Based upon the estimated project and maintenance costs this equates to an average developer contribution of about £ 570 per new home. The precise contribution per house type will be determined via planning guidance to reflect the varying impact of occupancy of different sized homes. Houses are expected to have a higher charge than flats.
- 4.8 There will be an aim for projects to be implemented in line with progress of new residential development to create a flow of enhancements as new homes are occupied. Choice of which project is linked to a particular contribution can be determined by reference to the expected income stream in terms of size and timing in relation to project costs and the practicalities or dependencies of implementing particular projects. Consequently a start on some large projects may need to wait until sufficient contributions, from more than one development, are received. There will be a periodic review of estimated future income streams to match expected funding to projects.
- 4.9 The Council owns Upton Court Park so it is able to implement the eligible projects. The Council as Park owner can commit to maintaining the enhancements long term to ensure the mitigation is in place in perpetuity.

end

References

- 1 Slough Borough Council Planning Committee report 21st June 2021
- 2 Natural England – Guidelines for Creation of Suitable Alternative Natural Greenspace (SANG) – August 2021
- 3 Footprint report Burnham Beeches

Liley, D. (2019). Impacts of urban development at Burnham Beeches SAC: update of evidence and potential housing growth, 2019. Report by Footprint Ecology for Chiltern and South Bucks Councils

Appendices

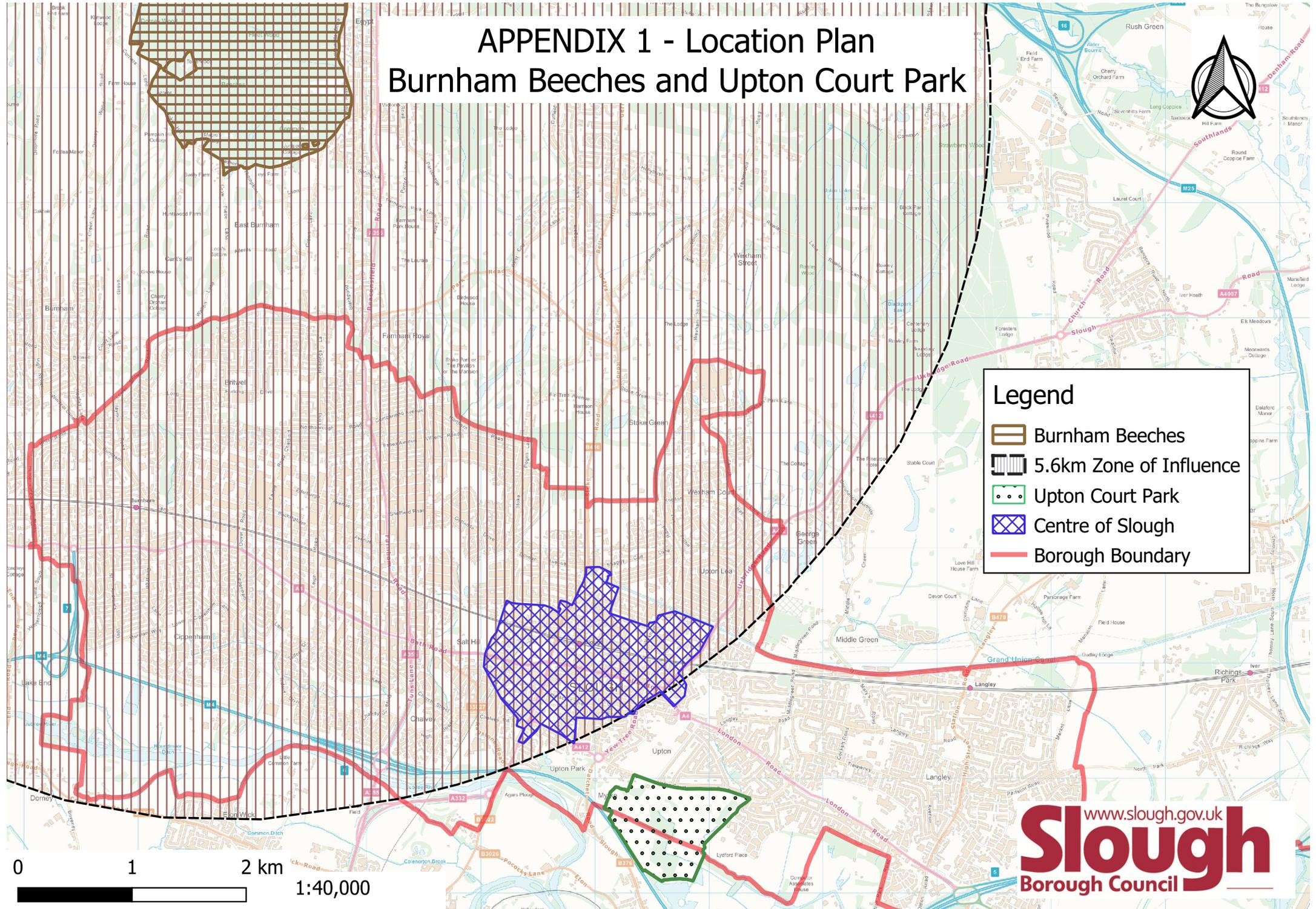
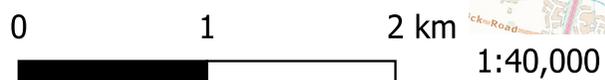
- 1 Location ; Park, Burnham Beeches and 5.6 km zone.
- 2 Plan of Natural England agreed mitigation projects in Upton Court Park
[see Appendix B of Cabinet report]
- 3 Masterplan Proposal document (including master plan map)
[See Appendix C of Cabinet report]
- 4 Natural England Checklist

APPENDIX 1 - Location Plan Burnham Beeches and Upton Court Park



Legend

-  Burnham Beeches
-  5.6km Zone of Influence
-  Upton Court Park
-  Centre of Slough
-  Borough Boundary



APPENDIX 2 and 3

- 2 Plan of Natural England agreed mitigation projects in Upton Court Park
[see Appendix B of Cabinet report]
- 3 Masterplan Proposal document (including master plan map)
[See Appendix C of Cabinet report]

Appendix 4: SANG Information Form [Natural England Checklist](#)

This form is designed to help you gather information about any potential SANG. For more guidance on the creation of SANG, please also refer to the relevant Borough Council's Thames Basin Heaths SPA Interim Avoidance Plan.

Natural England, Local Planning Authorities, and other organisations will then be able to consider the potential suitability of the proposed SANG based on this initial information.

Background information

Name and location of proposed SANG	Name: Upton Court Park Address: Upton Court Road, Slough, SL3 7.. Grid reference: 4985, 1785 (Please attach a map of the site with the boundaries clearly marked)
Size of the proposed SANG (hectares), excluding water features	hectares 68
Any current designations on land - e.g. LNR / SSSI	Part - Local Wildlife Site (2.88 ha)
Current owners name and address. (If there is more than one owner then please attach a map)	Slough Borough Council (part tenanted by Rugby Club, Motocross club, model car club, Scouts/Guides and pumping station)
Who manages the land?	Slough Borough Council (excepting above tenanted areas)
Legal arrangements for the land – e.g. how long is the lease?	SBC hold the land freehold
Is there a management plan for the site? (if so, please attach)	No

Current visitor arrangements

<p>Is the site currently accessible to the public?</p>	<p>Yes.</p>
<p>Does the site have open access?</p>	<p>Yes (excepting tenanted areas but rugby club field is accessible)</p>
<p>Has there been a visitor survey of the site? (If so, please attach)</p>	<p>Not recently. A survey is to be carried out soon.</p>
<p>If there has been no visitor survey, please give an indication of the current visitor levels on site</p>	<p>Areas nearest car park and Upton Court Road plus play areas used most. Areas to the south and nearer motorway less well used other than north - south path to Datchet (over mway bridge). Overall the park is not normally perceived as busy and the southern portion in particular is never busy.</p>
<p>Does the site have existing car parking?</p>	<p>How many car parks? 1 public CP off Upton Court Rd. The other CP is private Rugby club. How many car parking spaces? 174 public (Please mark car parks and numbers of car parking spaces on the site map)</p>
<p>Are there any existing routes or paths on the site?</p>	<p>Some surfaced paths on north edge; eastern drive, main drive, and national cycle route west-east. (Please mark these on the map)</p>
<p>Are there signs to direct people to the site? (Please indicate where and what type of sign)</p>	<p>Yes - brown tourist info signs on local highway and site entrance signs.</p>

Site quality checklist

Must/should have – these criteria are essential for all SANG			
	Criteria	Current	Future
1	Parking on all sites larger than 4ha (unless the site is intended for use within 400m only)	yes	yes
2	Circular walk of 2.3-2.5km	yes - not mapped	yes - mown paths to be created where no existing path.
3	Car parks easily and safely accessible by car and clearly sign posted	yes	yes
4	Access points appropriate for particular visitor use the SANG is intended to cater for	yes	yes
5	Safe access route on foot from nearest car park and/or footpath	yes	yes
6	Circular walk which starts and finishes at the car park	yes; but not mapped/marked	yes
7	Perceived as safe – no tree and scrub cover along part of walking routes	yes	yes - identified route will in places be near to tree and shrub cover. Sightlines are reasonable. And there is scope to avoid these sections and stay in wide open spaces if necessary.
8	Paths easily used and well maintained but mostly unsurfaced	yes but users chose their own route	yes; mainly unsurfaced. Users will have the option of avoiding surfaced sections by diverting onto grass areas.

9	Perceived as semi-natural with little intrusion of artificial structures	yes	yes
10	If larger than 12 ha then a range of habitats should be present	yes	yes - habitats to be enhanced or expanded. wetland area, more woodland, orchard, wildflower meadow.
11	Access unrestricted – plenty of space for dogs to exercise freely and safely off the lead	yes	yes
12	No unpleasant intrusions (e.g. sewage treatment smells etc)	generally not but traffic noise noticeable near southern fringe; motocross site creates occasional near south boundary.	as existing
13	Clearly sign posted or advertised in some way	no	yes
14	Leaflets or website advertising their location to potential users	website - basic info	website info to be improved. Further promotion subject to funding
15	Can dog owners take dogs from the car park to the SANG safely off the lead	yes	yes
16	Gently undulating topography	modest undulations	as existing (scope for undulating path if bunding proposal funded)
17	Access points with signage outlining the layout of the SANG and routes available to visitors	no	yes
18	Naturalistic space with areas of open countryside and dense and scattered trees and shrubs. Provision of open water is desirable	Partly naturalistic within context of edge of an urban area and municipal park function of part of site. No open countryside but open field to west and east.	as existing but habitat enhancements to increase naturalistic space
19	Focal point such as a viewpoint or monument within the SANG	Yes - main drive with vista of Windsor Castle beyond.	as existing. (And scope for a viewing mound if funded)