

PLANNING COMMITTEE

THE FOLLOWING ALTERATIONS AND AMENDMENTS HAVE BEEN RECEIVED SINCE THE PLANNING OFFICER'S REPORT WAS PRESENTED TO MEMBERS

Amendment Sheet.

Item 5 – P/030790/018 – 190-192, High Street, Slough, SL1 1JS

1.0 Additional consultation:

1.1 LLFA:

No comments to make.

1.2 Natural England

This application is supported by a HRA (dated September 2022). Although Natural England are broadly supportive of the direction of the HRA, we are not in a position to agree with the conclusions as yet.

The Strategic Access Management and Monitoring Scheme (SAMMS) is the adopted mitigation strategy for development coming forward within Buckinghamshire Council (formally Chiltern and South Bucks Councils).

However, Upton Court Park could function as the mitigation for this development with contributions made towards its improvement. This is dependent on whether there is sufficient capacity for the development within the Phase 1 mitigation for Upton Court Park. Natural England are yet to formally agree and sign off the use of Phase 2 of this SANG.

When there is sufficient scientific uncertainty about the likely effects of the planning application under consideration, the precautionary principle is applied to fully protect the qualifying features of the European Site designated under the Habitats Directive.

Due to new evidence on the impacts of recreational and urban growth at Burnham Beeches SAC carried out by Footprint Ecology in 2019, Natural England recognises that new housing within 5.6km of the internationally designated Burnham Beeches Special Area of Conservation (SAC) can be expected to result in an increase in recreation pressure.

The 5.6km zone proposed within the evidence base carried out by Footprint Ecology represents the core area around the SAC where increases in the number of residential properties will require Habitats Regulations Assessment. Mitigation measures will be necessary to rule out adverse effects on the integrity of the SAC from the cumulative impacts of development.

Impacts to the SAC as a result of increasing recreation pressure are varied and have long been a concern. These impacts, which have the potential to adversely affect its interest features, include:

- Contamination (e.g. dog fouling, litter, spread of plant pathogens);
- Increased fire risk;
- Trampling/wear (e.g. loss of vegetation, soil compaction, erosion, damage to trees from climbing);
- Harvesting (e.g. fungi, wood);
- Difficulties in managing the site (e.g. maintaining the grazing regime);
- Disturbance (e.g. affecting the distribution of livestock and deer).

In light of the new evidence relating to the recreation impact zone of influence, planning authorities must apply the requirements of Regulation 61 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, to housing development within 5.6km of the SAC boundary. The authority must decide whether a particular proposal, alone or in combination with other plans or projects, would be likely to have a significant effect on the SAC.

In March 2020 Buckinghamshire Council (formally Chiltern and South Bucks Councils) produced the now adopted Avoidance and Mitigation Strategy Supplementary Planning Document (SPD) for Burnham Beeches. The SPD requires net dwellings within 5.6km of Burnham Beeches to make financial contributions towards the Strategic Access Management and Monitoring strategy (SAMM). Development in accordance with the Adopted Avoidance and Mitigation Strategy SPD would not be likely to have a significant effect on the SAC because they will provide, or make an appropriate contribution to, acceptable avoidance and mitigation measures. The planning authority can grant planning permission to such developments in accordance with the Regulations.

As we have discussed above, a mitigation strategy or equivalent will be required for Slough Borough Council to avoid adverse impacts at the SAC.

However, development proposals which are not in accordance with the above would be likely to have a significant effect on the SAC, either alone or in combination with other plans and projects. In accordance with Regulation 61, before granting planning permission for such a proposal, the planning authority must undertake an appropriate assessment of the implications of the development on the SAC, in light of the site's conservation objectives. The conservation objectives are to maintain and, where not in favourable condition, to restore, the Atlantic acidophilous beech forest habitat.

Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development as it is currently submitted would not adversely affect the integrity of the SAC. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat by reason of increased access to the site including access for general recreation and dog-walking. There being alternative solutions to the proposal and there being no imperative reasons of overriding public interest to allow the proposal, despite a negative assessment, the proposal will not pass the tests of Regulation 62.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

2.0 Amended Recommendation:

Having considered the relevant policies of the Development Plan set out below, the representations received from consultees and the community along with all relevant material considerations, it is recommended the application be delegated to the Planning Manager for:

A. Approval subject to:

- (i) the satisfactory completion of a Section 106 Agreement to secure a financial viability review mechanism for the provision of affordable housing and to secure Section 278 highways/access works;
- ~~(ii) no further issues arising from comments from Natural England~~
- (iii) finalising conditions and any other minor changes; OR

B. Refuse the application if the completion of the Section 106 Agreement is not finalised by 1 April 2023 unless a longer period is agreed by the Planning Manager in consultation with the Chair of the Planning Committee.