

Date: 26 November 2018
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BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Frances,

**Planning consultation: Bere Regis Neighbourhood Plan
Location: Dorset**

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Conservation of Habitats and Species Regulations 2017

Objection, likely significant effect and adverse effect on integrity

Policy BR2: SANG

Natural England has provided advice to the Planning Authority and the Town Council since 2014 in order to ensure that residential developments coming forward are consistent with Local Plan Policy and the Dorset Heathlands Planning Framework 2015 - 2020 SPD.

Natural England has met with the local landowner on a number of occasions and agreed in principle the location and area of land which might be necessary to come forward in relation to allocated development sites.

At the start of the Plan process the allocation was some 70 units and a SANG area allowing for a walk of c. 2.3km within an area .

The current Plan identifies 105 allocated sites and a SANG of 3.9ha which does not allow for this length of walk.

Natural England advice to the Town Council followed a number of detailed negotiation meetings and was summarised in a plan and map supplied to the Town Council on 24 April of this year. This was the area and parcel location agreed at a meeting with the Town Council and the landowner on 28 March 2018. It set out a SANG area of 4.5ha and included a map. This plan was agreed and prepared by Natural England for a Town Council meeting after 24 April 2018.

Natural England understand that subsequently the Town Council consulted Natural England about an area of SANG which is smaller in area. Unfortunately as a result of other pressures I was not unaware of this consultation and so Natural England did not re-confirm our advice of 24 April 2018 had not changed. It should be noted that Natural England has consistently resisted requests at meetings to narrow the width of the SANG since 2014 up until April 2018 and the map showing a suitable area indicates a minimum width in one pinch point of 30 m rather than a more blanket width of 30m as has been drawn up. The Council have presented no appropriate reason or rationale as to why this approach has been taken.

The function and use of SANGs are largely dependent on the naturalness and similarity in experience compared to accessing the Dorset heathlands. Narrow and thin areas are not reflective of the experience of open countryside found on the heaths, there is also a need to have areas which cater for and are broadly consistent with other uses on the heaths eg a 2.2km walk.

The currently proposed SANG does not achieve these requirements as shown above.

Therefore Natural England conclude that the Plan as currently drafted does not meet the tests set out under The Conservation of Habitats and Species Regulations 2017 in respect of clearly avoiding harm to the nearby designated sites. The plan will have a likely significant effect on the Dorset Heathlands SPA/Ramsar and Dorset Heaths SAC both with and without the proposed mitigation eg SANG.

Natural England advise the authority that it should also carry out an Appropriate Assessment in the light of the recent ECJ ruling (People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17)) which concluded that the avoidance/mitigation, e.g. as set out in the Dorset Heathlands Planning Framework (2015 – 2020) SPD and Nitrogen Reduction in Poole Harbour SPD , cannot be taken into consideration when considering the Likely Significant Effects of proposals on European wildlife sites (and Ramsar sites as a matter of Government policy).

Natural England advise you that because of the Likely Significant Effect (SANG deficiency) Natural England advise the authority that the Plan will have an **adverse effect on the integrity** of the above mentioned heathland sites and that Purbeck District Council or its successor body will need to undertake an Appropriate Assessment of the application as is required under Reg 63.

The Plan is also not compliant with The Neighbourhood Planning (General) Regulations 2012, Schedule 2 (1) as there is a likely significant effect which makes the plan a “prescribed matter” in accordance with TCPA 1990, Schedule 4B, 8 (g).

Natural England note that the landowner and Natural England had previously tabled and agreed an area of SANG which would have provided sufficient mitigation and the landowner has the option of agreeing to bring forward either the April 2018 area as agreed or the June 2016 area for consideration and agreement as part of the plan process. The Town Council may also wish to consider reverting to the tabled and agreed SANG plan from April 2018 through a suitable mechanism.

The HRA dated 2017 does not take full account of the recent ECJ ruling and for the need to update its conclusions accordingly. In addition the proposed SANG in the Plan was not agreed at the time of the HRA.

Natural England advise that a part of the discussions relating to SANG provision toughed upon the provision of an area of Green Infrastructure, however Natural England advise that this area was considered and rejected as having a useful SANG contribution in our considerations. Thus this area is not a factor in our advice.

Yours sincerely

Nick Squirrell
Conservation and Planning Lead Advisor
Dorset and Hampshire Team
Dorset, Hampshire and Isle of Wight Area Team
Natural England
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BERE REGIS Parish Council

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Nick Squirrel
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7th December 2018

Dear Mr Squirrel,

Re: Bere Regis Neighbourhood Plan

The Bere Regis Neighbourhood Plan Steering Group agree with the plan for the SANG as per the attached map and will amend the Neighbourhood Plan accordingly.

Additionally, the wording in Policy BR2: SANG will be amended to say:

‘A Suitable Alternative Natural Greenspace (SANG) of approximately 4.5ha will be created as identified on Map 3. Bunds formed from surplus excavated material (see Policy BR5) will be included in the SANG.’

Yours sincerely

Ian Ventham
Chairman, Bere Regis Parish Council

Frances Summers

From: Squirrell, Nick (NE) <Nick.Squirrell@naturalengland.org.uk>
Sent: 10 December 2018 17:36
To: Frances Summers
Subject: RE: SANG - Natural England

Dear Frances,

thank you for your efforts. The Neighbourhood Plan Group have confirmed the agreed plan ref: Natural England amended SANG map – December 2018 and confirmed an amendment to the text in their letter dated 7 December 2018.

Natural England is now in a position to advise the Authority that we have no objection to the Bere Regis Neighbourhood Plan being assessed in accordance with the Habitats Regulations and subsequently coming forward for the examination in public.

Nick Squirrell
Conservation and Planning Lead Advisor
Dorset and Hampshire Team
Dorset, Hampshire and Isle of Wight Area Team
Natural England

Mob :07766133697

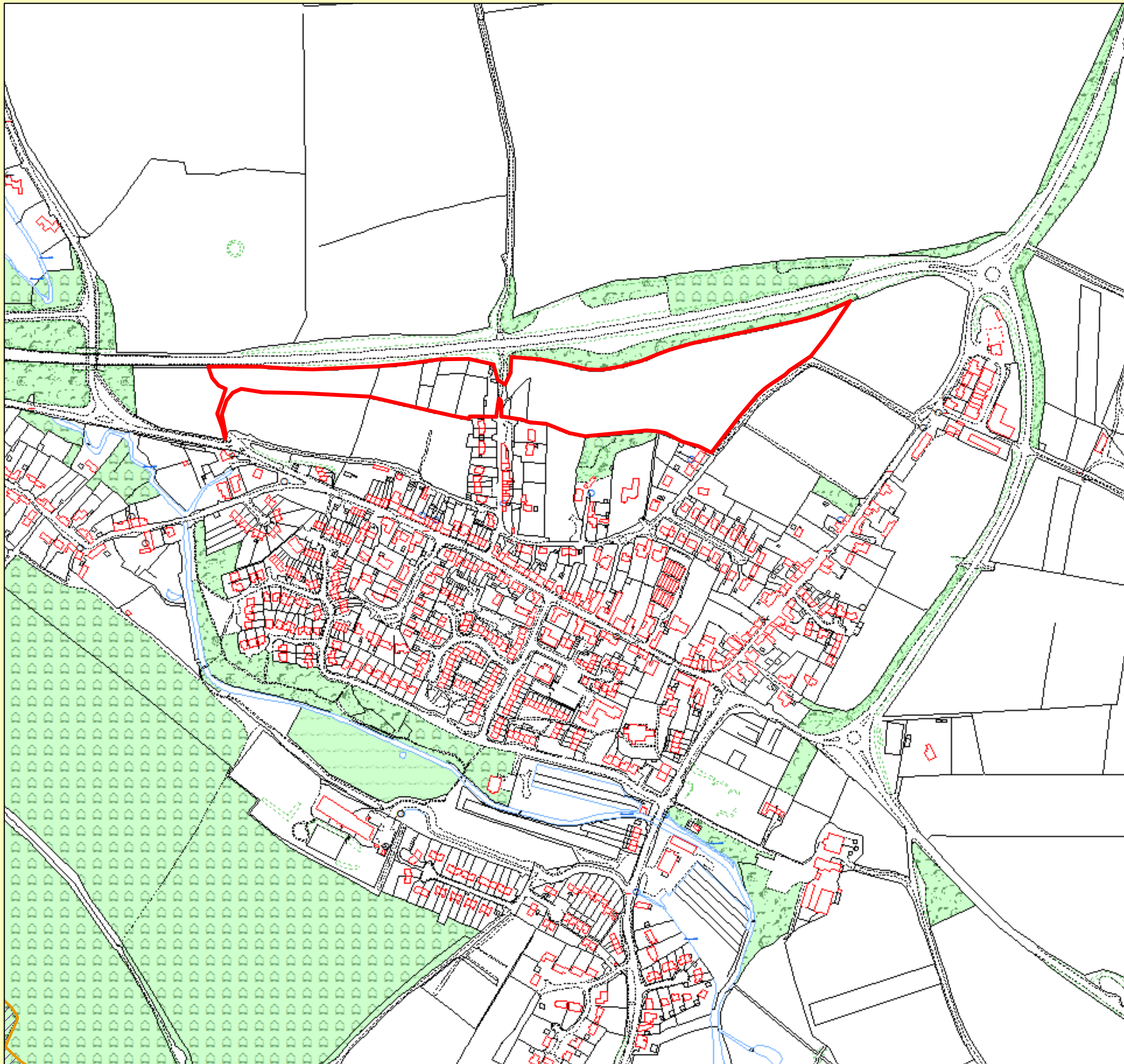
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www.gov.uk/natural-england

From 1 April 2011 please send consultations to Natural England by email to consultations@naturalengland.org.uk. Or, if it is not possible to consult us electronically then consultations should be sent to the postal address below.

**Natural England
Consultation Service
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If you are trying to make a request for a copy of your personal information under the Data Protection Act 1998, or a request for information under the Freedom of Information Act 2000 or Environmental Information Regulations 2004, please contact the Enquiry Service on 0845 600 3078 or email foi@naturalengland.org.uk.

From: Frances Summers [mailto:FrancesSummers@purbeck-dc.gov.uk]
Sent: 10 December 2018 10:49



Scale (at A3): 1:4,493

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2016. Ordnance Survey 100022021.

Map produced on DD/MM/2016 by
Evidence Services, Natural England

Map Reference: