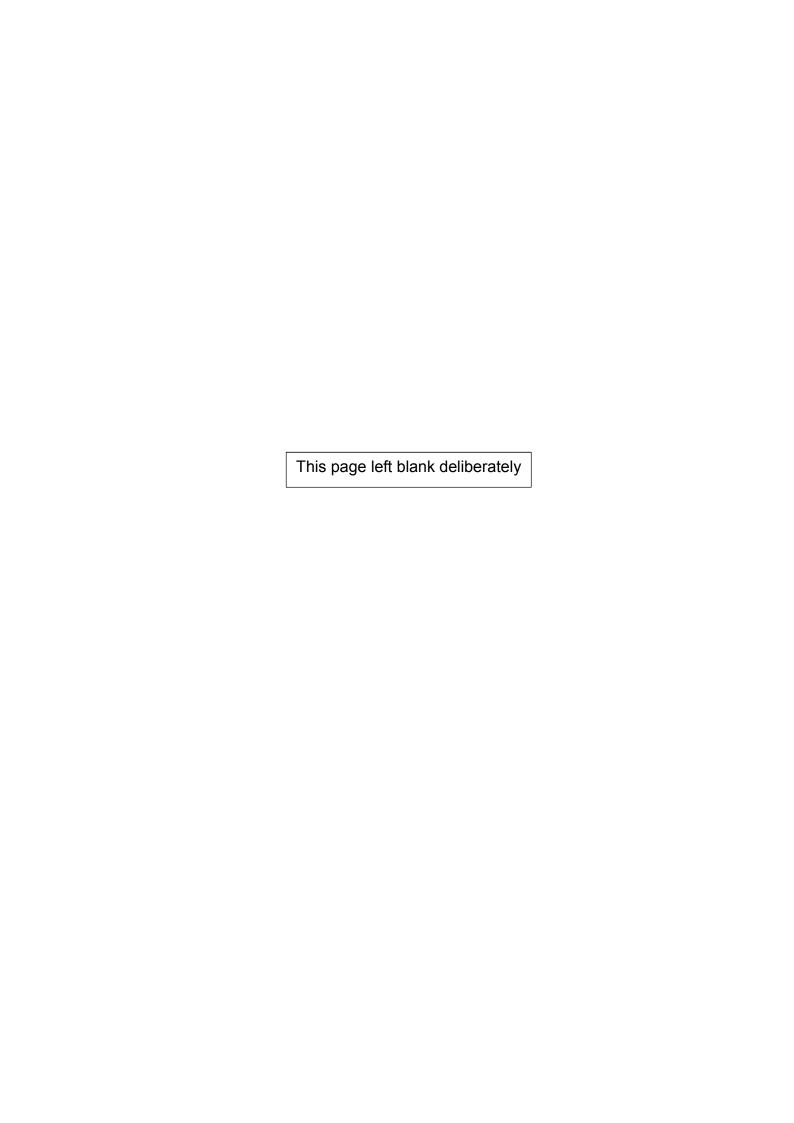
# Reviewing the Plan for Purbeck's future

Purbeck Local Plan Review Heathlands Background Paper, November 2017



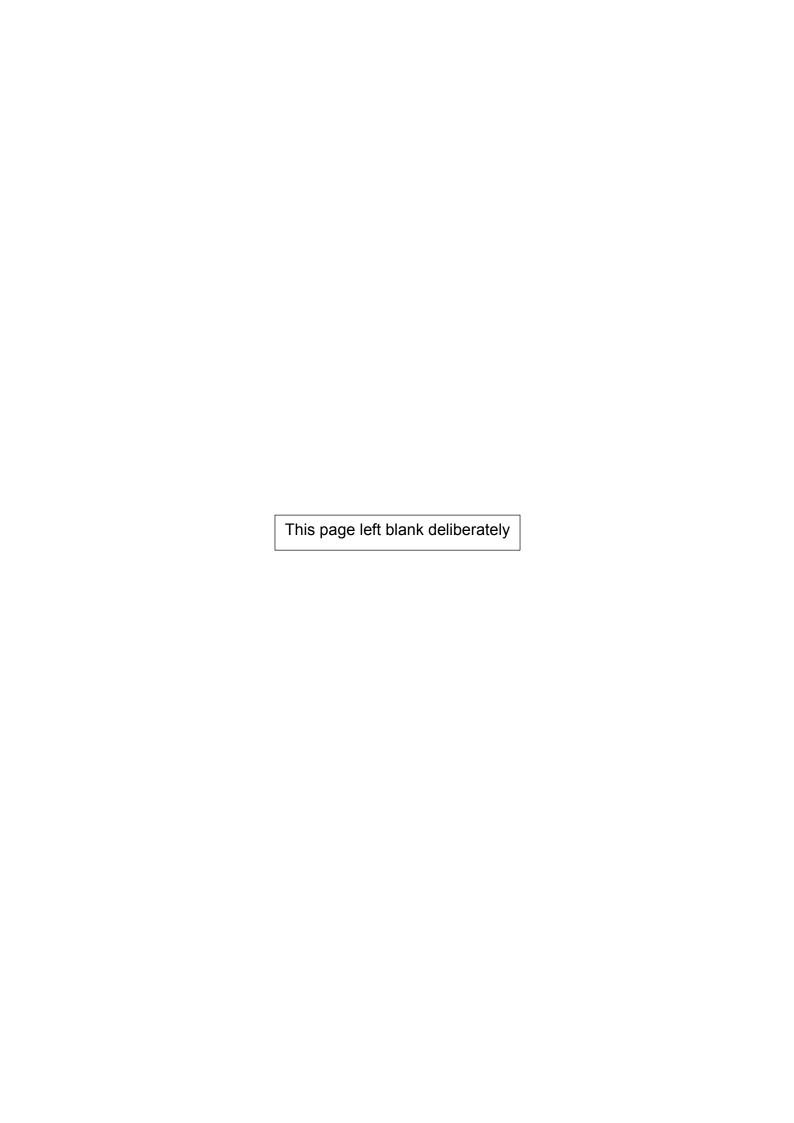


Thriving communities in balance with the natural environment



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## Value and importance of heathland

- 1. Purbeck District lies in an area of considerable importance for nature conservation. 20% of the District is designated Special Protection Area (SPA), Special Area of Conservation (SAC) or Ramsar site (wetland of international importance). Both SPAs and SACs are referred to collectively as Natura 2000 sites or European protected sites. The aim of the protection of these sites is to assure the long-term survival of Europe's most valuable and threatened species and habitats. Whilst Ramsars are not Natura 2000 sites, the government treats them as if they are in policy terms.
- 2. Heathland is a well-known habitat type in the lowlands of the UK. It occurs on acidic, impoverished, dry sandy or wet peaty soils, and is characterised by the presence of a range of dwarf-shrubs, including various types of heather and gorse.
- 3. Lowland heathland is a priority for nature conservation because it is a rare and threatened habitat. It has declined greatly in extent during the last two centuries in England it is estimated that only one sixth of the heathland present in 1800 remains and it still faces major pressures.
- 4. The habitat is also home to numerous highly specialised plants and animals. It is particularly important for reptiles, especially large lowland heathland blocks in southern England, which provide prime locations for rare reptiles and birds. Many scarce and threatened invertebrates and plants are found on lowland heathland.
- 5. The UK has an obligation to conserve this habitat, given that it supports about 20% of the lowland heath in Europe. It also has high intrinsic appeal and provides a special sense of wilderness. Lowland heathland is classed as a priority habitat under the UK Biodiversity Action Plan and five lowland heathland habitat types are listed under Annex I of the EU Habitats Directive.
- 6. Heathlands are an important part of Purbeck's outstanding and distinctive natural environment. A network of heathland sites Dorset Heaths SAC, Dorset Heaths (Wareham and Purbeck) and Studland Dunes SAC, Dorset Heathlands SPA and Dorset Heathlands Ramsar make up over 5% of the UK's lowland heathland and are among the best of their type in the UK. Within the Dorset Heaths the dry heath is very important for Annex 1 bird species including Dartford warbler (26% of UK population), European nightjar (over 15% of UK population) and woodlark (7% of UK population). All six species of native British reptiles, including 56% of the UK's sand lizard population lives within the Dorset Heaths¹.

## Legislation and the Council's responsibilities and duties

7. In summary, under the Habitat Regulations, the local planning authority has a duty to demonstrate that development will not adversely affect the integrity of protected heathlands. A Habitats Regulations Assessment will be prepared alongside the Local Plan Review, and the Council will need to demonstrate that any proposals in the plan will not harm the heathlands, or any other European protected site.

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<sup>&</sup>lt;sup>1</sup> Habitat Regulations Assessment of the Purbeck Core Strategy, Pre-submission Draft <a href="https://www.dorsetforyou.com/evidence/purbeck">https://www.dorsetforyou.com/evidence/purbeck</a>

- 8. The Habitats Regulations are explained in the Habitats Regulation Assessment for Proposed Changes to Core Strategy Pre-Submission 2011<sup>2</sup>. A summary extract is set out below:
- 9. "The Conservation of Habitats and Species Regulations 2010, normally referred to as the 'Habitats Regulations,' transpose the requirements of the European Habitats Directive 1992 into UK law. The EC Habitats Directive and UK Habitats Regulations afford protection to plants, animals and habitats that are rare or vulnerable in a European context.
- 10. Earlier European legislation, known as the Birds Directive 1979, protects rare and vulnerable birds and their habitats and includes the requirement for all Member States to classify 'Special Protection Areas' (SPA) for birds. This involves each State identifying the most suitable areas of land, water and sea for the protection of rare and vulnerable species listed in the Directive, and areas which are important for migratory species, such as large assemblages of waterfowl. In 2009 an updated Birds Directive was adopted by the European Parliament, which now replaces the original 1979 directive and incorporates all past modifications. The new Directive is now referenced in the Habitats Regulations 2010.
- 11. The Habitats Directive increased the protection afforded to plants, habitats and animals other than birds, through stricter protection of species and by the creation of 'Special Areas of Conservation' (SAC). This required the UK to designate the best areas for habitats and species listed in annexes to the Directive. Article 6(1) and (2) of the Habitats Directive impose duties on Member States to establish ecological conservation management measures for these areas, to avoid deterioration of their natural habitats and the habitats of species, and to avoid significant disturbance of the species in the areas.
- 12. Importantly, through Article 7 of the Habitats Directive, the procedures relating to the protection of SAC equally apply to SPA. Article 7 of the Habitats Directive supersedes the previous requirements of the first sentence of Article 4(4) of the Birds Directive.
- 13. When the Habitats Regulations were amended in 2007 the requirement to assess the potential effects of a spatial or land use plan upon European sites was introduced. Those requirements are now fully integrated into the 2010 Regulations."
- 14. The UK is also party to the Ramsar Convention. This is a global convention to protect wetlands of international importance, especially those wetlands used as waterfowl habitat. In order to ensure compliance with the requirements of the Convention, the UK Government expects all councils to treat listed Ramsar sites as if they are part of the suite of designated European sites, as a matter of policy. Most Ramsar sites are also an SPA or SAC, but the Ramsar features and boundary lines may vary. Collectively proposed and classified SPA, SAC and European Offshore Marine Sites (EOMS) are often referred to as European sites. Article 6(3) and (4) of the Habitats Directive, and Regulations 61 and 102 of the Habitats Regulations, impose duties on all public bodies

<sup>&</sup>lt;sup>2</sup> https://www.dorsetforyou.com/evidence/purbeck

to follow strict regulatory procedures in order to protect the European sites from the effects of plans or projects.

#### **Current Approach**

- 15. The current approach to heathland mitigation in Purbeck and south east Dorset is informed by two strands of research: the impact of visitors on heathlands; and visitor access patterns to heathlands.
- 16. Various studies have found that public access to lowland heathland, from nearby development has an adverse effect on the heathland ecology. The effects include an increase in wild fires, damaging recreational uses, the introduction of incompatible plants and animals, loss of vegetation and soil erosion, and disturbance of wildlife by humans and their pets.<sup>3</sup>
- 17. Research in 2008 on visitor access patterns<sup>4</sup> indicates that as many people walk to heaths as drive to them. There is a strong link between walking to heaths from up to 1,500m and visiting by car between 1500m and 5km.
- 18. The evidence shows that dog owning households visit heaths about three times as often as dog free households. Analysis of the data on visitor access patterns shows two critical bands of 0-500m and 500m-5km from heathland. In addition cat predation from development within 400m of heathland has serious impacts upon ground nesting species.
- 19. Natural England advised that the only certain way of preventing any adverse effects from new development was to impose a buffer zone of 400 metres around SPA/SACs where no new housing or tourism development could take place. Natural England also advised that people are likely to travel up to 5 kilometres to visit heathlands, and therefore any new housing granted permission outside of 400 metre buffer but within 5km could also have an adverse effect, particularly from dog walkers.
- 20. Natural England considers that development between 400m and 5km of heathland will lead to significant adverse effects in combination with other proposals, but that development between 400m and 5km can be allowed if avoidance or mitigation measures are put in place.

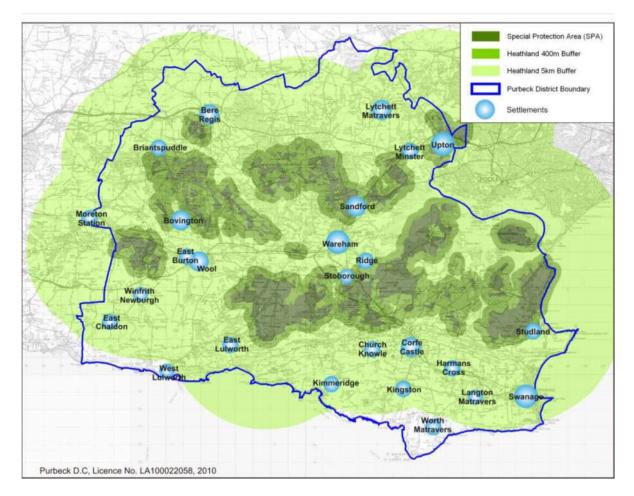
<sup>&</sup>lt;sup>3</sup> De Molenaar, H. (1998) Convention on the Conservation of European Wildlife and Natural Habitats. On-the-Spot Appraisal of the Dorset Heathland (United Kingdom). Report and Recommendations. Council of Europe., Strasbourg.;

Haskins, L. (2000) Heathlands in an urban setting - effects of urban development on heathlands of south-east Dorset. British Wildlife, 11, 229–237; Underhill-Day, J.C. (2005) A Literature Review of Urban Effects on Lowland Heaths and Their Wildlife. English Nature, Peterborough

<sup>&</sup>lt;sup>4</sup> Clarke, R. T., Sharp, J. & Liley, D (2008) The Dorset Household Survey 2008 part 1: Consequences for Future Housing and Greenspace Provision by and Access Patterns in South-east Dorset, The Dorset Household Survey 2008 part 2: Consequences for Future Housing and Greenspace Provision <a href="https://www.dorsetforyou.com/evidence/purbeck">https://www.dorsetforyou.com/evidence/purbeck</a>

Durwyn Liley, Ralph Clarke, David Tyldesley, John Underhill-Day & James Lowen (2007) Evidence to support Appropriate Assessment of development plans and projects in south-east Dorset. Unpublished report, Footprint Ecology. © Dorset County Council /Footprint Ecology Ltd.. <a href="https://www.dorsetforyou.com/407483">https://www.dorsetforyou.com/407483</a>

- 21. This has led to the current approach to heathland mitigation of
  - no residential development, tourism accommodation, or equestrian development within 400m of a designated heath; and
  - mitigation provided for all residential development and tourist accommodation within 400m – 5km.
- 22. The map below shows the distribution of protected heathland sites, the 400m, and 400m-5000m zones:



Map 1: Extent of 400m and 5km zones

- 23. Since the adoption of the Local Plan Part 1, Natural England have changed their approach to the 400m heathland buffer zone in parts of Upton, where the bypass is regarded as a significant barrier to accessing the heathland. A map showing the area where it Natural England will not necessarily object to applications for residential buildings is available on the website. <sup>5</sup>
- 24. There are three main approaches to mitigation:

<sup>&</sup>lt;sup>5</sup> https://www.dorsetforyou.gov.uk/media/221655/natural-england-heathland-map/pdf/Upton-400m-zone-map-final.pdf

- improvements to existing public open space to make them more attractive and accessible;
- new alternative sites for recreation, such as Suitable Alternative Natural Greenspaces (SANGs); and
- visitor access management projects to promote appropriate behaviour on heathlands.
- 25. Improving existing open space and creating new open space are aimed at encouraging people away from the more sensitive heaths. Purbeck Local Plan Part 1 and the latest Heathland SPD include guidelines on the establishment of SANGs. Given that people will continue to visit protected sites, mitigation also includes projects to promote appropriate behaviour when doing so.
- 26. Developers have attempted to show that their developments could be mitigated through the use of cat proof fences to stop cats getting onto heathland or covenants on new housing preventing ownership of cats and dogs. At appeal, inspectors have consistently followed Natural England's advice and dismissed applications within the 400 metre buffer. The buffer has been implemented consistently and upheld at appeal since its introduction in 2007. In February 2012, following the call in by government of a planning application granted by the Borough of Poole for 400 dwellings within the 400 metre buffer at Talbot Village, government overturned the planning permission. The Secretary of State agreed with the Inspector who felt that the mitigation proposed by the developer was not suitable. The cat proof fences would create a prison environment and any covenants on dog or cat ownership would be unenforceable in the longer term.

# Review of approach

27. As part of the Local Plan Review, we have taken the opportunity to review our approach to heathland mitigation and check whether it is still appropriate, bearing in mind that any revised policy approach would still need to demonstrate that development will not adversely affect the integrity of the protected heathlands. We have continued to work closely with Natural England to ensure this and will do so in the future.

#### Strengths, Weaknesses, Opportunities and Threats

28. In October 2014, to kick start the process officers and parish councils undertook a perceived SWOT (strengths, weaknesses, opportunities and threats) analysis of the current approach to heathlands. At the workshops with town and parish councils we presented an initial SWOT analysis for discussion, and asked attendees to add to this, prioritise the issues and make additional comments. The outcomes of the workshops are summarised below.

#### **Strengths**

29. The top three strengths identified were:

- Enables residential development within 5 km.
- Consistent across SE Dorset.
- Consistent approach, and tried and tested.

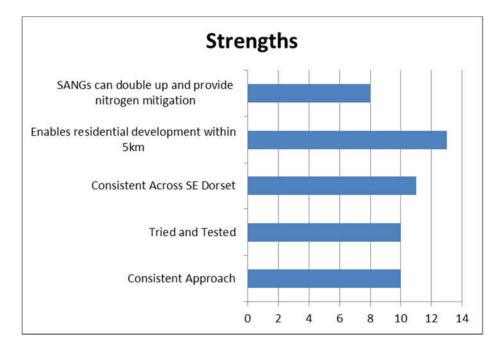


Chart 1: Prioritisation of strengths

30. The additional comments and suggestions relating to strengths focussed on improvements to publicity and information, alongside concentrating on Purbeck, rather than South East Dorset and acting upon parish/town council suggestions. The comments are listed in table 1.

#### Weaknesses

- 31. The top three weaknesses were identified as:
  - Restrictions in 400m zone puts extra pressure on green field sites whilst brownfield sites remain undeveloped.
  - 400m zone could be more flexible.
  - Direct link between monitoring data and SANGs, in particular, unproven.

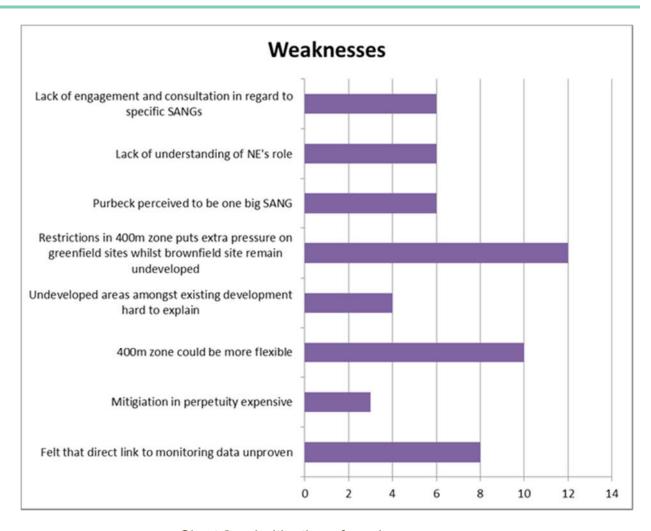


Chart 2: prioritisation of weaknesses

32. The additional comments varied with no particular focus but illustrate wide ranging, and in some cases opposing, views. The comments are listed in table 1.

#### **Opportunities**

- 33. The three top opportunities were identified as:
  - Review 400m boundary rigidity.
  - 400m-5km zone are there areas where mitigation is not required.
  - Improve working between heathland owners, managers and projects.

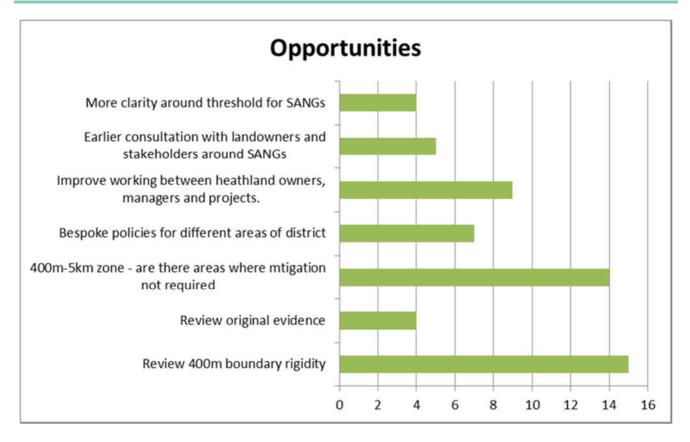


Chart 3: prioritisation of opportunities

34. The additional comments are listed in table 1.

#### **Threats**

- 35. The top three concerns considered to be threats were identified as:
  - No development if we cannot demonstrate no adverse impact on heathlands.
  - Escalating costs of perpetuity.
  - Development exempt from CIL must still be mitigated for.

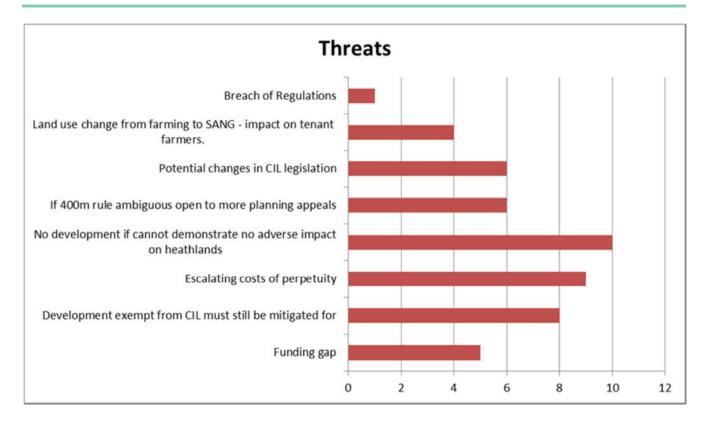


Chart 4: prioritisation of threats

- 36. The additional comments are listed in table 1.
- 37. Council officers have put together an initia I response to the additional comments:

Comment	PDC Officer Initial Response
Strengths	
Improved signage and advertising	We will investigate the possibility of improved publicity and promotions through meetings with Natural England and other nature
Publicise and emphasis the benefits	conservation and countryside bodies.
Concentrate on Purbeck not SE Dorset	Agree that it will be important that any solution addresses the specific needs of Purbeck. However, strategic joint working is also important, as people and wildlife are not limited by district boundaries.
Listen to the parish/town council – and act on what is said.	We do listen to parish and town councils, and we act upon suggestions where possible. However, our actions are also constrained by regulations and resources.
Weaknesses	
Development contribution model review	When government introduced CIL in 2010 it was agreed that it would be reviewed nationally after five years. A national review is expected to be launched late spring/early summer, and CIL will be reviewed regularly locally. The next major review in Purbeck is planned to align with the Local Plan Review.
Ensure heathland 'avoidance' where possible. Is the data reliable and valid?	Noted Question noted. This is something we may wish to consider further as we review our approach to heathland mitigation.
The future can choose whether to pay for it or not. The price needs to be paid.	Demonstrates opposing viewpoints in the district.
Criteria for barriers.	We can include this in our discussions with Natural England but what seems to be clear is that they have to be significant barriers, e.g. a single carriageway main road is not a barrier to people or animals,

<sup>6</sup> A <u>report</u> was published by the national CIL Review team in early 2017 but we still await a consultation on a revised levy

Comment	PDC Officer Initial Response
	but a dual carriageway with central reservation is likely to be accepted as a barrier
These brownfield sites could be used as dog-walking areas.	Unlikely to be possible as they are in private ownership and not likely to attract dog walkers.
Opportunities	
Development of distinctive signage, with heathland logo (cf National Trust acorn) to advise people of proximity/boundary to heathland; with key messages, e.g. advice for dog owners and education in general of public/business etc.	Wild Purbeck <sup>7</sup> is looking at a range of possible projects which may include improved interpretation of heathlands.
If SANGs continue to be required, should we provide more clarity about the number of houses that will be a threshold for the requirement and what is required from a SANG.	We already have detailed guidance on SANGs in our current Local Plan, but we may need to look at how we can raise awareness of this guidance. We will also investigate the option of identifying a specific site-size threshold, above which a SANG would be required.
Engage in dialogue with future population, i.e. young people. How do they want to use green land/open spaces? Ask them to be involved in the process	The Urban Heaths Partnership undertakes some work in schools already. However, we may need to raise awareness of this work.
Effective lobbying of policy making bodies to reflect local interests	The Council is currently reviewing its approach to heathlands, and this is partly because of local views. Officers are working hard to explain local concerns and issues to the Government's advisory body, Natural England.

<sup>&</sup>lt;sup>7</sup> The Wild Purbeck Partnership continues to develop projects and secure funding after the initial Nature Improvement Area project came to an end.

Comment	PDC Officer Initial Response
Develop fully the 'discovery' model of access	This is more about visitor management, not part of policy development. There may be other agencies who can take this principle forward. Wild Purbeck may identify some visitor management projects for the future.
Perenco – contributory funds	It may be possible to use some of Perenco's Section 106 contribution to support some projects that contribute to heathland mitigation. Wild Purbeck will help identify any possibilities.
Threats	
Perenco and/or Tourist tax could help fill funding gap	It may be possible to use some of Perenco's Section 106 contribution to support some projects that contribute to heathland mitigation. Wild Purbeck will help identify any possibilities. The Council held a workshop with tourism/hospitality industry in 2011 to investigate the possibility of a tourist levy but not progressed on lack of viability grounds
Does mitigation have to be provided in perpetuity?	This is the subject of current negotiations between all SE Dorset authorities and Natural England.
If 400m rule changed, must be drafted unambiguously	Noted
Threat to local family agricultural businesses when landowner provides area for SANG but it is being used by one or more tenants as vital part of the business. Policy should allow landowner to purchase other less sensitive land for a SANG. Criteria for SANG should include not adversely affecting local industry	There is nothing restricting purchase of land to provide a SANG but it must meet the functionality criteria laid out in the guidelines. The SANG criteria can only address the requirement for providing heathland mitigation. Renegotiation of leases is a matter for discussion between the landowner and leaseholder.
Administrative costs of dealing with individual cases	Noted

## Partial Review Issues and Options Heathlands Background Paper

Comment	PDC Officer Initial Response
Breach of Regulations causes punitive sanctions	Noted

Table 1: additional comments on SWOT analysis

#### **Issues and Options Consultation**

- 38. In early 2015 the Council ran an Issues and Options consultation to inform the Local Plan Review (formerly known as the Partial Review). The Council had decided at this point to undertake a review of the approach and had already begun the process by holding a workshop with town and parish councils, as outlined above.
- 39. During the issues and options consultation the council presented the current policy which is to not allow residential, tourist and some equestrian-related development within 400m of an internationally-protected heath, but allow development between 400m and 5km of a heath as long as the impacts can be mitigated, and posed two questions:

Do you agree with the Council's current approach of not allowing specific types of development between 0-400m of a heath? If not, what is your alternative suggestion that would not lead to more people and pets using the heath?

Do you agree with the Council's current approach to mitigating development between 400m and 5km of a heath through alternative open space and other mitigation? If not, what is your alternative suggestion that would mitigate the impact of development in this zone?

- 40. Of the 484 respondents to the consultation, 347 answered the questions and/or made comments on issue 8 (heathlands). This includes 18 town or parish councils, 6 statutory or duty to co-operate organisations, 14 agents/landowners/developers, 11 non statutory groups or organisations, 238 individuals and 60 anonymous responses.
- 41. It is clear that that the majority of respondents (over 75%) agree that the current approach of not allowing specific types of development between 0 and 400m of the heath should be maintained. It also shows that the majority of just over 60% agree with mitigating development between 400m and 5 km. The chart below shows the combination of all the response to question 8a (the 400m zone) and 8b (the 400m 5km zone).

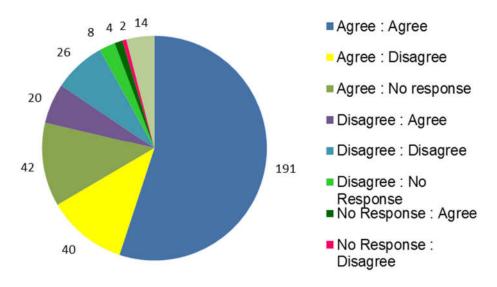


Chart 5: Combined response to 400m exclusion zone and 400m – 5km mitigation zone

42. A detailed analysis can be found in the <u>Partial Review Issues and Options Consultation</u> Report.

### **Exploring Heathland Mitigation in Purbeck**

- 43. At the end of 2015 we commissioned a study to explore an alternative(s) to, the current heathland mitigation strategy in Purbeck which involves 400 m and 400 m 5 km heathland zones. The consultants were commissioned to investigate whether or not an alternative approach may be possible, and, if so, what form this might take.
- 44. The <u>Exploring Heathland Mitigation in Purbeck</u> report was published as evidence to support the Partial Review Options consultation.
- 45. The findings of the report are summarised below.

#### Comparison to other European sites in the UK:

- 46. The consultant undertook a review of other SPAs that have been designated for Dartford warbler, nightjar and woodlark in order to establish whether the mitigation approach being applied at Dorset Heathlands SPA/SAC/Ramsar sites is being applied to other SPAs with similar interest features. The mitigation approaches for ten other UK European sites are analysed: Thames Basin Heaths SPA, Wealden Heaths Phase 2 SPA, Thursley, Hankley & Frensham Commons SPA, Breckland SPA, Ashdown Forest SPA, East Devon Pebblebed Heaths SPA, New Forest SPA, Sandlings SPA, Thorne & Hatfield Moors SPA and Minsmere Walberswick SPA. Examples from Europe are also considered and discussed. Ultimately it is concluded that the scale of existing development (and thus pressure) around the Dorset Heathlands SPA is sufficiently high that the overall mitigation strategy is justified.
- 47. For example 58% of existing dwellings within Purbeck District lie within 400m of the Dorset Heathlands SPA, which is a much higher percentage than with any of the other European sites examined. Equally, the number of houses within the 5km zone also bears greater similarity to the Thames Basin Heaths than the other SPAs, with c. 249,000 dwellings within 5km of the Dorset Heathlands compared to c. 31,000 within a similar distance of the Wealden Heaths SPA, c. 19,000 within 5km of Sandlings SPA and c. 56,000 within a similar distance of Breckland SPA.

#### The 400m zone:

- 48. The application of the 400m 'no net new residential development' buffer zone was scrutinised. Although numerous other European sites have no specific prohibition on housing within 400m of the SPA, there are fundamental differences between those sites and the Dorset Heathlands; namely:
  - a) the existing density of housing within 400m of the Dorset Heathlands is typically between ten and thirty-five times greater than that around those SPAs where no 400m exclusion zone exists, and as such this SPA/SAC/Ramsar site can be reasonably considered to already be under much more pressure from existing development than those other SPAs; and

- b) given this historic trend for large amounts of housing to be delivered very close to the various components of the SPA/SAC/Ramsar site, it is likely that (in the absence of any exclusion zone) the Dorset Heathlands would experience a much greater number of future housing proposals within 400m than is the case with the other SPAs. One of the main reasons for the decision not to apply a 400m exclusion zone around those other SPAs was that there is little expectation many applications to deliver housing will be received in any case, since it would not match previous patterns of development.
- 49. In essence this means that the risk posed to the SPA/SAC/Ramsar site in the absence of strict controls on development within 400m is also much larger for the Dorset Heathlands than is the case for most other SPAs, particularly within the context of long-standing concerns about the trend towards urbanisation and fragmentation of the Dorset Heathlands.
- 50. The study looked at whether there is a special case to develop a) brownfield sites, b) sites for affordable housing or c) gypsy and traveller provision within 400m of the SPA/SAC/Ramsar site, even if other types of development are prohibited. However, it was concluded that no technical justification to exclude those sites existed since they could all result in the same impacts as other forms of net new residential development.
- 51. It also considered if any features within 400m of the SPA constituted a sufficient barrier to access that they could be exempted from the 400m zone. It was concluded that this would only apply to the A35 dual carriageway between Lytchett Minster and Upton. Natural England have adjusted their approach to responding to proposals in this location accordingly (paragraph 23).

#### Mitigation within 400m-5km

- 52. The study concludes that a mitigation solution is required and that, where they can be delivered, SANGs may be the easiest and most cost effective solution to delivering alternative recreational access and open space for other activities close to developments. Evidence from the <a href="Site Selection Background Paper">Site Selection Background Paper</a> (also published alongside the 'Options' consultation in June 2016) also indicates that SANGs are deliverable.
- 53. However, there are locations (such as around Swanage) where delivery of SANG may prove more difficult. It is identified that, given the relatively small number of dwellings likely to be involved, there may be opportunities in the local area to achieve alternative solutions to providing public access to areas outside the SPA. Options for this will need investigating in detail.
- 54. The Exploring Heathland Mitigation in Purbeck Study was published as part of the Options consultation.

## **Options Consultation**

55. Following on from the issues and options consultation and the Exploring Heathland Mitigation in Purbeck study the Council took the view that there are no realistic alternative options which could ensure no adverse impact on the internationally

protected heathlands in the District, and consulted on a preferred option for heathland mitigation.

## **Preferred Option 6 - Heathland Mitigation**

The Council's preferred option is to continue with the current approach to heathland mitigation. This means that residential, tourist and some equestrian-related development will not be allowed within 400m of an internationally-protected heath, but development will be allowed between 400m and 5km of a heath as long as the impacts can be mitigated.

For sites of around 50 homes or more, heathland mitigation will usually be provided in the form of SANGs. However, in instances where the Council is satisfied that a SANG cannot be achieved, the Council will be willing to explore opportunities for improving strategic access to the wider countryside as an alternative to SANG provision. The current PLP1 policy DH (Dorset Heaths International Designations) is flexible enough to allow alternative mitigation to be provided, where SANGs are not achievable.

56. Consultees were asked if they agreed with the proposal to continue with the current approach to heathland mitigation. Relatively few responses were received (89 in total, compared to 347 at the Issues and Options stage). Of the 80 that indicated a preference, those in support still outweigh those that are against.

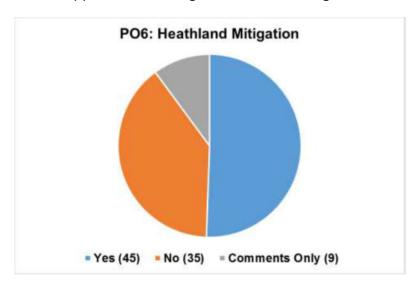


Chart 6: responses to heathland mitigation

- 57. A detailed analysis can be found in the Partial Review Options Consultation Report.
- 58. The key substantive issue was concern over the potential for weakening the protection of heathlands by highlighting the potential for alternative solutions where a SANG cannot be provided. The emphasis here is that where the developer **cannot** deliver a SANG (rather than **will not** deliver a SANG), the Council will be willing to explore alternatives to SANG provision as set out in the current Dorset Heathland Framework Supplementary Planning Document. The Council will continue to work with Natural England to ensure the policy is robustly applied.

#### **Recent Appeal Decision**

59. A recent planning appeal (APP/Q1255/W/16/3163837) upheld the decision of the Borough of Poole to refuse an application to create an additional bedroom in a House of Multiple Occupation within 400m of a heathland. The additional room was regarded as the equivalent of a one bedroom flat and therefore not permitted within the 400m buffer zone. This demonstrates that a strict approach to the 400m zone continues to be supported at appeal.

## **Next Steps**

- 60. The Council is currently reviewing and updating some of its evidence, including commissioning an environment and infrastructure capacity study. Once the updated evidence is available the Council will undertake a further consultation to inform the Local Plan Review, before publishing its pre-submission draft.
- 61. No further changes are expected to the proposed heathland mitigation policy before submission for examination. Below is a summary of the forthcoming stages of the Local Plan Review:
  - Additional consultation:
  - Pre-submission draft consultation
  - Submit the plan to the Secretary of State
  - Public examination (including hearing sessions)
  - Adoption





Thriving communities in balance with the natural environment