
The Christchurch and East Dorset Councils Core Strategy - Local Plan Examination in Public (EiP)

Hearing Statement
on behalf of Stour Valley Properties Ltd

Matters and Issues 10: Environmental Issues

Respondent Number: 656251

August 2013

Core Strategy - Local Plan

Examination in Public

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Prepared by:	Gemma Care	Gemma Care
Checked by:	Nick Paterson-Neild	Nick Paterson-Neild

Beansheaf Farmhouse,
Bourne Close,
Calcot,
Reading,
Berkshire. RG31 7BW

Tel: 0118 943 0000
Fax: 0118 943 0001
Email: planningreading@bartonwillmore.co.uk

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1.0 INTRODUCTION

- 1.1 This Statement has been submitted by Barton Willmore LLP on behalf of Stour Valley Properties Ltd (SVP).
- 1.2 This Statement provides SVP's responses to the Inspector's questions in respect of Matter 1 of the Examination into the Christchurch and East Dorset Councils' Core Strategy-Local Plan DPD.
- 1.3 SVP is actively progressing proposals for the site known as Land at Manor Farm, Wimborne for residential development as part of a wider redevelopment concept of the immediate surrounds, including the provision of an extensive area of open space to the south of the site (the subject of recently approved planning application reference 3/12/0702/COU) and a new rugby club on the site known as Little Burles, Manor Farm, Ham Lane (the subject of current planning application 3/12/0700/COU). It is in this context that SVP's representations to Matter 10 are made, with particular focus on the approach taken to establishing the overall housing requirement for the JCS.
- 1.4 This Statement addresses the Inspector's specific questions and explains further the representations submitted by Barton Willmore LLP on behalf of SVP in June and December 2012 in response to the Proposed Submission and Proposed Changes to the Pre Submission versions of the JCS, respectively.

2.0 RESPONSE TO INSPECTOR'S QUESTIONS

Q.1 Does Policy ME1 provide a robust framework for safeguarding biodiversity and geodiversity?

1.1 We have no comment on this matter.

Q.2 Does Policy ME2 provide a robust basis for the protection of the Dorset Heathlands?

2.1 We have no comment on this matter.

Q.3 Is there a strategy to avoid double counting SANG/mitigation and payment of CIL (ME2)?

3.1 We have no comment on this matter.

Q.4 Should Policy ME2 clarify that payment of CIL would be a trigger which would allow development to commence?

4.1 We have no comment on this matter.

Q.5 Do Policies ME4 and ME5 set local requirements in a way which is consistent with paragraph 95 of the NPPF?

5.1 We have no comment on this matter.

Q.6 Is Policy ME8 consistent with ME1 with regard to impacts on biodiversity and ecological impact?

6.1 We have no comment on this matter.

Q.7 Do the SANG guidelines:

- *Provide clear and adequate guidance regarding the location and accessibility of SANG?*

7.1 Yes. Policy ME3 deals with Suitable Alternative Natural Greenspace (SANG) and sets out a range of standards as agreed with Natural England. We broadly support the contents of policy ME3 in terms of its requirements for bespoke SANG of 8ha per 1,000 new population in addition to any other measures that are required to satisfy the Habitats Regulations.

- *Provide clarity regarding the quality and characteristics of SANG?*

7.2 Yes, the contents of Policy ME3 and the explanatory text at paragraph 13.17 in terms of the required quality and characteristics of SANG is considered to provide sufficient clarity. This element of the policy is considered to be positively prepared, justified, effective and consistent with national policy thereby rendering it sound.

- *Provide sufficient flexibility to allow for site specific circumstances?*

7.3 No. The third bullet point of Policy ME3 currently states that 'Contributions will be required towards strategic access management and monitoring measures. This specific aspect of the policy is considered unsound for the following reasons.

7.4 We do not agree that a financial contribution towards strategic access management and monitoring (SAMM) should be required without a case by case examination, in light of the Habitats Regulations, of the efficacy of the SANG and other mitigation measures provided in securing avoidance of likely significant effects on the SPA. On this basis the policy as it stands is considered inflexible to allow to for site specific circumstances and is therefore considered unsound. It is unjustified, in that it is not considered to represent the most appropriate strategy for dealing with SAMM; and it is ineffective, in that it is not flexible to change and, in our view, presents a barrier to delivery.

7.5 We object to the blanket requirement for SAMM contributions for all schemes, including those with bespoke SANG provision on the basis that a project-specific assessment should be made as to the reasonable likelihood that scheme will generate a net increase in future users of the SPA.

- 7.6 As indicated in our previous representations we agree that SAMM contributions may be warranted in those instances where there is still residual doubt as to whether a project may contribute towards future increases in users of the SPA and thus a likely significant effect on the SPA, despite the provision of impact avoidance measures such as SANG.
- 7.7 However, if it can be demonstrated, through 'objective evidence' (please refer to Circular 06/05), that a bespoke SANG scheme (or any other package of impact avoidance measures put forward by a project proponent) is likely to be so effective that it eliminates the likelihood of that project contributing any likely significant effect on the SPA, then contributions towards the SAMM Project would be neither justified, nor proportionate, and would therefore not meet the essential prerequisites set out by the NPPF and the CIL Regulations (in particular Regulation 122).
- 7.8 The requirement under the Habitats Directive is for it to be demonstrated that the project is not likely to significantly affect the SPA either alone or in combination with other plans and projects; it is not to comply with a scheme of managing or monitoring access on other parts of the European site, some of which cannot be significantly affected (or even affected at all) by a project.
- 7.9 We consider that in order to make it sound this element of Policy ME3 ought to be reworded to allow for greater flexibility and site specific circumstances. We would suggest that this aspect of the policy be amended to read:

'Contributions will be required towards strategic access management and monitoring measures, unless it can be demonstrated through the submission of objective evidence that a bespoke SANG scheme is likely to be so effective that it eliminates the likelihood of that project giving rise to significant effects on the Dorset Heathlands SPA.'